



# TRAFFICKING IN PERSONS REPORT

JUNE 2021





## MESSAGE FROM THE SECRETARY OF STATE



Dear Reader:

This year's Trafficking in Persons Report sends a strong message to the world that global crises, such as the COVID-19 pandemic, climate change, and enduring discriminatory policies and practices, have a disproportionate effect on individuals already oppressed by other injustices. These challenges further compound existing vulnerabilities to exploitation, including human trafficking. We must break this inhumane cycle of discrimination and injustices if we hope to one day eliminate human trafficking.

The U.S. Department of State strives to advance around the world the security, prosperity, and values that U.S. citizens share. We know recent events have led our country to grapple with unequal treatment and racism here at home that has reverberated around the world. As a government and society, we strive to correct past wrongs and advance racial equity in the United States and abroad. We commit to bringing this dedication to our efforts to fight human trafficking as well. We will seek to use our year-round engagement with governments, advocates, and the private sector to build a more effective anti-trafficking strategy rooted in equity. This must include coming to terms with our role in having perpetuated violence and dehumanized people, and we must work to right these past wrongs.

Systemic discrimination creates inequities between communities, whether the discrimination targets perceptions of race, ethnicity, sexual orientation and gender identity, or any other social identities. It manifests in societal exclusion and prejudices against those communities, which help perpetuate an imbalance of opportunity and support. These inequities undercut our goal of combating human trafficking and embolden traffickers. We have seen, for instance, how deeply held racial biases and stereotypes inappropriately influence outcomes for those in our criminal justice system as they lead to racially disparate assumptions about who is identified as a trafficker and who is identified as a victim. This is not a new truth, but it is a somber, unacceptable reality.

Through this report, we call on governments to join the United States in improving our collective efforts to comprehensively address human trafficking. Doing so requires us to mitigate harmful practices and policies that cause socioeconomic or political vulnerabilities that traffickers often prey on. Part of this work requires us to acknowledge we will never be able to understand the full scope of what is needed without the expertise of those affected by systemic inequality. Representation and diversity of experience and thought matter. Therefore governments, including the United States, must foster an inclusive environment that allows for a thriving, diverse workforce at all levels.

I have said before, building a "more perfect union" is both an acknowledgement of our imperfection and a commitment to continue striving toward progress in a transparent way. I believe that is true here. I look forward to the work ahead, knowing there is much still to accomplish, and we will be more successful when we work together to achieve the goals of combating human trafficking and creating a more fair, equitable world.

Sincerely,

A handwritten signature of Antony Blinken in black ink, located at the bottom right of the page.





LDG093  
(96-KS.0)





## MESSAGE FROM THE ACTING DIRECTOR



Dear Reader:

If there is one thing we have learned in the last year, it is that human trafficking does not stop during a pandemic. The concurrence of the increased number of individuals at risk, traffickers' ability to capitalize on competing crises, and the diversion of resources to pandemic response efforts has resulted in an ideal environment for human trafficking to flourish and evolve. Yet, despite the added challenges and risks that the pandemic has presented, we have also witnessed the adaptability among those continuing to combat human trafficking and their dedication to ensuring the continuation of anti-trafficking efforts to minimize the effects of the pandemic on victims and the broader anti-trafficking community. This year, the TIP Report introduction examines the emerging trends, challenges, and adaptations to global anti-trafficking efforts as a result of the COVID-19 pandemic.

With this year's Report we celebrate the efforts of anti-trafficking professionals who continued to serve and identify victims as well as prosecute traffickers amidst the pandemic's devastating effects on the world's most vulnerable populations. We salute the survivor leaders--those with lived experience of human trafficking--who have demonstrated resilience and reaffirm that employing trauma- and survivor-informed approaches is essential, crisis or not. While acknowledging these leaders, we recognize that many of us have also been touched by trauma, whether through loss of a loved one, our own illness, or dealing with large-scale lockdowns and extreme uncertainty. A trauma-informed approach is needed now more than ever. We must ensure that our commitment to victim-centered and trauma- and survivor-informed approaches when serving victims and survivors is uninterrupted. We must also extend this approach to our interactions with our colleagues throughout the anti-trafficking field.

While hopeful that we're turning the corner on the pandemic, we know that different countries are at different stages in their pandemic response and recovery. We call on governments and anti-trafficking actors to draw inspiration from the innovation and leadership this Report highlights to continue and improve the response to combat trafficking even amidst the necessary recovery efforts. We should also consider the lessons learned over the course of this global health crisis. It is through collaboration and collective understanding of both the nuances of our profoundly changed world and the needs of those affected most by the compounding effects of both human trafficking and the COVID-19 pandemic that a path forward emerges.

I look forward to once again engaging in-person with government counterparts, NGO representatives, and individuals with lived experience to continue the two decades of progress that was celebrated and recognized last year in the twentieth TIP Report. Through collaboration, learning, and embracing innovation, I am confident that global anti-trafficking efforts will emerge stronger than ever.

Sincerely,

*Kari Johnson*







A worker casts molten aluminum into molds. In Bangladesh, adults and children work long hours in factories under unsafe and harsh conditions that cause respiratory issues.

# Table of Contents

HUMAN TRAFFICKING IN THE CONTEXT OF A GLOBAL PANDEMIC	2
UNDERSTANDING HUMAN TRAFFICKING	24

## TOPICS OF SPECIAL INTEREST

Navigating the Unique Complexities in Familial Trafficking	30
Unifying Trauma-Informed Practices and Voices of Survivor Leadership	32
The Negative Impacts of Human Trafficking Misinformation	34
The Role of the Financial Sector: Promising Practices in the Eradication of Trafficking in Persons	36
Acknowledging Historical and Ongoing Harm: The Connections between Systemic Racism and Human Trafficking	38
Child-Friendly Spaces for Survivors of Human Trafficking	40
The Kafala System	42
Letter on LGBTQI+ Vulnerability to Human Trafficking	44
When the Government is the Trafficker: State-Sponsored Trafficking in Persons	46
Forced Labor in China's Xinjiang Province	47

CHILD SOLDIERS PREVENTION ACT LIST	48
METHODOLOGY	51
TVPA MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS	56
GLOBAL LAW ENFORCEMENT DATA	60
2021 TIP REPORT HEROES	61
TIER PLACEMENTS AND REGIONAL MAPS	67
HOW TO READ A COUNTRY NARRATIVE	74
COUNTRY NARRATIVES	75
RELEVANT INTERNATIONAL CONVENTIONS	620
STOPPING HUMAN TRAFFICKING AND SEXUAL EXPLOITATION AND ABUSE BY INTERNATIONAL PEACEKEEPERS AND CIVILIAN PERSONNEL	621
INTERNATIONAL, REGIONAL, AND SUB-REGIONAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS	623
ANNUAL REPORT ON THE USE OF CHILD SOLDIERS	628

THIS REPORT IS AVAILABLE ONLINE



*“I will make it a priority to combat this terrible crime, protect those vulnerable to trafficking, and empower survivors to rebuild their lives with safety, dignity, and opportunity.”*

President Joseph R. Biden, Jr.

# HUMAN TRAFFICKING IN THE CONTEXT OF A GLOBAL PANDEMIC

The COVID-19 pandemic is a health crisis with unprecedented repercussions for human rights and economic development globally, including in human trafficking. COVID-19 generated conditions that increased the number of people who experienced vulnerabilities to human trafficking and interrupted existing and planned anti-trafficking interventions. Governments across the world diverted resources toward the pandemic, often at the expense of anti-trafficking efforts, resulting in decreased protection measures and service provision for victims, reduction of preventative efforts, and hindrances to investigations and prosecutions of traffickers. At the same time, human traffickers quickly adapted to capitalize on the vulnerabilities exposed and exacerbated by the pandemic.

Despite the significant disruptions to efforts to combat this crime, the anti-trafficking community found ways to adapt and forged new relationships to overcome the challenges. Some governments and organizations conducted in-depth assessments to identify the changing trends. Others leveraged technology to drive innovative solutions. Many aligned policies and practices to current realities. Nonetheless, the challenges uncovered by COVID-19 are monumental and may be long lasting, requiring sustained collaboration among governments, civil society organizations, private sector leaders, survivor leaders, and other anti-trafficking actors to adjust and respond aptly to overcome these challenges. As a result, this year’s TIP Report introduction highlights human trafficking issues related to COVID-19, with special focus on how anti-trafficking stakeholders adapted in rapidly changing environments. It reflects on the lessons learned from practitioners and offers considerations to rebuild momentum through coordinated anti-trafficking strategies. The introduction also illustrates collaborative ways to reimagine anti-trafficking efforts with an emphasis on preparedness to prevent compounding effects of future crises on trafficking victims and vulnerable individuals, as well as efforts to combat the most recent emerging human trafficking trends.

## CHANGING HUMAN TRAFFICKING TRENDS AMID THE COVID-19 PANDEMIC

### *A Growing Number of People Experiencing Economic and Social Vulnerabilities*

The economic and social distress generated by the pandemic and related mitigation efforts exacerbated risks for vulnerable and marginalized populations. These included women and children, people affected by travel restrictions and stay-at-home orders, communities in areas of food insecurity, and survivors of

A close-up photograph of a person wearing a camouflage face mask and a baseball cap. A hand is holding a digital thermometer against the person's forehead. The thermometer's LCD screen shows the temperature as 96.9°F. The background is blurred, suggesting an outdoor setting.

## VICTIM STORIES & PHOTOGRAPHS

The victim stories and photographs included in this report are meant to be illustrative. They characterize the many—though not all—forms of human trafficking and the wide variety of situations and location in which they occur. Each victim story is based on real experiences, and the victims' names have been changed as a result. In many cases, the photographs of individuals used in this report are not images of confirmed human trafficking victims. When victims or survivors are in a photo, identifying features have been removed or the photographer took the photo in collaboration with the individual pictured.



***“We must intensify our efforts and revitalize our role as a leader in the global fight to end human trafficking, reaffirming our pledge to engage meaningfully with survivors and combat human trafficking in all its forms.”***

**Antony Blinken,**  
U.S. Secretary of State


trafficking, as well as persons directly and indirectly affected by the disruption of economic activities and reduced livelihood options. Due to school closures, some children lacked access to education, shelter, and/or food. Survivors of trafficking faced an increased risk of potential re-victimization due to financial and emotional hardships during the crisis. A survey by the Office of Security and Co-operation in Europe’s OSCE Office for Democratic Institutions and Human Rights (ODIHR) and UN Women highlights that almost 70 percent of trafficking survivors from 35 countries reported that their financial well-being was heavily impacted by COVID-19, and more than two-thirds attributed a decline in their mental health to government-imposed lockdowns triggering memories of exploitative situations. Many survivors had to close shops or leave jobs due to lockdowns and some were pressured by former traffickers when other employment options dried up. Some survivors had to sell their cell phones to purchase food, further isolating them from potential assistance from case workers. Additionally, COVID-19 mitigation efforts, such as stay-at-home orders and travel limitations, increased rates of gender-based violence and substance abuse, both of which put individuals at a higher risk of human traffickers exploiting them. Individuals in underserved communities faced barriers to accessing healthcare, while foreigners were stigmatized as carriers and spreaders of the virus, placing them at higher risk for exploitation and violence. Substantial changes in financial situations, such as the reduction of wages and work hours, closure of workplaces, rising unemployment, and reduced remittances, coupled with the rise in costs of living and disruptions to social safety networks, created newly precarious situations for those not previously vulnerable and even more precarious situations for those who were already at risk of exploitation.

Low-wage and migrant workers and those in the informal economy faced riskier employment conditions, including restricted movement, minimal oversight mechanisms, withheld wages, and increasing debts—all indicators or flags for human trafficking. During stay-at-home orders, workers who lived at their worksites became particularly vulnerable to sex trafficking and forced labor while being restricted in their ability to seek assistance or leave their situation of exploitation. With minimal oversight mechanisms, many of these worksites remained unmonitored, resulting in fewer opportunities for victim identification. In the Gulf States, an IST Research survey of 6,000 migrant workers concluded employers were 36 percent more likely to confine migrant domestic workers to their workplace and were 240 percent more likely to force those workers to work on rest days than any other migrant workers. In the same survey, more than 50 percent of migrant workers reported bearing new debts because of the pandemic. According to UNODC, migrant workers whose plans were disrupted by COVID-19 travel restrictions, either to travel home or to the workplace, were likely to have already paid recruitment fees or travel costs, placing them at risk of debt bondage. Similarly, a study by the Government of the Philippines also found many overseas Filipino workers were stranded with their savings exhausted during 2020. Sinking demand also led major global retailers to cancel orders and, in many cases, refuse to pay for products their supplier factories had already produced. Pennsylvania State University’s Center for Global Worker Rights and the Worker Rights Consortium reported that this resulted in shutdowns of thousands of factories in producing countries that sent home millions of factory workers, often without legally mandated pay.



Many children are forced to work in dangerous and hazardous conditions across India, often alongside family members in a situation of debt bondage where the trafficker's primary means of control is the manipulation of debt. In some cases, traffickers force entire families to pay off the debt "inherited" from relatives. For this photo, the photographer worked to ensure the identity of the child was protected.





In Indonesia and Malaysia, traffickers exploit workers on oil palm plantations. Workers face harsh and dangerous conditions on isolated plantations, often working seven days a week to meet company quotas. Palm oil produced by forced labor has been identified in many products consumed worldwide, from medication to food and cosmetics.

### *Traffickers Quickly Adapt and Exploit COVID-19-related Risks*

As COVID-19 caused a global economic downturn and increased the number of individuals vulnerable to human trafficking, traffickers adapted their existing tactics to take advantage of the unique circumstances of the pandemic. Human traffickers targeted the growing number of people unable to mitigate, adapt to, or build resilience against the worsening economic and social effects; they also exploited situations where screening and identification of victims became even more difficult. This included individuals confined to their homes or workplaces, households in dire need of financial support, and workers in the informal sector. Traffickers targeted families experiencing financial difficulties and offered false promises and fraudulent job offers to recruit their children, while other families exploited or sold their children to traffickers to financially support themselves. Business owners and landlords pressured individuals to take out loans in exchange for cheap labor or commercial sexual exploitation. Additionally, traffickers sought to re-exploit survivors who became financially unstable and vulnerable to revictimization.

Some examples include:

- In India and Nepal, young girls from poor and rural areas were often expected to leave school to help support their families during the economic hardship—some were forced into marriage in exchange for money, while others were forced to work to supplement lost income.
- Reports from the United States, the United Kingdom, and Uruguay illustrate that landlords forced their tenants (often women) to have sex with them when the tenant could not pay rent.
- During lockdown, traffickers in the Amazon in Brazil changed their patterns by sending child sex trafficking victims to the perpetrators' private quarters or specific locations instead of the usual places where children were sold to perpetrators.
- In Haiti, Niger, and Mali, gangs operating in IDP camps took advantage of reduced security and limited protection to force residents at the camp to perform commercial sex acts.
- In Burma, families experienced drastic declines in household incomes, with 94 percent of households surveyed reporting a reduction of incomes, 81 percent reporting at least one family member losing a job, and 69 percent reporting having to take loans making these families vulnerable to trafficking.

***“Today, due to COVID-19 restrictions, young people are spending more time online, and evidence suggests a huge spike in predators’ access to children on the internet and the rise of online grooming and sexual exploitation while children are isolated and ‘virtually’ connected to the world.”***

**U.S. Congressman Chris Smith**

While the number of individuals at risk of trafficking grew during the pandemic, so did the conditions under which traffickers thrive. Traffickers capitalized on the reduced capacity and shifting priorities of law enforcement resulting in greater anonymity and impunity to pursue their crimes. Disruptions to public justice systems and diversion of resources from anti-trafficking efforts during the pandemic increased impunity for traffickers and lowered the odds of their arrest.

### ***An Increase in Forms of Online Sexual Exploitation***

Pandemic mitigation efforts forced many people to shift online, including human traffickers. Online recruitment and grooming increased as children spent more time online for virtual learning due to school closures, often with little parental supervision. Reports from several countries demonstrated drastic increases in online commercial sexual exploitation and sex trafficking, including online sexual exploitation of children (OSEC), and demand for and distribution of child sexual exploitation material (CSEM), including content that involved human trafficking victims. The Philippine Department of Justice noted an increase of nearly 300 percent in referrals for potential online sex trafficking and OSEC cases from March to May 2020, the period during which the Philippines was under lockdown or quarantine measures. In India, there was a reported 95 percent rise in online searches for CSEM, and India ranked among the highest countries in the world for material related to child sexual abuse found online with a total of 11.6 percent of a global compilation of reports in 2020. The U.S. National Center for Missing and Exploited Children (NCMEC) reported a 98.66 percent increase in online enticement reports between January and September 2020 compared to the same period in 2019, and reports to their CyberTipline doubled to 1.6 million. While traffickers used the opportunity of increased numbers of children online to expand their operations, it should be noted that a portion of the increase resulted from the recirculation of sensationalized trafficking-related stories and misinformation on social media platforms. This included individuals who reshared CSEM content in hopes of helping the victim and raising awareness, but inadvertently contributed to reporting spikes leaving less time and resources to pursue every incident. With enough time for traffickers to establish effective methods to recruit and groom their victims and insufficient avenues to prosecute various forms of online sexual exploitation, the pandemic accelerated and accrued the challenges to combating online sex trafficking.

## **IMPACTS OF COVID-19 ON THE ANTI-TRAFFICKING COMMUNITY**

Governments, donors, and civil society organizations faced practical and ethical dilemmas reconciling pandemic mitigation strategies with the implementation of anti-trafficking activities. In the resulting absence of adequate anti-trafficking responses around the world, victims went unidentified, survivors were underserved, and traffickers were not held accountable.

### *Competing Priorities and Reduced Capacity*

Throughout the COVID-19 crisis, governments faced the predicament of shifting priorities to focus on growing health and economic concerns, which drew attention and resources away from anti-trafficking efforts. Prevention efforts decreased as some governments suspended awareness campaigns, which often focused on areas less frequented during the pandemic, including airports, border crossings, bus and train stations, schools, and venues for large gatherings. Conversations related to human trafficking typically held by community, tribal, and religious leaders were often cancelled or postponed. Stay-at-home orders and travel restrictions made it more difficult for front-line officials to protect individuals through proper identification and screening techniques, leaving officials to rely on victims to self-identify during the pandemic, which already occurs rarely. In many countries, law enforcement agencies reassigned personnel responsible for investigating human trafficking to enforcing lockdowns and public health measures. Since the declaration of a national state of emergency in Peru, the assignments of police units, including those focused on anti-trafficking efforts, shifted to enforcing the government-imposed isolation measures. This, coupled with a shortage of protective equipment to supply police, resulted in many law enforcement officers and other specialized anti-trafficking officials becoming infected with COVID-19, some of whom died.

It is undeniably essential for governments to execute effective, coordinated public health responses to prevent further loss of life and economic damage as a result of the pandemic. But, it also is important to maintain political will and capacity to focus on other priorities to avoid backsliding on progress made in the anti-trafficking field or contributing to challenges in combating the crime. As vulnerabilities increase and human traffickers quickly adapt, governments must take steps to address anti-trafficking efforts in their COVID-19 strategies, including by supporting and cooperating with the anti-trafficking community as it adjusts to the pandemic operating environment.

### *Decreased Financial and Human Resources*

Anti-trafficking actors experienced an all-around decrease in resources and operations. NGOs from various countries separately reported significant funding cuts due to COVID-19, which forced some to halt all assistance or cancel certain victim-support services. In 2019, official development assistance (ODA) made up one-tenth of external financial flows to developing countries, according to the OECD, which further predicted a decline of up to 8 percent in 2020 due to the impacts of COVID-19 on economies. In the first seven months of the pandemic, the International Aid Transparency Initiative noted a reduction of 17 percent in bilateral donor commitments between 2019 and 2020, which included a five percent decline in ODA. Within this decrease in obligated funds, donors shifted support to humanitarian and health sectors, consequently resulting in lower commitments to prevent conflict and support peace, security, and human rights. This has had cascading effects for local anti-trafficking organizations and their efforts, as many donors reneged on promised funds and funding opportunities diminished across the sector. According to the joint survey by OSCE and UN Women, only 24 percent of the 385 anti-trafficking organizations that responded to the survey could remain fully operational during the pandemic.

### *Challenges Facing Victims and Survivors*

Victims and survivors faced obstacles accessing assistance and support as lockdowns, social distancing protocols, and a lack of resources caused service providers to close shelters and reduce services. Providers struggled not





A trans woman applies makeup in her home in Spain. Members of the LGBTQI+ community face stigma, violence, and persecution around the world and are vulnerable to human trafficking.

## HUMAN TRAFFICKING DEFINED

The Trafficking Victims Protection Act of 2000, as amended (TVPA), defines “severe forms of trafficking in persons” as:

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

A victim need not be physically transported from one location to another for the crime to fall within this definition.

only to maintain services for identified individuals, but also to create safe spaces in accordance with capacity and social distancing protocols to allow service provision for future identified individuals. Other traditional emergency response and support services, such as shelters, hospitals, and clinics, where victims might be identified were overburdened, at reduced capacity, or closed due to COVID-related restrictions or surges. Self-disclosing one’s trafficking experience also became riskier, especially for victims quarantined with their trafficker, given reduced opportunities for movement and the risk of COVID-19 infection posed by fleeing into the community. Moreover, the OSCE/UN Women survey concluded that only 14 percent of national referral mechanisms were fully operational, due in part to “government employees working from home” and low technological literacy and capacity. For foreign national trafficking victims, closed borders meant repatriation remained a key challenge, resulting in service providers supporting victims for longer periods with dwindling resources. In Nigeria, IOM and the Nigerian government supported the repatriation of more than 7,000 trafficking survivors in both 2018 and 2019 but were only able to repatriate 620 individuals from January to July 2020. Regardless of whether the process was delayed or expedited, repatriation of trafficking victims had the potential to lead to serious health and protection risks in the countries of return, as well as increased costs and added difficulty due to quarantine requirements upon arrival.

The OSCE/UN Women survey demonstrated the overall plight of survivors during the pandemic, noting that access to employment decreased by 85 percent, medical services by 73 percent, social services by 70 percent, legal assistance and access to food and water by 66 percent, psychological assistance by 64 percent, and access to safe accommodation by 63 percent. With limited access to wraparound services that, in many cases, are integral to survivors’ independence and well-being, trafficking survivors are at an increased risk of re-victimization. Many COVID-19 mitigation measures, such as mask wearing, virtual engagements, and self-isolation, could re-traumatize survivors. Masks and other personal protective equipment, as well as virtual engagements, reduce the ability to read facial and non-verbal cues and body language, which can be a survival mechanism for survivors. Survivors might associate stay-at-home orders and self-isolation with movement restrictions and feeling there are fewer places to which to “flee,” which may induce or exacerbate a trauma response for some survivors. Overall, the intensified impact on the mental health and physical well-being of trafficking victims and survivors from long-term isolation, reduced access to services, and general COVID-related risks reaffirms the need for comprehensive, trauma- and survivor-informed, and victim-centered anti-trafficking responses during the pandemic.

### *Prosecution Challenges*

Criminal justice systems often delayed and suspended overall prosecution efforts while law enforcement officials worked to manage COVID-19 outbreaks, even within their own units. Law enforcement officers were unable to conduct proper investigations and interviews with individuals to obtain the necessary evidence to prosecute human trafficking cases. When investigations and prosecutions did proceed, the coordination of extra safety precautions that met the victims’ and the prosecution team’s level of comfort further delayed the process in some cases. In other cases, the default method of conducting interviews virtually may not have been optimal for victims, who have reported feeling more comfortable developing a relationship with investigators before sharing their experience. Members of prosecution teams were obliged to think creatively to meet the victims’ needs while considering their own health and safety. Whether in-person or virtual interviews were held, prosecutors often avoided interviewing the victims multiple times, limiting the ability of investigators to





## EUROPE

Liam and Jakob were experiencing homelessness in northern Europe when a person they thought was a prospective employer offered them a job in construction, along with room and board, in a neighboring country. They left their country with fake passports and worked hard laying asphalt and stone in residential neighborhoods. Their “employer” forced the men to work long hours, continually reduced their wages, and physically abused them. They were routinely moved around and often unsure of where they were located. When their “employer” abruptly left, the men were able to seek assistance at their national embassy. Eventually, their “employer” was arrested and convicted of human trafficking.



*“The word freedom holds so much beauty.  
It was like my eyes were open to something I had  
never seen before that moment.”*

**Jessa Crisp,**

Co-founder and CEO of BridgeHope

follow-up and confirm details. Access to information and translation services for trafficking victims was also a challenge, as victim support networks reduced services to a minimum. Further, judicial officials postponed prosecutions and court proceedings due to delays in investigations, efforts to maintain safe social distancing regulations, and focus on competing priorities. Court closures at the onset of the pandemic also delayed prosecutions, contributing significantly to judicial systems’ backlog of cases. While many countries shifted to conducting court proceedings virtually, limited to no internet connectivity and cost-related barriers to internet access for rural or underserved communities in some countries, such as The Gambia, made it challenging for victims to participate in virtual courts. These delays decreased victims’ access to justice and legal assistance, which hampered victims’ emotional well-being, recovery, and repatriation, while allowing traffickers to continue their criminal activities and intimidate victims from pressing charges.

The multi-faceted challenges generated by the COVID-19 pandemic continue to evolve and expose vulnerability in individuals, as well as systemic gaps. Overcoming and adapting to these broad impacts of the pandemic remain critical to an effective response against human trafficking.

## **ADAPTATIONS TO ANTI-TRAFFICKING EFFORTS IN RESPONSE TO COVID-19**

In response to emerging challenges, governments and civil society organizations conducted in-depth research assessments on the impacts of COVID-19, leveraged technology as a method to address emerging trends, adapted policy approaches, and sought to expand protections for victims. There were and continue to be survivor-led and -informed innovative solutions not only to ensure the continuation of anti-trafficking efforts but also to promote safety and security during the pandemic. The anti-trafficking community pivoted to address new circumstances during the COVID-19 pandemic, demonstrated resilience, and produced advanced solutions that could be beneficial even after the pandemic, but many challenges still exist and continue to emerge.

### *Fact-Finding and Research Assessments*

Throughout the COVID-19 crisis, a lack of credible and accurate data posed a challenge to effective and efficient anti-trafficking efforts around the world. It was clear that COVID-19 exacerbated the vulnerabilities of millions of individuals and adversely affected efforts to combat human trafficking, but little concrete information existed to confirm the trends, understand the impacts, and shape the anti-trafficking response. International organizations conducted and produced most of the initial comprehensive assessments of the impact of COVID-19 on anti-trafficking efforts and highlighted areas in which to adapt policy approaches and target resources. For example:

- The Global Initiative Against Transnational Organized Crime (GIATOC) published a policy brief in May 2020 highlighting initial trends in human trafficking during the pandemic and challenges to traditional responses.
- OSCE/UN Women conducted a robust survey shining a light on the issues victims and service providers faced.
- IOM conducted rapid assessments in various countries to address the multiple effects of the pandemic on populations vulnerable to trafficking, such as the socio-economic impacts of COVID-19 on labor migration in the Pacific Region.
- UNODC’s partner NGOs that work on human trafficking reported that pandemic-related measures led their beneficiaries to lose income and access to food.

***“In dealing with the COVID-19 emergency, we must not forget the invisible victims of trafficking and exploitation in our country. Unfortunately, traffickers have quickly managed to change the forms of sexual exploitation and have made victims even more isolated and difficult to reach.”***

**Raffaella Milano**, Director of Italy-Europe Programmes of Save the Children

With an anticipated increase in poverty rates for the first time in two decades, further research on the economic effects of COVID-19 remains essential to understanding the ensuing large-scale unemployment, particularly in the informal job sector, and how it will drive known and new forms of trafficking.

### ***Technological Innovations***

As seen in most fields during the pandemic, technology has become a powerful means to connect people and collect information, while limiting individuals' exposure to the virus. Despite widespread challenges adapting to a remote, digital work environment, anti-trafficking stakeholders leveraged technology to identify victims, support victims and survivors, and increase collaboration.

Although the pandemic resulted in the reduction or suspension of many support networks for victims, service providers shifted to online and virtual platforms to continue supporting victims as much as possible. A service provider in Colombia ensured that all trafficking victims they served had access to the internet and a smartphone to receive online counseling services and mobile vouchers for food and hygienic products. In addition, some service providers offered telephone and online counseling and legal aid sessions, including filing temporary protection orders by email and providing legal representation via online platforms.

Civil society organizations collaborated to promote information sharing and the availability of COVID-related service provision and anti-trafficking guidance remotely. Many organizations consolidated lists of resources and online guidance on promising practices to provide support services to victims and survivors during the pandemic.

A survivor sews cane, bamboo, and straw together to create a large mat to sell at a local market. NGOs often offer skills-based training for survivors to support their independence and ability to generate income, and to reduce their vulnerability to revictimization. This survivor gave her consent for this photo to be taken as part of a project on labor trafficking.







A migrant fisherman keeps watch on a fishing boat. Forced labor in the fishing sector remains a significant concern where workers, including migrants, report harsh conditions, excessive hours, and stolen identity documents, as well as beatings, starvation, and murder.

Some examples of online collaboration between anti-trafficking stakeholders include:

- The Human Trafficking Foundation started a Google group, and the Freedom Collaborative initiated a COVID-19 Response Facebook group.
- In Uganda, the Human Trafficking Institute (HTI) developed a forum via WhatsApp to establish communication among police and prosecutors during the shutdown. The WhatsApp forum allowed the nearly 350 police and prosecutor participants to share tips and resources on effective methods for trafficking investigations and prosecutions. It also allowed the Office of the Director of Public Prosecutions' Trafficking Prosecutor and HTI's legal expert to provide mentorship and technical assistance on trafficking cases to forum participants across the country.
- In Kosovo, Terre des Hommes, along with partners, organized and conducted webinars on case management, challenges, and sustainability of delivering services to victims of trafficking during the COVID-19 pandemic.

Some organizations leveraged technology to innovate systems for victim identification and referrals while others, even some governments, expanded access to training to national and global audiences. For example:

- IOM adapted its existing MigApp for migrant workers in the Americas to include a new section to highlight official health recommendations to prevent the spread of the virus, capture changes across countries—such as border restrictions, COVID-19 hotlines, or migration status changes—and produce surveys to better understand the COVID-related challenges migrants faced. In Colombia, IOM also designed a geo-referencing, GPS-based mobile application for members of the counter-trafficking national taskforce to detect trafficking victims and activate immediate direct assistance.





A woman carries corn leaves in Guatemala. Traffickers often use child and forced labor to produce high volumes of product at low prices to meet demand.



***“During the whole time, I was getting doctor’s appointments and I was sitting in school and I was going to the grocery store, standing, like, behind normal people and nobody knew. Nobody had any idea that I was being trafficked.”***

**Kat Wehunt**, Survivor Leader and Founder,  
Executive Director of The Formation Project

- UNODC’s Human Trafficking and Migrant Smuggling Section (HTMSS) began providing alternative methods to deliver technical assistance by establishing an online center of excellence that will allow for delivery of trainings, webinars, and blended and self-paced learning, as well as interaction among practitioners to foster HTMSS’ community of practice.
- Estonia launched a nationwide e-learning initiative in schools, led by law enforcement organizations and anti-trafficking experts, to combat and raise awareness of the rise of online sex trafficking and child exploitation during the pandemic.

In some countries, prosecutors and courts utilized technology to safely continue prosecution efforts while employing a victim-centered approach. Prosecutors typically conducted interviews with victims virtually and less frequently to prevent re-traumatization. Judges admitted virtual victim testimony via livestream in a separate room to allow victims to feel safer and prevent the potential spread of COVID-19. Some governments expanded protective services, such as admitting live teleconference testimony in court or providing victims the option to testify remotely to avoid interacting with their traffickers. In June 2020, Mexico secured its first trafficking in persons conviction from a virtual court session; however, the risk of traffickers and other abusers intercepting victims’ phone calls, text messages, or other forms of communication has been heightened in a remote environment in which victims and prosecutorial investigators are unable to develop a relationship. This emphasizes the importance of prioritizing safety, privacy, and informed use of technology when facilitating virtual trafficking assessments, investigations, and coordination of services with trafficking victims.

While technology allowed the anti-trafficking community to navigate more easily the myriad challenges caused by the pandemic, its expanded use highlighted the importance of ensuring victims’ access to technology and online services, as well as their safety and privacy when using technology to receive victim assistance. Anti-trafficking approaches should continue to incorporate technological innovations responsibly to improve anti-trafficking responses. Collaboration between the technology industry and the anti-trafficking field should also be encouraged to promote the development of technologies designed to better support anti-trafficking missions and meet the needs of victims and survivors.

### ***Survivor-led and Survivor-informed Solutions***

Survivor leaders and their organizations were resilient and essential throughout the pandemic. Since traditional forms of community outreach were less accessible or no longer possible, survivor leaders leveraged their networks and expertise to engage with vulnerable populations and victims through informal channels to share information on available support in a given area. Survivors also supported broader community responses to COVID-19. In Lesotho, a group of trafficking survivors in a shelter produced masks for themselves and the local community, contributing to the fight against the pandemic. Likewise, Sewing New Futures, a nonprofit social enterprise that employs women and girls who have survived sex trafficking in northern India, expanded their product line to include cloth face masks. The organization also donated proceeds from the production of artisan goods, including the masks, towards medical care and social services for survivors.



A member of the Little Shell Chippewa tribe of Montana participates in an event and wears red paint on her face to raise awareness for missing and murdered Indigenous women and girls at the Missoula fair in Montana. Indigenous women and girls are among the populations that are highly vulnerable to human trafficking.





*“Our data shows that people are exploited because traffickers know that there are certain groups of people that don’t have the support, that don’t have the ability to get accountability, or justice for themselves.”*

**Robert Beiser,**  
Strategic Initiatives Director  
for Sex Trafficking, Polaris





LINE-D

## INDIA

Facing extreme poverty in India due to COVID-19, Aarav's parents sold him for US \$21 to the owner of a bangle factory. The owner locked the 12-year-old in a dirty room with several other children and forced them to make bangles for 15 hours a day, using lacquer melted over dangerous burning coal and making only US \$0.70 a week. The owner kept Aarav from communicating with his family and threatened physical abuse if he tried to leave. After receiving a tip from child rights activists, police conducted a raid to remove the children from the factory and arrest the trafficker. The government provided Aarav and the other victims support in the aftermath of the raid.





This Syrian woman's life was threatened if she did not comply with the demands of her trafficker. As part of this photographer's photo story, the women shared how they would like to be photographed. In this picture, the woman requested the use of a veil to protect her identity.

Many anti-trafficking organizations also responded to the pandemic by emphasizing staff wellness, especially for employees with lived experience of human trafficking who are at risk of heightened responses to the stress caused by the pandemic. Acknowledging the emotional weight of bringing trafficking-related casework into one's home, survivor-led and survivor-informed organizations were mindful of staff needs when managing cases remotely, offering resources and opportunities to support the staff's emotional well-being. This application of trauma-informed principles during a time of collective trauma reflects the success—and the necessity—of the push from survivors in recent years for the anti-trafficking movement as a whole to become more survivor- and trauma-informed.

### *Increased Assistance and Protections*

Governments and anti-trafficking organizations responded to the increased vulnerabilities due to the pandemic through efforts to reduce the risk of trafficking and expand protection measures for victims. Some countries automatically extended temporary and transitory visas for migrant workers, while others suspended fines for unauthorized stays or extended medical coverage to anyone awaiting a decision on their immigration status. The Government of Thailand issued a Cabinet Resolution in August 2020 that made it easier to obtain new work permits and provided extensions for migrants working in Thailand. The Government of Maldives incorporated questions on labor exploitation and unethical recruitment into health screenings and COVID-19 contact tracing for all foreign workers. In June 2020, the Government of Sri Lanka approved a National COVID-19 Response Plan for Migrant Workers that covered prevention and the protection of trafficking victims, while the UK government extended public-funded safe accommodation for current victims and survivors for an additional three months. Similarly, the Australian Border Force issued an information sheet on modern slavery and COVID-19 that provided guidance on how to reduce the risk of workers becoming more vulnerable to human traffickers as a result of the pandemic. In Zimbabwe, local anti-trafficking organizations developed isolation cabins at three shelters to continue supporting individuals waiting for their COVID-19 test results without putting existing shelter residents at risk. The tendency of this pandemic to aggravate hardship requires the responsible implementation of increased protection measures that are responsive to the needs of individuals with coexisting vulnerabilities to human trafficking and COVID-19 infection.

### *Building Upon Crisis Frameworks*

Crises disproportionately affect the most vulnerable, exacerbating the conditions for victims of human trafficking and increasing the risk of human trafficking for others. Successful counter-measures often require anti-trafficking actors to build upon existing crisis frameworks and promising practices to include anti-trafficking responses that are trauma-informed and victim-centered. The Jordanian police counter-trafficking unit worked with UNODC to implement a coordinated COVID-19 mitigation plan to protect first responders by procuring sanitation materials, protective equipment, medical kits, and COVID-19 testing units. In response to

***“When people are struggling with their finances, struggling with poverty, loss of work, childhood trauma and abuse, homeless or a young person who’s not safe at home and ends up on the streets or couch surfing, all those things can lead to you being exploited by a trafficker—and those people are in every town.”***

**Rebecca Ayling**, Project Director, New Hampshire Human Trafficking Collaborative Task Force

the risks of carrying out in-person research activities in communities that are vulnerable to both COVID-19 and trafficking, Freedom Fund drew on multisectoral best practices and guidance to create criteria for determining whether in-person research during COVID-19 can be safely conducted, as well as health and safety procedures to ensuring safe interactions. The criteria and procedures were designed to minimize risks to project team members and research participants by considering the best-available national and project-level information and the latest public health recommendations for COVID-19 mitigation. Other collaborative efforts have provided anti-trafficking stakeholders, including service providers, investigators, prosecutors, and first responders, with the tools, equipment, and guidance to protect themselves against and screen for the virus, which is essential to ensuring the health and safety of victims, survivors, and vulnerable populations.

Navigating not only the continuation of but also the increased need for anti-trafficking responses during a global health crisis proved to be exceptionally challenging. Despite this, the successes, the failures, and even the unknown results of the anti-trafficking response to COVID-19 allowed for new insights and solutions to pave a better path forward.

## **CONSIDERATIONS FOR THE ANTI-TRAFFICKING FIELD’S RESPONSE TO COVID-19 AND BEYOND**

The anti-trafficking community made a concerted effort to incorporate anti-trafficking efforts into broader crisis responses in the past through building capacity, developing guidance and trainings, and supporting coordination of actors in the field. This has been seen through other crisis situations, such as the Darfur Genocide in 2003, the emergence of Boko Haram in Nigeria in 2009, the Philippines Typhoon Haiyan in 2013, the Ebola outbreak in West Africa in 2014, the emergence of the migrant crisis in Europe in 2015, and the Rohingya exodus in Burma in 2017, to name a few. As the world endures its second year fighting the global pandemic, the anti-trafficking community must emphasize learning and collaboration to deliver a continued and improved response to combating trafficking in this challenging environment. Drawing on lessons learned from the pandemic response thus far, there are four main considerations that aim to mitigate impacts of crises and guide the path forward for the anti-trafficking community:

1. The value of collaboration between anti-trafficking actors.
2. The need to incorporate anti-trafficking efforts into existing responses in other contexts, such as in humanitarian settings.
3. The importance of proactive response and crisis mitigation planning to anti-trafficking activities.
4. The application of equity-based approaches.

Addressing human trafficking during a global pandemic requires the full range of actors in the anti-trafficking community to bridge the gap and establish a comprehensive coordinated response. Governments should continue working with neighbors and NGOs to address cross-border trafficking issues and support strong collaboration at the borders to identify and prevent trafficking. Service providers should continue information-sharing efforts to develop and promote promising practices for supporting identified victims and vulnerable populations during the pandemic. Many organizations have published collaborative reports, such as *Road to Recovery* produced by Restore NYC, a U.S.-based service provider, in partnership with eight other anti-trafficking organizations, many of which were survivor-led and from various regions of the country, to present

**“And yet in these difficult times, we see the best of humanity: frontline heroes, men and women risking their lives and going above and beyond to provide essential support for human trafficking victims.”**

**Ghada Waly,**  
Executive Director, UN Office on Drugs and Crime

shared experiences and findings from service provision and organizational adaptations during COVID-19, as well as forward-looking takeaways. Anti-trafficking actors in all sectors should increase collaboration with the private sector to strengthen anti-trafficking efforts that encourage and support prevention of forced labor in supply chains, especially as companies aim to make up for pandemic-related production disruptions and widespread unemployment drives vulnerability. For example, Winrock International’s *How to Build Cross-Sectoral Collaboration to Protect Workers in the Age of COVID-19*, seeks to initiate cross-sector collaboration and provide guidance for the private sector and anti-trafficking organizations to address increased vulnerability to human trafficking, particularly forced labor, for job seekers, migrant workers, and individuals from vulnerable communities. In the long term, private-sector collaboration should aim to improve the ability of companies to withstand shocks from crises that could leave portions of their workforce vulnerable to trafficking.

To navigate the challenges posed by stretched resources, competing priorities, and reduced capacity or political will of governments to combat trafficking, governments and NGOs should consider systemically integrating anti-trafficking efforts into existing response plans and practices in humanitarian and crisis contexts. Governments and other anti-trafficking organizations are already taking action to weave anti-trafficking measures into crisis responses. For example, IOM has developed resources for its staff to incorporate anti-trafficking into its own work in humanitarian and other emergency settings. In addition, IOM developed free, publicly available tools, such as its online course, *Countering Human Trafficking in Humanitarian Settings* and its publication, *Counter-Trafficking in Emergencies: Information Management Guide*, to encourage humanitarians, government staff, anti-trafficking experts, and others to integrate anti-trafficking into their response work routinely. When responding to the impacts of the COVID-19 virus, it is important that those working on safety and security measures are equipped with the knowledge and resources to identify and refer cases of human trafficking. For example, training on trafficking indicators should be expanded to healthcare workers, such as those supporting COVID-19 testing and vaccination efforts as they might be the few people a victim could interact with in public.

The response to the impacts of the pandemic on anti-trafficking efforts thus far has largely been reactive as stakeholders work to understand the effects and adapt. To continue responding in the long term—whether amid the COVID-19 pandemic or other future crises—stakeholders should consider proactive planning for adaptation and flexibility to future crises through extensive risk mitigation and management tools. This includes conducting awareness raising campaigns when stay-at-home orders remain in place, providing services to identified victims when there are no safe spaces available, and intervening in stalled public justice systems to ensure minimal disruption and deter traffickers from expanding their activities. A crucial step for combating human trafficking in and out of the pandemic context is establishing specialized trafficking committees, offices, and/or units committed to ensuring anti-trafficking efforts are maintained and resources are less likely to be diverted. Anti-trafficking actors from all sectors should develop concrete risk mitigation and management plans to effectively respond to a variety of crises, including natural disasters, conflict scenarios, health crises, or a combination of emergencies that could exacerbate vulnerabilities to trafficking and the experiences of victims. Effective risk mitigation and management plans should responsibly incorporate survivor-informed, trauma-informed, and victim-centered approaches to meet the needs of survivors and minimize the chances of re-traumatization during crises.





## VENEZUELA-GUYANA

Katherin paid US \$1,500 to escape Venezuela and find security and opportunity in Guyana. Within a month, a man hired her as a bilingual attendant at his store in the capital city of Georgetown. When she arrived, she learned her boss owned a roadside stall instead of a store. She also learned she would not have the rent-free apartment he promised. Instead, Katherin's boss forced her to stay in his home. After three weeks of work, she was only paid US \$23, far below the promised salary.

Given the disproportionate effects of the pandemic on marginalized communities, an equity-based approach is critical to reducing vulnerabilities. Applying an equity-based lens involves evaluating and understanding how individual organizations perpetuate the marginalization of vulnerable populations, including persons with disabilities, LGBTQI+ persons, indigenous peoples, and members of racial, ethnic, and religious minority groups. Governments can enhance efforts to reduce disparities that widened during the pandemic—which also contributed to trafficking risks and emboldened traffickers—by formulating policies and programs that meet the needs of underserved communities. Service providers should examine how they can more meaningfully engage and collaborate with historically underserved populations to achieve inclusive and culturally responsive service delivery. Likewise, law enforcement should address biases to improve identification and protection efforts for victims from marginalized communities while preventing re-traumatization. Indeed, in many places the diversion of law enforcement attention from human trafficking toward enforcing pandemic-related measures has resulted in other community actors carrying out identification efforts, often in ways that are more culturally responsive and less likely to re-traumatize victims. As the pandemic taught anti-trafficking actors to adapt and view challenges from new perspectives, it is apparent that an equity-based approach is essential to the remainder of the pandemic response, as well as the future of the anti-trafficking field.

In the face of this crisis and future crises, it is the responsibility of the international community to work together toward the shared goal of preventing and combating human trafficking, protecting victims, and empowering survivors. Though difficult work remains ahead, the past year has already demonstrated stakeholders' unwavering determination and promising innovations amid exceptional challenges. With continued collaboration, adaptation, and commitment to serving the needs of victims, survivors, and vulnerable populations, anti-trafficking efforts will emerge stronger in the post-pandemic era.

# UNDERSTANDING HUMAN TRAFFICKING

“Trafficking in persons,” “human trafficking,” and “modern slavery” are umbrella terms—often used interchangeably—to refer to a crime whereby traffickers exploit and profit at the expense of adults or children by compelling them to perform labor or engage in commercial sex. When a person younger than 18 is used to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion.

The United States recognizes two primary forms of trafficking in persons: forced labor and sex trafficking. The basic meaning of these forms of human trafficking and some unique characteristics of each are set forth below, followed by several key principles and concepts that relate to all forms of human trafficking.

More than 175 countries have ratified or acceded to the UN TIP Protocol which defines trafficking in persons and contains obligations to prevent and combat the crime.

The United States’ TVPA and the UN TIP Protocol contain similar definitions of human trafficking. The elements of both definitions can be described using a three-element framework focused on the trafficker’s 1) acts; 2) means; and 3) purpose. All three elements are essential to form a human trafficking violation.

## FORCED LABOR

Forced labor, also referred to as “labor trafficking,” encompasses the range of activities involved when a person uses force, fraud, or coercion to obtain the labor or services of another person.

The **“acts”** element of forced labor is met when the trafficker recruits, harbors, transports, provides, or obtains a person for labor or services.

The **“means”** element of forced labor includes a trafficker’s use of force, fraud, or coercion. The coercive scheme can include threats of force, debt manipulation, withholding of pay, confiscation of identity documents, psychological coercion, reputational harm, manipulation of the use of addictive substances, threats to other people, or other forms of coercion.





Traffickers often use misleading job advertisements to lure prospective victims abroad with the promise of a better life. In many cases, migrants feel pressured to undertake additional risks seeking out such opportunities, including by going into debt to pay steep recruitment fees. This woman, a survivor of sex trafficking whose trafficker used a similar scheme, collaborated with the photographer to create a photo that both concealed her identity and allowed her to be creative in how she was presented.

The “**purpose**” element focuses on the perpetrator’s goal to secure labor or services. There is no limit on the location or type of industry. Traffickers can commit this crime in any sector or setting, whether legal or illicit, including but not limited to agricultural fields, factories, restaurants, hotels, massage parlors, retail stores, fishing vessels, mines, private homes, or drug trafficking operations.

All three elements are essential to constitute the crime of forced labor.

There are certain types of forced labor that are frequently distinguished for emphasis or because they are widespread:

### *Domestic Servitude*

“Domestic servitude” is a form of forced labor in which the trafficker requires a victim to perform work in a private residence. Such circumstances create unique vulnerabilities. Domestic workers are often isolated and may work alone in a house. Their employer often controls their access to food, transportation, and housing. What happens in a private residence is hidden from the world—including from law enforcement and labor inspectors—resulting in barriers to victim identification. Foreign domestic workers are particularly vulnerable to abuse due to language and cultural barriers, as well as a lack of community ties. Some perpetrators use these types of conditions as part of their coercive schemes to compel the labor of domestic workers with little risk of detection.

### *Forced Child Labor*

The term “forced child labor” describes forced labor schemes in which traffickers compel children to work. Traffickers often target children because they are more vulnerable. Although some children may legally engage in certain forms of work, forcing or coercing children to work remains illegal. Forms of slavery or slavery-like practices—including the sale of children, forced or compulsory child labor, and debt bondage and serfdom of children—continue to exist, despite legal prohibitions and widespread condemnation. Some indicators of forced labor of a child include situations in which the child appears to be in the custody of a non-family member and the child’s work financially benefits someone outside the child’s family; or the denial of food, rest, or schooling to a child who is working.

## **SEX TRAFFICKING**

Sex trafficking encompasses the range of activities involved when a trafficker uses force, fraud, or coercion to compel another person to engage in a commercial sex act or causes a child to engage in a commercial sex act.

The crime of sex trafficking can also be understood through the “acts,” “means,” and “purpose” framework. All three elements are required to establish a sex trafficking crime (except in the case of child sex trafficking where the means are irrelevant).

The “**acts**” element of sex trafficking is met when a trafficker recruits, harbors, transports, provides, obtains, patronizes, or solicits another person to engage in commercial sex.



The **“means”** element of sex trafficking occurs when a trafficker uses force, fraud, or coercion. Coercion in the case of sex trafficking includes the broad array of nonviolent means included in the forced labor definition. These can include serious harm, psychosocial harm, reputational harm, threats to others, and debt manipulation.

The **“purpose”** element in every sex trafficking case is the same: to engage in a commercial sex act. Sex trafficking can take place in private homes, massage parlors, hotels, or brothels, among other locations, as well as on the internet.

### *Child Sex Trafficking*

In cases where an individual engages in any of the specified “acts” with a child (under the age of 18), the means element is irrelevant regardless of whether evidence of force, fraud, or coercion exists. The use of children in commercial sex is prohibited by law in the United States and most countries around the world.

## **KEY PRINCIPLES AND CONCEPTS**

These key principles and concepts relate to all forms of trafficking in persons, including forced labor and sex trafficking.

### *Consent*

Human trafficking can take place even if the victim initially consented to providing labor, services, or commercial sex acts. The analysis is primarily focused on the trafficker’s conduct and not that of the victim. A trafficker can target a victim after a victim applies for a job or migrates to earn a living. The trafficker’s coercive scheme is what matters, not a victim’s prior consent or ability to meaningfully consent thereafter. Likewise, in a sex trafficking case, an adult victim’s initial willingness to engage in commercial sex acts is not relevant where a perpetrator subsequently uses coercion to exploit the victim and cause them to continue engaging in the same acts. In the case of child sex trafficking, the consent of the victim is never relevant as a child cannot legally consent to commercial sex.

### *Movement*

Neither U.S. law nor international law requires that a trafficker or victim move across a border for a human trafficking offense to take place. Trafficking in persons is a crime of exploitation and coercion, and not movement. Traffickers can use schemes that take victims hundreds of miles away from their homes, or exploit them in the same neighborhoods where they were born.

### *Debt Bondage*

“Debt bondage” is focused on human trafficking crimes in which the trafficker’s primary means of coercion is debt manipulation. U.S. law prohibits perpetrators from using debts as part of their scheme, plan, or pattern to compel a person to work or engage in commercial sex. Traffickers target some individuals with an initial debt assumed willingly as a condition of future employment, while in certain countries traffickers tell individuals they “inherited” the debt from relatives. Traffickers can also manipulate debts after the economic relationship begins by withholding earnings or forcing the victim to assume debts for expenses like food, housing, or transportation. They can also manipulate debts a victim owes to other people. When traffickers use debts as a means to compel labor or commercial sex, they have committed a crime.

### *Non-Penalization*

Consistent with the definition of human trafficking, governments should not penalize or prosecute victims of trafficking in persons for the unlawful acts their trafficker compelled them to commit. This principle aims to protect victims from being held legally responsible for conduct that was not their choice, but rather was driven by their trafficker. If a government has penalized or punished a victim in such a way, the government should vacate the conviction and/or expunge the victim's record.

### *State-Sponsored Human Trafficking*

While the TVPA and UN TIP Protocol call on governments to proactively address trafficking crimes, some governments are part of the problem, directly compelling their citizens into sexual slavery or forced labor schemes. From forced labor in local or national public work projects, military operations, and economically important sectors, or as part of government-funded projects or missions abroad, officials use their power to exploit their nationals. To extract this work, governments coerce by threatening the withdrawal of public benefits, withholding salaries, failing to adhere to limits on national service, manipulating the lack of legal status of stateless individuals and other minority groups, threatening to punish family members, or conditioning services or freedom of movement on labor or sex. In 2019, Congress amended the TVPA to acknowledge that governments can also act as traffickers, referring specifically to a “government policy or pattern” of human trafficking, trafficking in government-funded programs, forced labor in government-affiliated medical services or other sectors, sexual slavery in government camps, or the employment or recruitment of child soldiers.

### *Unlawful Recruitment or Use of Child Soldiers*

Another manifestation of human trafficking occurs when a governmental armed group (including police or other security forces), paramilitary organization, rebel group, or other non-state armed group unlawfully recruits or uses children—through force, fraud, or coercion—as combatants or in support roles. Such support roles include children serving as cooks, porters, guards, messengers, medics, servants, or spies. Children are also used as sex slaves. Sexual slavery, as referred to here, occurs when armed groups force or coerce children to “marry” or be raped by commanders or combatants. Both male and female children are often sexually abused or exploited by members of armed groups and suffer the same types of devastating physical and psychological consequences associated with sex trafficking.

### *Accountability in Supply Chains*

Forced labor is well documented in the private economy, particularly in agriculture, fishing, manufacturing, construction, and domestic work; but no sector is immune. Sex trafficking occurs in several industries as well. Most well-known is the hospitality industry, but the crime also occurs in connection with extractive industries where activities are often remote and lack meaningful government presence. Governments should hold all entities, including businesses, accountable for human trafficking. In some countries, the law provides for corporate accountability in both the civil and criminal justice systems. The TVPA provides such liability for any legal person, including a business that benefits financially from its involvement in a human trafficking scheme, provided that the business knew or should have known of the scheme.



A photograph showing the lower half of a person in military attire, including green cargo pants and a brown leather combat boot. The boot is positioned next to a large pile of various firearms, including assault rifles and handguns, which are lying on a dirt surface. The background is a textured, brownish ground.

## YEMEN

At the age of 10, Salih and his schoolmates went outside to play soccer after the school day finished. While kicking a ball in an abandoned field outside of Marib, Yemen, Houthi rebels came charging for the boys. The rebels kidnapped and took Salih and his peers to the Houthi home base.

The Houthi rebels gave the boys weapons and forced them to fight and guard checkpoints. During a raid, Salih managed to run away to a displaced persons camp. Salih still suffers from hearing loss due to explosions and airstrikes. Many former child soldiers suffer from panic attacks due to trauma.

# Navigating the Unique Complexities in Familial Trafficking

*The following is a product of the Human Trafficking Expert Consultant Network (the Network) funded by the TIP Office. The purpose of the Network is to engage experts, particularly those with lived experience of human trafficking, to provide expertise and input on Department of State anti-trafficking policies, strategies, and products. The author has a range of expertise related to human trafficking, familial trafficking, marginalized communities, trauma and resiliency, education, and survivor leadership. Additionally, the author holds a Master's degree in Intercultural Studies with Children at Risk and a Bachelor's degree in Education.*

In 2017, IOM estimated that 41 percent of child trafficking experiences are facilitated by family members and/or caregivers. Notably, governments and anti-trafficking stakeholders overlook familial trafficking, which is when a family member or guardian is the victim's trafficker or the one who sells the child to a third-party trafficker. The anti-trafficking field has identified and delineated the recruitment, grooming, and exploitation practices traffickers use in various scenarios of both sex and labor trafficking. Based on this knowledge, the field has adapted anti-trafficking efforts to support survivors in specific, appropriate, and effective ways. However, familial trafficking, which is unique and just beginning to be understood in the field, is difficult to identify because it takes place within family networks and victimizes children, many of whom are under 12 years of age, who may not realize they are victims. Because of this, the indicators for familial trafficking are different than indicators for other types of trafficking.

In these cases, the trafficker may begin grooming the victim at an early age, using their close proximity to take advantage of the child's developmental stage and inability to verbally express concerns or safety issues. One study estimates that the trafficker is a family member in about 31 percent of child sex trafficking cases. In these cases, the child's inherent loyalty to and reliance on the family structure make familial trafficking difficult to identify and challenging to prosecute. Harmful misperceptions about where and how familial trafficking happens, such as the belief that familial trafficking only occurs within neighborhoods, communities, or countries of low socioeconomic status, contributes to challenges to prosecution, prevention, and protection efforts. Addressing familial trafficking requires an interdisciplinary approach to ensure recovery of mental and physical health, trauma-informed investigation and prosecutorial efforts, survivor-led and -centered practices and interventions, and larger societal education and awareness.

When the family member is the trafficker, the exploitation is often normalized and accepted within the family culture, sometimes spanning generations. This normalization of exploitation may also occur when the familial trafficking is tied to economic and cultural factors, such as in some cases of forced child labor in agriculture. If another family member notices the exploitation of the child, there is a strong incentive to look the other way to protect the family, both physically and in reputation, from outside interventions. Family members entrusted with caring for the children are often the ones grooming, manipulating, abusing, and exploiting them. In many of these cases, children may simply have no other trusted adults actively engaged in their lives. They also may not have the physical and mental development to identify coercive tactics being used by an individual they have bonded with, trust, and love. Because children are dependent on their families for their basic needs, such as food, shelter, and clothing, they are often faced with having basic needs unmet or physical violence if they don't comply with the trafficker. The traumatic impacts are severe because children have little psychological recourse for protecting themselves from the trafficker, who may also wield significant power by nature of the familial relationship alone.



When the family member or guardian is the victim's trafficker, it may not be apparent that human trafficking is occurring, especially because the victim lives with or near the perpetrator. Whether the parent or guardian is the trafficker or sells the child who is then placed in the care of another trafficker, the trafficker is both that child's exploiter and caregiver. In either case, a missing person's report would not be filed, and child protective services or other welfare agencies would not be notified. Because a child in this situation is often trained not to report what is happening, interactions with adults who might otherwise notice a problem or identify the child as vulnerable, such as teachers, neighbors, doctors, and other adults in the community, instead see the child as shy or failing to thrive. Furthermore, victims of familial trafficking might not be able to comprehend or identify with the indicators featured in most public awareness and outreach campaigns that share information on how to seek help. These campaigns typically target audiences who are much older than those exploited in familial trafficking. The reality is that abuse, pain, torture, and exploitation is the only existence these survivors may have known.

The impacts of familial trafficking, both visible and not, and subsequent needs of survivors are often severe and complex, and they can be exacerbated by the onset of trauma during key childhood developmental stages. When children experience familial trafficking, they may develop educational and social delays, physical health problems, and psychological disorders, such as complex post-traumatic stress disorder and attachment disorders. Survivors may encounter a large number of health indicators and somatic complaints due to having to endure trauma for a long period of time at an early age, including head, stomach, and body aches; throat and urinary tract infections; interrupted sleep due to nightmares and flashbacks; difficulty concentrating; asthma; and more. Survivors of familial trafficking have a range of responses to the traditional educational system: some are reported to have learning challenges, including illiteracy and processing challenges. Other children excel, whether because school is where they feel safe or because they have been conditioned to please adults in their lives or developed resiliency and survival skills early in life. Furthermore, familial trafficking situations may have prevented survivors from developing key healthy social skills, including how to make and maintain friends, relate to other children and adults, ask for assistance, and recognize their own self-worth. Having a family member as the main perpetrator and trafficker may also result in many victims feeling unable to speak about the experiences they endured due to the shame it may bring upon their families, communities, and themselves. Regardless of socioeconomic background, child survivors of familial trafficking situations often have limited avenues for resources when seeking assistance.

Frequently, service providers use the same approaches and resources for familial trafficking that are used for all types of human trafficking, which can be inappropriate and even harmful. Few resources have been developed to address the particularities of familial trafficking. The ways in which a service provider would engage with an eight-year-old child exploited by a family member will need to be different than when engaging with a child who has a safe home with a trusted adult. A child who has been exploited by a family member will mostly likely need services to address complex trauma, attachment, and severe exploitation. While awareness of familial trafficking is increasing, more research is needed.

Still, the specific and long-term needs of survivors of familial trafficking can be met in a variety of ways. For example, many children would benefit from having one-on-one support to develop an individualized program with the survivor and meet with them several times a week. Most importantly, age- and culturally appropriate comprehensive programs need to be developed with consideration of each unique survivor in mind. Positive connection, the freedom to experience developmentally appropriate activities, and even fun, sometimes for the first time, are healing elements that should be emphasized in these programs. Through programs with an increased focus on familial trafficking, survivors learn they are not alone in their journey and that someone is there to walk beside them through every step.

# Unifying Trauma-Informed Practices and Voices of Survivor Leadership

*This narrative was written by a consultant for the Network funded by the TIP Office. The purpose of the Network is to engage experts, particularly those with lived experience of human trafficking, to provide expertise and input on Department of State anti-trafficking policies, strategies, and products. The author has a range of expertise related to human trafficking, marginalized communities, trauma recovery, education, mental health care, and survivor leadership.*

Over the past decade, two of the most highlighted conversations in the anti-trafficking movement have centered on the need to incorporate trauma-informed practices into anti-trafficking work and to invite survivors into leadership positions within organizations. As the anti-trafficking community has grappled with how to integrate these ideals, it often conflates them. For example, organizations will prioritize hiring a survivor as a staff member or consultant and then equate that action with becoming a fully trauma-informed entity, while failing to use a trauma-informed approach to care, which often retraumatizes individuals receiving services. This limited approach to realizing both goals causes harm, especially when those organizations then claim they are “survivor-informed” but only focus on the survivor’s story or benefits to the organization and decline to implement the survivors’ recommendations or consider their feedback. Disrespecting survivor leaders and their experiences hurts and further exploits survivors, who are key stakeholders in the anti-trafficking movement, and it ultimately perpetuates a harmful and deficient understanding of what it means to be survivor-informed. These dual harms raise the need for additional trainings to teach organizations how to properly incorporate survivor feedback and adopt a comprehensive, trauma-informed approach in practice.

Organizations must incorporate the voices of multiple survivors into their trauma-informed practices. Outlined below is a description of what it means to be both trauma- and survivor-informed, as well as recommendations on integrating both approaches as one, comprehensive effort.

## TRAUMA-INFORMED

Trauma-informed practices build upon understanding the impact of trauma not only on individuals seeking services but also on all staff members and consultants working within an organization. As such, vicarious trauma and the mental health needs of all consultants and staff members should also be prioritized, as opposed to singling out survivor leaders as the only individuals affected by trafficking or other sources of trauma. Because trauma-informed practices assume that every human being has experienced trauma of some kind, organizational structures should reflect the need for sensitivity and care surrounding all interactions and communications.

According to the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), a trauma-informed lens upholds each person as an active agent of their own recovery process, the ability of individuals to recognize symptoms of trauma in others, and the integration of a “do no harm” approach into the creation of policies, procedures, and practices. In addition, SAMHSA’s *Six Key Principles of a Trauma-Informed Approach* refers to the necessity of creating and protecting psychological and physical safety within the organization, fostering trust through transparency, providing peer support, and leveling power differences through collaboration, empowerment, and cultural humility.

## SURVIVOR-INFORMED

In 2013, the United States’ *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States (Plan)* identified the importance of engaging with survivors in decision-making processes as anti-trafficking leaders. Federal



agencies responded by sharing plans to apply a survivor-informed approach for human trafficking. In 2015, the U.S. Advisory Council on Human Trafficking was established to advise federal agencies on their anti-trafficking policies and programs, including on the application of this approach to their efforts. Despite the attention towards and growth in understanding of a survivor-informed approach, gaps arose in how different agencies and organizations in various settings applied it. To address these gaps, the 2017 Human Trafficking Leadership Academy fellows, organized by the Department of Health and Human Services' National Human Trafficking Training and Technical Assistance Center (NHTTAC), defined a survivor-informed practice as the “meaningful input from a diverse community of survivors at all stages of a program or project, including development, implementation and evaluation.”

The integration of survivor leadership and trauma-informed practices requires inclusive interactions with survivors of all forms of human trafficking with a diversity of perspectives, such as gender, national origin, race, and sexuality. It is essential to have various survivor voices lending feedback into all areas of an organization's work. Organizations must listen to survivors and determine how best to adapt practices that honor and incorporate their input. This process includes evaluating programs and policies with humility and commitment to change wherever possible, even where those changes will be difficult to implement. It also must include supporting additional research on the brain's response to trauma and on the ways traffickers adapt their criminal enterprises to societal changes. Organizations can set themselves up for success in a manner that is adaptive—not stagnant—to meet the evolving challenges of anti-trafficking efforts by mindfully weaving together survivor-leadership and trauma-informed approaches for the collective good of all who engage in anti-trafficking spaces.

Organizations might be in different stages of understanding and implementing trauma-informed and survivor-centered processes. The following recommendations may be applicable for organizations at multiple stages of integration.

## **RECOMMENDATIONS FOR CONTINUED GROWTH IN THE INTEGRATION PROCESS**

### *Hiring Survivors and Ensuring a Trauma-informed Work Environment*

- Invite a diversity of lived experience experts to be part of organizational staffing, not only because of what they have survived but also for the professional skills and expertise they offer. When asking for the opinions and suggestions of these voices, be a conscious listener and follow through with implementing changes. Communicate updates on the progression of these changes.
- Create protocols for what all staff should do if they feel exploited by the organization or individuals within the organization.
- Recognize that trauma is not unique to an individual who identifies as a survivor leader; it has affected the entire team in distinct ways. The way survivors in leadership positions are treated should mirror the way that staff members without lived experience of human trafficking are treated, and vice versa.
- Implement intentional self-care as part of organizational culture to build resilience and help mitigate vicarious trauma, including executive leadership modeling self-care best practices and encouraging staff to engage in healthy coping skills and take care of their emotional and physical health. Organizations can also implement paid mental health days, self-care plans as part of employee reviews, and organization-wide education encompassing individual wellness.

### *Empowering Survivors in the Workplace*

- Never ask survivors in leadership, or in any other role, to share their story and never share their story for them.
- Empower survivors to outgrow the label of only a survivor. Treat them as more than the trauma they have experienced and foster their strengths so, if they desire, they could successfully run the organization or get a job in the field of their choice.
- Design opportunities for survivors in the organization to receive continuing education on leadership and professional development.

### *Establishing Administrative Processes for a Trauma-informed Workplace*

- Ensure that benefits include mental health care for all staff members, including any survivors that are hired.
- Prioritize and institutionalize survivor engagement by creating a budget line within the organization for consultations with lived experience experts.
- Compensate survivors in leadership commensurate with other leadership.
- Employ a third-party reviewer to assess the organization's integration of survivor leadership and trauma-informed approaches.

For tips on how to build a survivor-informed organization, please see the NHTTAC toolkit on this topic. If looking for more information on survivor-informed best practices, please see NHTTAC's Survivor-Informed Practice: Definition, Best Practices, and Recommendations.

# The Negative Impacts of Human Trafficking Misinformation

For many people, human trafficking evokes images of women and children being forcibly taken and sold into sexual slavery by strangers, or of people locked in rooms or vehicles far from home. These images, however, do not capture the reality of most cases of sex and labor trafficking. Human trafficking is typically not so simple or salacious. Most victims are not kidnapped by strangers or secretive syndicates. Instead, it is often their neighbors, relatives, romantic partners, or other acquaintances who exploit them. Traffickers often use fraudulent, psychologically manipulative, or coercive recruitment methods so they need not kidnap or even physically restrain their victims.

Unfortunately, enduring misconceptions about human trafficking have helped misinformation and rumors about the crime spread rapidly throughout communities and through social media, particularly in the United States. In recent years, participants in online forums have spread a number of false and misleading claims about child sex trafficking, sometimes deliberately deceiving the public through disinformation efforts connected to conspiracy theories unrelated to human trafficking. This content often becomes viral on mainstream social media platforms, taking advantage of well-intentioned members of the public, including those who want to take action to make a difference. Rumors and theories that a global cabal of politicians and celebrities are exploiting children, that companies selling furniture or other high-priced items online are also selling missing children, or that phishing texts are tricking people into human trafficking schemes are all unfounded and perpetuate false narratives about the realities of human trafficking.

More concerning, this spread of misinformation has real and detrimental impacts on the ability of the anti-trafficking community to protect those who have or are currently experiencing human trafficking and to bring traffickers to justice. It is imperative that the public fully understand the negative effects that spreading and acting on these rumors and misinformation can have on service providers, victims and survivors, and the broader anti-trafficking field.

When false or misleading rumors about human trafficking quickly spread online and through social media, concerned individuals may want to take action because they genuinely believe the information. While the help of the public is a crucial part of anti-trafficking efforts, the public can inadvertently interfere when its actions are based on false information or on tips from individuals with no direct knowledge of human trafficking situations. Such interference can have damaging effects on the ability of law enforcement, NGOs, and other victim service providers to respond to real cases. For example, law enforcement may become inundated with false information they are required to follow up on or investigate, especially when reports relate to children, stretching already limited time and resources.

In addition, a barrage of calls and tips related to misinformation about human trafficking online can overwhelm systems of intervention and care that have been established to respond to potential and confirmed cases of human trafficking. Under such a deluge, someone with information about a case or who may be a victim in real crisis will face longer service wait times and may miss their momentary chance to connect to a service provider. Advocates and service providers must take all reports of human trafficking seriously, which means that increased reports based on false information make it more difficult for responders to provide support to victims of human trafficking.



***“In the longer term, this disinformation campaign is profoundly dangerous to the anti-trafficking movement. It threatens the hallmark bipartisan support the field has enjoyed since the passage of the Trafficking Victims Protection Act of 2000. It will result in already extremely limited resources being directed toward interventions that respond to myths and misperceptions and are potentially harmful to victims and survivors. It will lead to ineffective and even dangerous policies and practices driven by rumors instead of evidence-based expertise. Ultimately, it will harm trafficking victims and survivors whose voices are drowned out in the noise.”***

**Polaris Report,**

*Countering QAnon: Understanding the Role of Human Trafficking in the Disinformation-Extremist Nexus*

The spread of misinformation about human trafficking also means that anti-trafficking experts and organizations need to allocate time and resources to re-educate the public. Allocating resources to debunk myths and misinformation about human trafficking takes time away from critical services including responding to survivors seeking help. Resources for these organizations are often already strained and should be directed towards evidence-based solutions to combat human trafficking.

NGOs have also reported experiencing cyberattacks and threats on social media when they post statements debunking misinformation. Some employees of NGOs that help identify and provide services to survivors of human trafficking have even faced threats of violence by followers of these theories. These attacks and threats may require that the organizations divert even more resources away from victim services to improve cyber security and personal security for NGO staff. Another serious concern is the emotional strain and trauma experienced by staff at these NGOs. Individuals working to support survivors of human trafficking, including those who have dedicated their lives to this work, can become discouraged as the spread of misinformation distracts from providing services.

Survivors report having seen stories based on false information and feeling re-exploited because the trauma they faced is now being questioned or used for nefarious, and sometimes political, purposes. Privacy intrusions are also a concern and occur when information or images about people mistakenly believed to be trafficking victims, or those of actual victims, are shared in connection to conspiracy misinformation or disinformation.

Of further concern, experts have identified the strategic production and dissemination of false narratives about sex trafficking by white supremacists and other extremists, including violent extremists, in the United States as a means of recruiting new members. These groups have found success in exploiting the public’s concerns about child sex trafficking, using false information as a gateway to radicalize members. Thus, it is imperative to stop the spread of misinformation, including conspiracy theories, both to combat sex and labor trafficking and to prevent violent extremism and counter threats to U.S. national security.

It is easy to understand why individuals would see something online about human trafficking, especially when it involves children, and feel the need to share or act on the information. At first, it may not be apparent that acting on this information could have any harmful consequences. The recent scale of misinformation about human trafficking, however, distracts from the real crime, and may have long-lasting negative effects on efforts to combat it and to aid actual victims of human trafficking.

Individuals who wish to learn more about what human trafficking looks like in their own communities should seek out resources from established organizations and government agencies that use evidence-based solutions to address the crime. Many reputable sources publish information online to help the public understand when information being shared about human trafficking is misleading or false. Often the people in the best position to identify a potential case of human trafficking are neighbors, family members, friends, or others close to victims or traffickers. An important component of any successful anti-trafficking strategy is a well-informed public that understands the real indicators of the crime and can identify it when it happens in their own communities.

# The Role of the Financial Sector:

## Promising Practices in the Eradication of Trafficking in Persons

Human trafficking is a widespread and highly profitable crime that generates an estimated \$150 billion worldwide per year with a significant portion of those profits passing through legitimate financial services businesses. The illicit financial activity that human trafficking generates includes, but is not limited to: payments associated with the transport of victims and other logistics such as hotels or plane tickets; collection of proceeds generated by the exploitation of trafficking victims and by the sale of goods produced through their exploitation; movement of proceeds; and bribery and corrupt dealings to facilitate human trafficking.

One of the most effective ways to identify broader criminal networks and take the profit out of this crime is to follow the financial trail human traffickers leave behind. With proper training and guidance, financial institutions and designated non-financial businesses are able to identify illicit finance related to human trafficking and report potential cases. In addition, legal experts state that taking a “financial crimes approach” to human trafficking is highly effective in generating financial evidence that allows law enforcement to differentiate the traffickers from their victims, document the traffickers’ motives and knowledge, corroborate victim testimony, and assist in identifying affiliates. Proactive partnerships between governments, financial institutions, law enforcement, civil society, and survivor experts are critical to identifying illicit financial activity associated with human trafficking. Removing the ability to profit from the crime disincentivizes traffickers and serves as a crucial deterrent to prevent the crime altogether.

### THE ROLE OF GOVERNMENTS AND THE FINANCIAL SECTOR

The UN TIP Protocol, which is widely ratified, mandates the criminalization of money laundering when proceeds are derived from human trafficking and encourages signatories to promote international cooperation between their respective national authorities addressing money laundering. The Financial Action Task Force (FATF) is the global standard-setting body for anti-money laundering (AML), countering the financing of terrorism, and countering proliferation financing. More than 200 countries have agreed to implement the FATF Recommendations, which require member countries to identify, assess, and understand money laundering and illicit finance risks and to mitigate those risks. The FATF Recommendations provide a useful framework for jurisdictions to address illicit finance related to human trafficking by strengthening their national AML laws and policies and by improving coordination and information sharing domestically and internationally. The FATF Recommendations also encourage jurisdictions to undertake proactive parallel financial investigations, including by collaborating with public and private financial institutions, as a standard practice when investigating and prosecuting human trafficking crimes, with a view to tracing, freezing, and confiscating proceeds acquired through this crime.

In the United States, the Bank Secrecy Act (BSA) mandates that financial institutions monitor and report suspected illegal activity, such as human trafficking, as well as certain high-dollar cash transactions. The BSA permits financial institutions to share information relevant to money laundering and terrorist financing under the legal safe harbor provided by the USA PATRIOT Act Section 314(b). This reporting and information sharing can be highly useful in tracking and tracing proceeds related to human trafficking.

It is essential that financial institutions train staff on techniques human traffickers use to launder money and the behavioral and financial red flag indicators of human trafficking. Trained customer-facing staff can recognize, document, and report behavioral indicators of human trafficking. Financial institutions are required to comply with law enforcement processes seeking to identify traffickers’ assets, which can be seized, forfeited, and used toward restitution for victims. Further, financial



institutions can engage with survivors of human trafficking to inform their efforts, including on the development of training programs to enhance the ability of frontline staff and other industry professionals to detect transactions connected to human trafficking, how and when to intervene, and how to determine when a third party is benefitting from the exploitation of another. Consulting with survivors to review existing AML protocols and systems could help to identify gaps and possible improvements.

In 2020, the Government of Canada launched Project PROTECT to increase awareness of sex trafficking, as well as the quantity and quality of suspicious transaction reporting. Canadian financial institutions, FINTRAC (Canada's Financial Intelligence Unit), financial regulators, law enforcement, non-profit organizations, and technology companies collaborated to develop indicia of suspicious transactions of money laundering from sex trafficking. As a result, there was a significant increase in suspicious transaction reports filed by financial institutions related to this activity. FINTRAC disclosed this information to law enforcement to help expand or refine the scope of their cases, uncover new targets, obtain search warrants, and identify assets for seizure or forfeiture. Canadian authorities provided disclosures to counterparts in the United States, the United Kingdom, the Netherlands, Portugal, Jamaica, and Brazil, demonstrating the transnational nature of human trafficking and the importance of international cooperation to end it.

## **THE ROLE OF TECHNOLOGY**

Perpetrators use technology in human trafficking schemes. Human trafficking rings often use instant and secure communication mechanisms to facilitate activities among members and employ GPS location applications as one way to remotely control victims. Technology also can play a critical role in combating these crimes, increase law enforcement's ability to identify victims and perpetrators, and help deliver financial assistance and other victim support services to victims as they work to rebuild their lives.

While human trafficking actors and organizations typically generate illicit proceeds in cash or through the traditional financial system, they sometimes use cryptocurrency. Cryptocurrency transactions, including those involving human trafficking, are recorded on public blockchains. Depending on whether and to what extent anonymizing technologies are applied, blockchain transactions can be analyzed to identify patterns indicative of criminal activity. For example, experts have developed techniques to link some cryptocurrency transaction records to online commercial sex advertisements, which can provide additional information on human trafficking networks. Innovative AML compliance solutions that use big data, advanced analytics, network analysis, and, increasingly, artificial intelligence to monitor transactions and identify and report suspicious transactions can assist governments and the private sector in identifying and combating human trafficking networks.

Traffickers also exploit financial sector innovations, such as prepaid cards and mobile payment applications, to accept payments or move funds through the financial system. Authorities have detected the use of third-party payment processors (TPPPs) by traffickers and their facilitators to wire funds, which gives the appearance that the TPPP is the originator or beneficiary of the wire transfer and conceals the true originator or beneficiary. The use of these innovations leaves digital footprints, which may be detected as these transactions pass through the financial system.

## **SUPPORTING SURVIVORS OF HUMAN TRAFFICKING**

Survivors of human trafficking often discover that human traffickers have taken control of their financial identity or banking products and limited or prevented their access to the financial system, spoiling their credit record and hindering their financial reintegration. Financial institutions and civil society can play an important role in assisting survivors in the recovery process by providing them access to digital financial services, such as online microcredit, without requiring traditional identity documentation. Governments can also play a role by supporting the use of digital financial services and innovative tools to assist victims who have been harmed financially. Digital identity solutions and access to digital financial services can help victims securely obtain financial assistance from governments or NGOs, access victim support services, repair their credit, and receive restitution payments when appropriate and available.

Enabling human trafficking survivors' participation in the regulated financial sector is critical. The Liechtenstein Initiative for Finance Against Slavery and Trafficking is a public-private partnership launched in September 2018 to respond to calls from the G7, the G20, the UN General Assembly, and the UN Security Council for governments to partner with the private sector to address human trafficking. Its Survivor Inclusion Initiative works to facilitate survivor access to basic banking services, such as checking and savings accounts by connecting survivors to financial institutions. To support survivors in rebuilding their lives and preventing further exploitation, the financial sector can offer account qualification exception programs and low-to-no fee second chance accounts. Governments, investors, researchers, and civil-society actors should explore how microfinance and other forms of social finance can support survivors.

# Acknowledging Historical and Ongoing Harm:

## The Connections between Systemic Racism and Human Trafficking

In many ways, the United States and other governments face human trafficking challenges and trends today that reflect the living legacy of the systemic racism and colonization globalized during the transatlantic slave trade through chattel slavery and regional practices of indigenous dispossession. U.S. and global data show human traffickers disproportionately target those in positions of socioeconomic or political vulnerability due to discriminatory policies, who are often people of color or part of a racial minority. While U.S. efforts to combat human trafficking have grown in magnitude and sophistication over the years, the United States still struggles with how to address the disparate effects of human trafficking on racial minority communities. To be truly effective, a comprehensive approach to prosecution, protection, and—most of all—prevention must embed racial justice and equity across its policies and programs. The U.S. Department of State leads the U.S. government’s global engagement to combat human trafficking and chairs the federal interagency anti-trafficking task force. As part of this work, it commits to engaging with its interagency, civil society, private sector, multilateral, and survivor leader partners to better understand systemic racism’s effects on the human trafficking field and to integrate racial equity more intentionally into the U.S. anti-trafficking response.

Years of studies, data, and the direct knowledge of those with lived experience of human trafficking demonstrate that systemic racism undercuts the intended goals of prosecuting traffickers, protecting those victimized, and preventing human trafficking in significant ways. This body of information provides a strong foundation from which to learn. For instance, advocates, survivors, and other experts have found that ingrained racial biases and stereotypes, which were created as a way to dehumanize certain racial communities to justify their exploitation and exclusion, hinder progress in anti-trafficking efforts because they lead to racially disparate assumptions about who is a trafficker and who should have access to victim protection and services. These stereotypes may affect, for example, which communities law enforcement target for anti-trafficking operations, which victim witnesses the criminal justice system deems credible, and which individuals process their experiences as exploitation and seek help. Traffickers, in turn, factor these racial biases and stereotypes into schemes and strategies aimed at reducing their own risk of getting caught while increasing the risk of law enforcement improperly penalizing victims.

Another powerful way systemic racism has perpetuated human trafficking and hindered anti-trafficking efforts is through discriminatory government policies and private practices that create disparities in access to economic means or opportunities, which traffickers exploit to compel victims in sex trafficking or forced labor. Predatory and exclusionary practices that keep certain racial communities from attaining financial stability and building generational wealth provide traffickers ample opportunity to offer tempting alternatives. These harmful practices include redlining, lending discrimination, unequal distribution of government subsidies and services, restricted entry into white collar or higher paying jobs, and intentional exclusions of certain professions from worker protections.

The inequities created by systemic racism have survived in part because of the intentional destruction of certain racial groups’ social support networks. Traffickers often seek out individuals with weaker community or family connections, knowing they have fewer safeguards. The chattel slavery system relied on the separation of family units during auctions and trading of enslaved people. It restricted where and how enslaved people could gather or socialize to weaken communal bonds to avoid a unified rebellion for freedom. This pattern of fracturing families and communities has led to an unjust overrepresentation of Black individuals in other systems, like prisons, runaway and homeless youth services, and foster or institutional care, that exacerbate the social isolation and vulnerability on which traffickers prey. Similar family separation policies were used to weaken or destroy indigenous families and communities, including forcibly removing Native children from their families and



tribes to send them to “boarding schools” with the intention of forcing them to assimilate and no longer identify with their culture. Such policies have resulted in an ongoing disproportionate number of Native children in the child welfare system, increasing their vulnerability to human trafficking.

These are only a few of the many manifestations of systemic racism that inhibit an effective anti-trafficking response. The following excerpts highlight the reflections of some who have directly experienced the ways in which systemic racism intersects with human trafficking in the United States and provide insight and guidance on how best to move forward.

***“It was only when I decided to escape my trafficker that I realized how pronounced racial injustice was in my community, particularly against human trafficking survivors with previous arrest records.... Human trafficking continues to be a critical threat to Black communities. We need better support that doesn’t criminalize survivors but protects our rights instead. Standing in solidarity with Black lives also means speaking up for the injustices plaguing Black communities that are overwhelmed with trafficking victims. First, we must understand the disparities that disproportionately affect Black trafficking survivors. Then, we must do a better job supporting survivors when they escape. Many victims struggle with a long list of criminal offenses that follow them for the rest of their lives.”***

**- Lyresh Magee,**

*Entrepreneur, Cosmotologist, Graduate from the Coalition to Abolish Slavery and Trafficking (Cast), Los Angeles*

***“Racism has made Black trafficking survivors and other survivors of color feel invisible. It has exacerbated our isolation, increased our stress, and undermined our efforts to recover from trauma.... Survivors have known that the justice system is flawed: just ask the victims arrested and prosecuted for their traffickers’ crimes.”***

**- Fainess Lipenga,**

*Training Advisor to The Human Trafficking Legal Center*

***“We were sold for a certain amount of money for 30 minutes or an hour. Allow me to repeat myself: we were SOLD. In my case, being a person of color sold by a white person to other white people was painful on multiple levels. It wasn’t until my adult years that I was able to process how closely this aligned with racial oppression. I can’t compare one victim’s experience to another’s, but I will say that race can add an additional layer of oppression.”***

**- A survivor’s account,**

*as featured by Yvette Young, Bree’Ana Johnson, Christopher Bidorini, and Erin Williamson*

***“There are many jurisdictions that are predominantly White yet the most being exploited, arrested and children taken into custody are women of color. There is a big problem of Black and Brown bodies being treated differently from White bodies. It’s not that people of color do more drugs, are more engaged in criminal behavior, it’s that they are more vulnerable, more targeted by the police for prostitution and other crimes. There is a connection and a disparity from police profiling, arrest, incarceration rates, sentencing, and recidivism. When a White person goes missing, you hear about it every five minutes. In contrast, when Black and Brown bodies go missing you don’t hear about their disappearance anywhere near as often, if at all.”***

**- Autumn Burris,**

*Founding CEO, Survivors for Solutions, featured in ECPAT-USA’s “Survivor Perspective” blog series*

Building a just world, where traffickers can no longer capitalize on and abuse systemic inequities, requires addressing the underlying causes of those inequities by first acknowledging the structures of power and historical context behind unequal distribution of privilege and protection, including the government’s role. While the racial dimensions of human trafficking manifest in different ways in each country, human trafficking still mirrors—and thrives because of—widespread inequities between racial groups. This is seen, for example, in the overrepresentation of human trafficking victims among Black populations in some parts of South America, the lack of protections afforded to migrant workers in the Gulf that creates a dependence on others that traffickers can exploit, and the intentional targeting of Roma communities through law enforcement anti-trafficking operations in Eastern Europe. For the United States, this means confronting its history of chattel slavery, indigenous dispossession, and the centuries-long racial campaigns of violence, fear, and trauma that followed. As the United States strives to grapple with its past and increasingly root its anti-trafficking work in racial equity, it must also draw from the courage, expertise, and leadership of communities harmed by the interlocking cruelties of systemic racism and human trafficking. We invite other governments and global partners to join in this effort and hold each other accountable.

## Child-Friendly Spaces for Survivors of Human Trafficking

The needs of child trafficking victims and the related legal reporting requirements differ significantly from those of adult victims. Government authorities and service providers should take special measures to ensure appropriate and tailored support and care are available to them. Children should receive immediate support and assistance in a safe and comfortable setting that is not intimidating or retraumatizing. Child-friendly spaces are an essential component to holistic victim-centered and trauma-informed care for child survivors of human trafficking.

Child-friendly spaces have traditionally been used in refugee camps or after natural disasters, but increasingly those in the anti-trafficking field are using them to provide comprehensive assistance and support to child trafficking victims in other settings. These spaces, which can be a separate room or even just a corner of a regular interview room, are typically located in existing structures such as police stations or hospitals and are administered by the government or an NGO. The use of child-friendly spaces reflects a multidisciplinary approach, providing a place for children to feel safe in the wake of trauma and for social workers, medical professionals, law enforcement, and others to conduct victim interviews, psychosocial counseling, and medical care all in the same location. In addition to putting a child trafficking victim at ease by providing a safe and structured environment for play and learning, such spaces also can help facilitate the prosecution of human traffickers by offering critical support to children as they provide information to law enforcement to help hold perpetrators accountable.

While they may look slightly different depending on their particular function, the country in which they operate, or the level of resources available, effective child-friendly spaces often share common features that can be replicated as promising practices.

First, child-friendly spaces provide a calm and reassuring physical environment. This is accomplished by providing age-appropriate furniture and decorations, painting the walls in calming colors, and displaying children's artwork or murals. Toys, art supplies, and age-appropriate books are also provided. A comforting environment and informal play can assist survivors in expressing their feelings of fear and distress while also supporting their resiliency.

Second, ensuring that a child feels safe is crucial, which means that the physical space must be easily accessible, ideally through its own entrance and exit, and separates the survivor from the perpetrator to prevent further trauma. A safe space affords children privacy so they can talk about their experiences more freely. Staff and relevant stakeholders should be able to observe the child from a separate room, where appropriate.

Third, a multidisciplinary child-friendly space provides survivors with an array of comprehensive services and referral networks in one place. In addition to addressing immediate needs by providing food, water, and sanitary facilities, a child-friendly space should address longer-term needs through the provision of medical screening and services, psychosocial counseling, referrals, and information about legal proceedings. Receiving various services in one place and during the same timeframe shields the survivor from having to repeat the story of what happened to them multiple times.



Finally, all services provided in the space should be trauma-informed, age-appropriate, and culturally and linguistically sensitive. This means that service providers can recognize signs of trauma in individuals and respond by integrating knowledge about trauma into policies, procedures, practices, and settings. This approach considers the vulnerabilities and experiences of trauma survivors and places priority on restoring a survivor's feelings of safety, choice, and control. Service providers should make sure children understand their rights and are empowered to make decisions about their own care, where appropriate. A trauma-informed approach should ultimately build trust and transparency between survivors and service providers, and it must also be responsive to gender, age, ethnic, and cultural differences. This last component is crucial, as interviewing and service provision that is not trauma-informed or in the best interest of the child can be retraumatizing and inhibit a successful recovery.

Given constraints around physical space and financial resources, service providers and NGOs may need to develop creative ways to establish a child-friendly space. If a separate room is not available, a child-friendly corner of a larger interview room can also serve as a designated section that is welcoming to children. When assessing needs, a child-friendly waiting room might take priority.

The COVID-19 pandemic increases children's vulnerability to trafficking for several cross-cutting reasons. Families may require children to find work due to lost income, government and NGO protection services may be reduced, and children might not be attending school where they have access to trusted adults. Because of this increased vulnerability, establishing and maintaining child-friendly spaces is critical to prioritize during the pandemic; they can even be a safe place where children learn about public health protections such as social distancing, mask wearing, and proper hygiene.

Fishing boats docked on the beach in Southeast Asia. Despite the extent of forced labor in the fishing sector globally, the vast majority of victims remain unidentified and their traffickers operate with impunity.



# The Kafala System

Every year adults and, to a lesser extent, children migrate voluntarily to countries in the Middle East to work in a variety of sectors, such as agriculture, construction, and domestic service. Many of these migrant workers must abide by the *kafala* system, in effect mostly in the Gulf states (Bahrain, Iraq, Oman, Qatar, Saudi Arabia, and the United Arab Emirates), Jordan, and Lebanon.

The *kafala* system is a sponsorship-based visa category that gives employers full control over the migrant workers' residency permits, movements in and out of the country, and ability to change employers. Under this sponsorship system, migrant workers who leave their place of employment without permission from their employer forfeit their legal status and thereby increase their risk of arrest and deportation.

The *kafala* system's rules and limitations enable abusive employers' to use unscrupulous employment practices that can constitute forced labor; including excessive work hours; retention of passports and travel documents by the employer; non-payment of wages; and physical, psychological, and sexual abuse or threats of abuse. These trafficking victims have little or no recourse; they are coerced either to remain in an exploitative position or leave their sponsor and face arrest, detention, or deportation for immigration offenses, or even punishment for unlawful acts their traffickers compelled them to commit.

## REFORMING THE KAFALA SYSTEM

Allowing migrant workers to have full freedom of movement and to switch employers without penalty would help prevent human trafficking. In addition, providing migrant workers with information on their rights and obligations, on complaint mechanisms in case of abuse, and on how to access assistance and remedies, would empower them to identify and leave exploitative situations. Efforts to reform the *kafala* system and develop non-exploitative policies would benefit from input and recommendations from survivors who experienced forced labor under this system.

In addition to reforming the *kafala* system, governments should also consider ratifying the [ILO Domestic Workers Convention, 2011 \(No. 189\)](#) and draw on its [Recommendation \(R201\)](#), which offers concrete actions to help prevent domestic servitude. States can take additional measures to address the vulnerabilities to human trafficking created by the *kafala* system, such as those described below.

## LABOR-SENDING COUNTRIES AND PRE-DEPARTURE MEASURES:

- **Public Outreach:** Use information and communication technologies, such as websites, digital links, and apps, to provide information to prospective workers in languages they understand on labor and immigration laws in the destination country, jobs available, the rights and responsibilities of workers and employers, model or standard government-approved contracts, indicators of human trafficking, contact information for relevant hotlines or missions abroad, and reputable recruitment agencies.
- **Prevention through Responsible Recruitment:** Provide adequate government oversight of recruitment agencies and provide prospective applicants with information on means to verify recruitment agencies' legitimacy and licensing. Migrant workers should be provided with their own copy of a work contract, clearly outlining the terms and conditions of employment and residency, including their wages, hours of work and rest, and mode of payment. To avoid debt manipulation, workers should not be subject to recruitment or work visa fees by their recruiters or employers—all costs associated with getting the job should be paid by the employer—nor should the cost of their live-in accommodation and work-related items, such as uniforms or tools, be deducted from their remuneration.
- **Visa Application:** Encourage in-person visa applications on the part of destination countries, including for domestic workers. During visa processing, provide applicants with information pamphlets on their rights and obligations, and those of



employers, as well as their entitlements to retain a copy of their contract and original travel and identity documents. Inform visa applicants about available legal protections against crimes such as violence, trafficking in persons, and deprivation of liberty, including complaint mechanisms and hotline numbers.

## MEASURES IN LABOR-RECEIVING COUNTRIES:

- **Visa Sponsorship:** Reform the *kafala* system to allow all workers to have full freedom of movement and to change their sponsor or employer voluntarily and without prior sponsor permission, fees, penalties, or loss of residency status. Provide migrant workers with information on their rights and obligations, as well as on access to grievance mechanisms and to appropriate and effective remedies, such as compensation. Provide protection to victims, including temporary or permanent residency status to foreign victims along with access to services such as food, shelter, and medical and psycho-social assistance, while giving them the option to remain in the country and switch employers or return to their home country, or a third country for those who cannot return home.
- **Hotlines:** Provide workers information on their rights and obligations, including access to help and information on labor rights, grievance mechanisms, and proper reporting channels. Inform workers about the availability of hotlines operated 24 hours every day, staffed with Arabic and English interpreters, and with on-call contractors for languages spoken by foreign workers' most common nationalities.
- **Identification and Prosecution:** Proactively and effectively identify victims of forced labor and investigate, prosecute, and convict those who commit or facilitate forced labor under anti-trafficking laws, rather than treating instances of forced labor as administrative violations. Punish perpetrators and facilitators with significant prison terms under anti-trafficking laws and deny or restrict unscrupulous employers and sponsors from hiring migrant workers, including domestic workers. Ensure domestic workers are included in anti-trafficking and labor law protections.
- **Prevention through Responsible Recruitment:** Provide adequate government oversight of recruitment agencies, including through registration, licensing, and monitoring. Governments should publish the names and contact details of all licensed and registered recruiters, as well as those under investigation for non-compliance or whose licenses have been revoked. Recruitment agencies should be held accountable in a manner to deter their engaging in activities that exacerbate workers' vulnerability to human trafficking—such as visa trading, charging workers for the cost of recruitment, and contract switching.
- **Specialized Units:** Establish specialized units in concerned ministries and agencies focused on human trafficking, including forced labor, and provide training to law enforcement, labor, and judicial officials on trafficking indicators and victim-centered and trauma-informed approaches. Empower units with mandates to proactively investigate labor exploitation cases and conduct parallel financial investigations with a view to identify human trafficking and related money laundering. Encourage collaboration across directorates and ministries, including labor, as well as public and private financial institutions, to facilitate criminal prosecution of forced labor cases.
- **Screening and Assistance:** Implement formal identification, referral, and assistance procedures, including in detention centers and among vulnerable populations, using a victim-centered approach that is also informed by the input and recommendations of survivors. Facilitate access to complaint mechanisms and dispute resolution, arbitration, and pro-bono representation to help victims pursue legal civil and criminal remedies. Allow victims to submit testimony in written form or via recording to protect them. Advise them on how to secure restitution and payment of back wages.

## INTERNATIONAL COOPERATION:

- **Memoranda of Understanding with Governments:** Strengthen and enforce bilateral labor agreements with labor sending countries to include provisions on minimum wages, recruitment oversight, and entitlements such as work hours, mandatory time off, and in-home living and working conditions. Agreements could also include methods of coordination and cooperation on active cross-border human trafficking cases that involve victims and perpetrators from both countries. Governments should actively implement these agreements and ensure their offered protections are implemented in practice.
- **Diplomatic Households:** Increase efforts to inform and train diplomatic personnel about the crime of human trafficking and the applicable anti-trafficking law in the country of residence. Institute a system of in-person registration and interviews for domestic workers of diplomatic personnel, so as to regularize communication, monitor their treatment, and potentially identify instances of abuse or human trafficking.
- **Cross-country Collaboration:** Investigate allegations of forced labor reported by repatriated victims, offer judicial assistance such as providing remote statements from victims to be used in court proceedings, and extradite traffickers. Facilitate accreditation and monitoring of recruitment agencies between countries of origin and destination. Cooperate with the corporate business sector to encourage and facilitate ethical sourcing in supply chains. Establish a regional research and training center to train frontline stakeholders on human trafficking case identification and management.

# Letter on LGBTQI+ Vulnerability to Human Trafficking



*The Department of State received the following letter in response to its annual “Federal Register” notice requesting information relevant to countries’ progress in addressing human trafficking. By publishing it, with the author’s consent, the Department seeks to shine a light on a population particularly vulnerable to human trafficking that is often misunderstood and overlooked. The Department has highlighted the vulnerability of LGBTQI+ individuals, the trafficking risks they face, and the challenges associated with victim identification and protection around the world. The circumstances of LGBTQI+ individuals, including threats of public disclosure of their sexual orientation or gender identity, are not isolated to foreign countries.*

Dear Reader,

It was the winter after my 19th year; my mother was informed that I was seeing a boy. The conversation started, “I have never been so humiliated; how was I supposed to maintain my composure?” After a few moments of inquiring, I was informed of what was so humiliating to her, me. I knew my family loathed gays. I had grown up in the United States during the AIDS pandemic, hearing “the only good [expletive] is a dead one,” or “it is their punishment for being how they are, they deserve it.” My family openly praised my uncle’s contraction of HIV and waited for his death. When the tables turned onto me, I already knew their opinions. When I was told, “you will either be a child of mine or gay,” I simply said fine and walked out the door with the few items I could carry. That was the year Matthew Shepard was beaten and left for dead hanging on a fence.

That first month I was learning the ‘safe’ spots to park my car to sleep. I was cleaning up in bathrooms and going to college and work. Then the church started the process of ex-communication to revoke my college scholarships because they believed I was willingly living my life in sin. I finished out the semester and decided I would wait for a bit to finish college. After four years and three promotions at work, I was told, “you are too gay; if you want to continue working here, you will go back in the closet.” I figured within the previous two months I had already lost my house, my family, and my college scholarship—at that point, what was my job? I went to the city north of my hometown and started couch surfing with people from the clubs I went to.

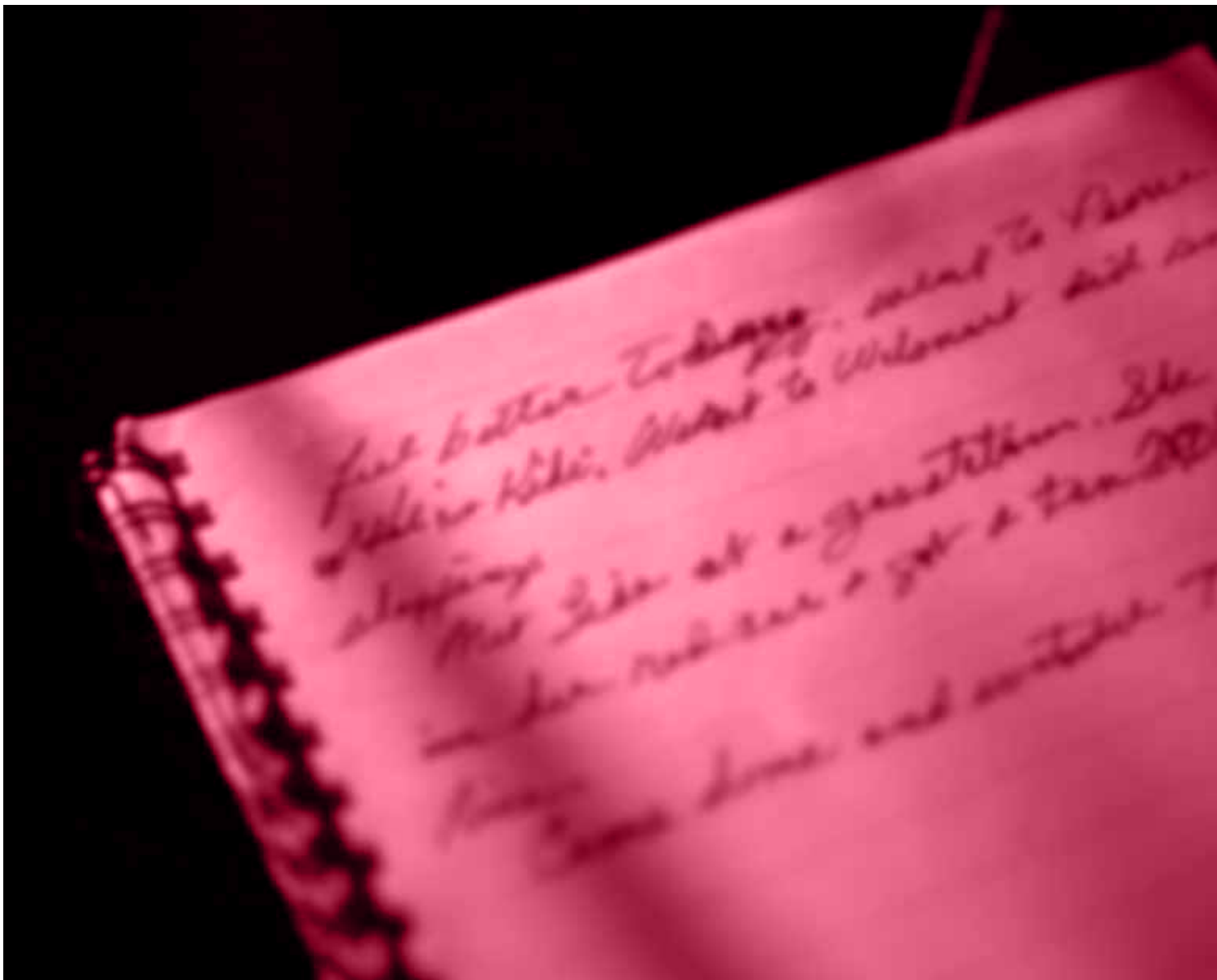
I then started working in escorting services through a bar where I didn’t know the rates charged, didn’t handle the money, and had little to no control over refusing clients who were violent or wouldn’t use condoms. Some of us were there to pay off the debts owed to the bar owner. We were given drugs that kept us numb. Our debts were too high. We paid daily for a bed, for the space at the bar, for the help the bar owners gave us. When we couldn’t pay, we slept on subways, in empty warehouses, in cars, or on couches. We traveled a lot; we were always on the road between cities, between states, and wherever we were told to go. Thankfully, a bar owner friend would stitch us up without a hospital visit when we were hurt, so we didn’t have another bill. There were always lies, and it was never as glamorous as we were promised. Do you get to choose to be abused in a society where death is the alternative?

Living in abandoned places meant our cars were taken, we were mugged, we had our modest apartments broke into—life was hard. In three years, I had slept with over 500 people. When there was an error at the local health clinic, and my blood got mixed up with another person’s, I tested false positive for AIDS. I always expected to test positive, so when I retested, I was in shock when it came back negative. I left the escort service at that point. I knew I was playing with fire.

Many of us loathe the churches that allowed us to be abused with their hatred of us from the pulpit. Many of us are sexually assaulted by family, peers in schools, our ministers, or coaches. Over half of us on the streets are there because we were thrown out for being ourselves. Forty percent of those on the streets are LGBTQI+. We are the unwanted, the forgotten, the lost kids of the streets that no one misses or looks for. We aren't victims because we "chose" this life. We are trafficked to survive; we are abused because we are unwanted, and we have to fight to be heard in the society we live in. Our bodies are lying in alleys and warehouses unnoticed; we are pawns in a system that doesn't care about us. We need to overcome the years of institutional bias and discrimination by politicians trying to criminalize our use of bathrooms or marriages. We need to be seen as people. We need to be seen as people experiencing victimization. We need to be told this isn't normal and that we are experiencing victimization.

Nat Paul

Subject Matter Expert with Lived Experience of Human Trafficking





# When the Government is the Trafficker: State-Sponsored Trafficking in Persons

While the TVPA and the UN TIP Protocol call on governments to proactively address trafficking crimes, some governments are part of the problem, directly compelling their citizens into sex trafficking or forced labor. From forced labor in local or national public work projects, military operations, economically important sectors, or as part of government-funded projects or missions abroad to sexual slavery on government compounds, officials use their power to exploit their nationals. To extract this work or service, governments coerce by threatening the withdrawal of public benefits, withholding salaries, failing to adhere to limits on national service, manipulating the lack of legal status of stateless individuals and other minority groups, threatening to punish family members, or conditioning services, food, or freedom of movement on labor or sex.

In 2019, Congress amended the TVPA to acknowledge that governments can also act as traffickers, referring specifically to a “government policy or pattern” of human trafficking, human trafficking in government-funded programs, forced labor in government-affiliated medical services or other sectors, sexual slavery in government camps, or the employment or recruitment of child soldiers. While the TVPA already directs the Secretary to consider the extent to which officials participated in, facilitated, condoned, or were otherwise complicit in trafficking when determining tier rankings, this new section more directly links government involvement in trafficking crimes to a Tier 3 ranking.

The 2020 Trafficking in Persons Report marked the first time the U.S. Department of State applied this new provision, finding 12 governments had a “policy or pattern” of trafficking, including: Afghanistan, Belarus, Burma, China, Cuba, Eritrea, Iran, North Korea, Russia, South Sudan, Syria, and Turkmenistan.

The 2021 Trafficking in Persons Report includes the following 11 governments with a documented “policy or pattern” of human trafficking, trafficking in government-funded programs, forced labor in government-affiliated medical services or other sectors, sexual slavery in government camps, or the employment or recruitment of child soldiers:

<b>Afghanistan</b>	<b>Cuba</b>	<b>Iran</b>	<b>Syria</b>
<b>Burma</b>	<b>Eritrea</b>	<b>Russia</b>	<b>Turkmenistan</b>
<b>China</b>	<b>Korea, North</b>	<b>South Sudan</b>	

The 2021 narratives provided detailed examples to justify this assessment, such as:

- The Government of Burma had a policy or pattern of use of children for forced labor by the military. The international monitor-verified use of children in labor and support roles by certain military battalions increased in conflict zones, predominantly in Rakhine and Kachin States. Additionally, the military continued to rely on local communities to source labor and supplies, thereby perpetuating conditions enabling the forced labor of adults and children.
- The Chinese government had 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 continued to implement these policies in other provinces, targeted other religious minorities under their auspices, and sought the coerced repatriation and internment of religious and ethnic minorities living abroad through the use of surveillance, harassment and threats against them and their family members, and extradition requests. The government also reportedly placed ethnic Tibetans in vocational training and manufacturing jobs as part of an ostensible “poverty alleviation” and “labor transfer program” that featured overt coercive elements.

- The Government of Russia had a government policy or pattern of trafficking. The government was actively complicit in the forced labor of North Korean workers. The government did not screen North Korean workers for trafficking indicators or identify any North Korean trafficking victims, despite credible reports in previous years that the Democratic People's Republic of Korea (DPRK) operated work camps in Russia and exploited thousands of North Korean workers in forced labor. Although the government took steps to repatriate North Korean workers in accordance with UN Security Council resolutions (UNSCRs), citizens from the DPRK continued to arrive throughout the year, many of whom likely engaged in informal labor. While the Russian government reported the number of North Korean workers in Russia declined in 2020, the government issued almost 3,000 new tourist and student visas to North Koreans in 2020 in an apparent attempt to circumvent the UNSCRs.

## Forced Labor in China's Xinjiang Region

Over the last four years, the People's Republic of China (PRC) has carried out a mass detention and political indoctrination campaign against Uyghurs, who are predominantly Muslim, and members of other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region (Xinjiang), a large region in western China. The courageous voices of survivors, their family members abroad, researchers, and international advocacy groups have thoroughly documented the PRC's discriminatory use of surveillance technologies and trumped-up administrative and criminal charges to abduct and detain more than one million Muslims, including Uyghurs, ethnic Hui, ethnic Kazakhs, ethnic Kyrgyz, ethnic Tajiks, and ethnic Uzbeks, in as many as 1,200 state-run internment camps throughout Xinjiang. Detention in these camps is intended to erase ethnic and religious identities under the pretext of "vocational training." Forced labor is a central tactic used for this repression.

In Xinjiang, the government is the trafficker. Authorities use threats of physical violence, forcible drug intake, physical and sexual abuse, and torture to force detainees to work in adjacent or off-site factories or worksites producing garments, footwear, carpets, yarn, food products, holiday decorations, building materials, extractives, materials for solar power equipment and other renewable energy components, consumer electronics, bedding, hair products, cleaning supplies, personal protective equipment, face masks, chemicals, pharmaceuticals, and other goods—and these goods are finding their way into businesses and homes around the world.

International outcry has grown since these abuses were first made public. The PRC initially denied all allegations, dismissing them as international "interference" in its domestic affairs. Confronted, however, with eyewitness testimony and thoroughly researched reporting from multiple sources, the PRC eventually admitted the existence of the camps. PRC officials then defended the facilities as necessary measures to counter "terrorism," while also claiming that many of them had already been closed. In reality, they had grown in number and in size, with hundreds of thousands of victims "graduating" and being sent to larger and more technologically advanced prisons under false terrorism-related charges. The government also began transferring many thousands of camp detainees elsewhere in Xinjiang and to other provinces throughout the country under the guise of a "poverty alleviation" program in which companies and local governments received subsidies for forcing them to labor in manufacturing.

With so many disappeared into and abused within this system, entire communities in Xinjiang—communities with rich histories and immeasurable cultural significance—have become ghost towns. Those who have managed to avoid detention are still at risk of state-sponsored forced labor and other abuses. The PRC government's Xinjiang Production and Construction Corps (Bingtuan), an economic and paramilitary organization with administrative control over several areas in the region comprising nearly three million personnel, forces members of prison populations and local communities alike to work in hazardous mining, construction, manufacturing, food processing, and—for many thousands of Uyghur adults and children—cotton harvesting. These products and raw materials are injected into international supply chains, spreading the PRC's forced labor complicity around the globe.

The international community has taken tough action to promote accountability for the PRC's actions and strengthen market defenses against the import of these goods. For example, in the United States, the Departments of State, the Treasury, Commerce, and Homeland Security released the Xinjiang Supply Chain Business Advisory to alert businesses and other entities to the reputational, economic, and legal risks of involvement with entities in or linked to Xinjiang. In addition, since 2019 the Department of Homeland Security's Customs and Border Protection has issued 10 Withhold Release Orders against goods and companies connected to forced labor in Xinjiang to block their entry into the United States. Likewise, many companies have taken a stand against the use of forced labor in China by cutting ties with suppliers in Xinjiang or those connected to the PRC's campaign of repression—at times earning them heavy consumer and state-run media backlash within the Chinese domestic market.

Governments should protect and serve their citizens—not terrorize and subjugate them for profit. Around the world, governments, companies, and consumers committed to eliminating human trafficking from global supply chains can all play a role in demanding an end to the use of forced labor in Xinjiang and beyond.

# CHILD SOLDIERS PREVENTION ACT LIST

Section 402 of the Child Soldiers Prevention Act, as amended (CSPA) requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as having governmental armed forces, police, or other security forces, or government-supported armed groups that recruit or use child soldiers, as defined in the CSPA. These determinations cover the reporting period beginning April 1, 2020 and ending March 31, 2021.

For the purpose of the CSPA, and generally consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the term “child soldier” means:

- i. any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces, police, or other security forces;
- ii. any person under 18 years of age who has been compulsorily recruited into governmental armed forces, police, or other security forces;
- iii. any person under 15 years of age who has been voluntarily recruited into governmental armed forces, police, or other security forces; or
- iv. any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

The term “child soldier” includes any person described in clauses (ii), (iii), or (iv) who is serving in any capacity, including in a support role, such as a “cook, porter, messenger, medic, guard, or sex slave.”

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA prohibits assistance to governments that are identified in the list under the following authorities: International Military Education and Training, Foreign Military Financing, Excess Defense Articles, and Peacekeeping Operations, with exceptions for some programs undertaken pursuant to the Peacekeeping Operations authority. The CSPA also prohibits the issuance of licenses for direct commercial sales of military equipment to such governments. Beginning October 1, 2021, and effective throughout Fiscal Year 2022, these restrictions will apply to the listed countries, absent a presidential waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observation by U.S. government personnel and research and credible reporting from various UN entities, international organizations, local and international NGOs, and international and domestic media outlets.





A former child soldier from South Sudan holds her child and looks off into the distant hills. Female child soldiers are often used as soldiers, cooks, messengers, suicide bombers, or sex slaves. This survivor collaborated with a local NGO and the photographer to take this image, and she provided verbal and written consent for its use.

## THE 2021 CSPA LIST INCLUDES GOVERNMENTS OF THE FOLLOWING COUNTRIES:

<b>Afghanistan</b>	<b>Libya</b>	<b>South Sudan</b>
<b>Burma</b>	<b>Mali</b>	<b>Syria</b>
<b>Congo, Democratic Republic of the</b>	<b>Nigeria</b>	<b>Turkey</b>
<b>Iran</b>	<b>Pakistan</b>	<b>Venezuela</b>
<b>Iraq</b>	<b>Somalia</b>	<b>Yemen</b>

A survivor of sex trafficking looks out his window in the Netherlands. The survivor reported that he was experiencing homelessness when he was recruited into commercial sex and a trafficker later took advantage of him and forced him to continue in the commercial sex trade. As part of a photo story, the photographer collaborated with this survivor to understand how he would like to be presented.



## METHODOLOGY

The Department of State prepared this Report using information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, consultations with authorities and organizations in every region of the world, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov). This email address provides a means by which organizations and individuals can share information with the Department of State throughout the year on government progress in addressing human trafficking.

U.S. diplomatic posts and domestic agencies reported on the human trafficking situation and governmental action to fight trafficking based on thorough research that included meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. U.S. missions overseas are dedicated to covering human trafficking issues year-round. The 2021 Trafficking in Persons Report covers government efforts undertaken from April 1, 2020 through March 31, 2021.

### TIER PLACEMENT

The Department places each country in this Report onto one of four tiers, as mandated by the TVPA. This placement is based not on the size of a country's problem but on the extent of government efforts to meet the TVPA's minimum standards for the elimination of human trafficking (see page 56-58), which are generally consistent with the Palermo Protocol.

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the crime. Rather, a Tier 1 ranking indicates that a government has made efforts to address the problem that meet the TVPA's minimum standards. To maintain a Tier 1 ranking, governments need to demonstrate appreciable progress each year in combating trafficking. Tier 1 represents a responsibility rather than a reprieve.



Tier rankings and narratives in the 2021 Trafficking in Persons Report reflect an assessment of the following:

- enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking crimes;
- criminal penalties prescribed for human trafficking crimes with a maximum of at least four years' deprivation of liberty, or a more severe penalty;
- implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country and sentencing of traffickers;
- proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained counselors and law enforcement in an environment of minimal pressure;
- victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
- the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being;
- the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims;
- governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge fees to prospective migrants; and
- governmental efforts to reduce the demand for commercial sex acts and international sex tourism.

Tier rankings and narratives are **NOT** affected by the following:

- efforts, however laudable, undertaken exclusively by nongovernmental actors in the country;
- general public awareness events—government-sponsored or otherwise—lacking concrete ties to the prosecution of traffickers, protection of victims, or prevention of trafficking; and
- broad-based law enforcement or developmental initiatives.

## A GUIDE TO THE TIERS

### *Tier 1*

Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking.

### *Tier 2*

Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

### *Tier 2 Watch List*

Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or
- there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.



## KAZAKHSTAN-CHINA

When Mei returned to Xinjiang Province in China to visit her ill father, Chinese officials stopped her at the border with Kazakhstan and seized her passport. They told her she could not go see her father, and that she must participate in 15 days of “education” because she was Muslim and an ethnic Kazakh. Mei instead spent more than a year in Chinese detention facilities where the authorities subjected her to political indoctrination and forced her to work in a factory making gloves for US \$0.02 a pair. The Chinese authorities also made Mei stay in cells that were equipped with cameras and a loudspeaker. Eventually, they released Mei and allowed her to go back to Kazakhstan.

### *Tier 3*

Countries whose governments do not fully meet the TVPA’s minimum standards and are not making significant efforts to do so.

The TVPA, as amended, lists additional factors to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3:

- the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;
- the extent to which the country’s government does not meet the TVPA’s minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking;
- reasonable measures that the government would need to undertake to be in compliance with the minimum standards in light of the government’s resources and capabilities to address and eliminate severe forms of trafficking in persons;
- the extent to which the government is devoting sufficient budgetary resources to investigate and prosecute human trafficking, convict and sentence traffickers; and obtain restitution for victims of human trafficking; and
- the extent to which the government is devoting sufficient budgetary resources to protect victims and prevent the crime from occurring.

In addition, the TVPA directs the Secretary of State to consider, as proof of a country's failure to make significant efforts to fully meet the TVPA's minimum standards, a government policy or pattern of: trafficking; trafficking in government-funded programs; forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors); sexual slavery in government camps, compounds, or outposts; or employing or recruiting child soldiers.

The TVPA also provides that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year. The Secretary of State is authorized to waive this automatic downgrade only once, in that third year, based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to meet the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. The following year, a country must either go up to Tier 2 or down to Tier 3. Finally, the TVPA limits a country to one year on Tier 2 Watch List after that country received a waiver to stay on the Watch List and was subsequently downgraded to Tier 3.

## **FUNDING RESTRICTIONS FOR TIER 3 COUNTRIES**

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain restrictions on foreign assistance, whereby the President may determine not to provide U.S. government nonhumanitarian, nontrade-related foreign assistance as defined in the TVPA. In addition, the President may determine to withhold funding for government official or employee participation in educational and cultural exchange programs in the case of certain Tier 3 countries. Consistent with the TVPA, the President may also determine to instruct the U.S. Executive Director of each multilateral development bank and the International Monetary Fund to vote against and use their best efforts to deny any loans or other uses of the institutions' funds to a designated Tier 3 country for most purposes (except for humanitarian, trade-related, and certain development-related assistance). Alternatively, the President may waive application of the foregoing restrictions upon a determination that the provision to a Tier 3 country of such assistance would promote the purposes of the TVPA or is otherwise in the national interest of the United States. The TVPA also authorizes the President to waive these restrictions if necessary to avoid significant adverse effects on vulnerable populations, including women and girls, and children.

Applicable assistance restrictions apply for the next Fiscal Year, which begins October 1, 2021.

No tier ranking is permanent. Every country, including the United States, can do more. All countries must continually increase efforts to combat trafficking



A low-angle photograph of a person climbing a tall coconut tree. The person is wearing a blue beanie, a dark long-sleeved shirt, and brown shorts. They are barefoot and are using their hands and feet to grip the trunk of the tree. The background is filled with the green fronds of the coconut tree against a clear blue sky.

## PHILIPPINES

Benilda was 12 when her neighbor, Joriz, offered to provide her with an education and a job to pay her siblings' school fees if she moved with him to Manila. Benilda's parents trusted Joriz, so they allowed her to go with him. At first when she arrived in Manila, nothing seemed wrong; Benilda enjoyed a comfortable life and went to a good school. That all changed when, after a few months, Joriz took a nude photo of Benilda and then forced her to pose naked in front of a webcam. Joriz began sexually abusing Benilda on camera, live-streaming it to the internet for money. From there, Joriz exploited Benilda in another form of sex trafficking by forcing her to engage in commercial sex acts at local hotels. Law enforcement officers eventually identified Benilda, and social workers assisted her in getting the help she needed.



# TVPA MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS

*Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.*

1. The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
2. For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
3. For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
4. The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

## *Indicia of “Serious and Sustained Efforts”*

1. Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.

A woman dries textiles by hanging them to bamboo rods. In many countries, women and children are forced by factory owners to work in the textile industry, often under dangerous conditions. Many garments sold around the world are produced in whole or in part with forced labor.



2. Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.
3. Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.
4. Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.
5. Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).



6. Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.
7. Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone or enable such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.
8. Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
9. Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with -
  - a. domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or
  - b. the United States toward agreed goals and objectives in the collective fight against trafficking.
10. Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.
11. Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.
12. Whether the government of the country has made serious and sustained efforts to reduce the demand for -
  - a. commercial sex acts; and
  - b. participation in international sex tourism by nationals of the country.



An aerial photograph showing four individuals walking along a narrow dirt path in a rural, hilly landscape. Each person is carrying a large, round, woven basket filled with bright red tomatoes. The path is flanked by green vegetation and some dry brush. The overall scene suggests a tomato harvest or transport in a rural setting.

## CHILE-UNITED STATES

Vicente was thrilled when he was recruited and offered an educational visa to attend community college in the United States. The college program promised free tuition for a two-year degree program in Culinary Arts, free room and board, and an internship. After arriving in the United States, Vicente and several other Chilean students learned their program had been changed from a two-year program to a one-year program in food services. Instead of an internship, the school required the Chilean students to work 40 hours per week in a meat processing plant to pay off a debt for the academic program—that they had been told would be tuition-free—and pay for food and housing out of their wages. The school administrators forced Vicente and the other students to adhere to an exhausting work and academic schedule and threatened deportation and legal action if they failed to comply or skipped a work shift. When the school closed the educational visa program after complaints were filed, it encouraged students to self-deport.



**Countries in the 2021 TIP Report that are not Party to the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**



## GLOBAL LAW ENFORCEMENT DATA

The 2003 reauthorization of the TVPA added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to fully meet the TVPA's minimum standards for the elimination of trafficking (Tier 1). The 2004 TIP Report collected this data for the first time. The 2007 TIP Report showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	10,051 (418)	4,443 (216)	44,462 (11,438)	20
2015	19,127 (857)	6,615 (456)	77,823 (14,262)	30
2016	14,939 (1,038)	9,072 (717)	68,453 (17,465)	25
2017	17,471 (869)	7,135 (332)	96,960 (23,906)	5
2018	11,096 (457)	7,481 (259)	85,613 (11,009)	5
2019	11,841 (1,024)	9,548 (498)	118,932 (13,875)	7
2020	9,876 (1,115)	5,271 (337)	109,216 (14,448)	16

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.





A worker pauses amidst arduous work at a recycling factory. Workers handling waste and recyclables are exposed to hazardous materials such as pesticides, medical waste, and household cleaners placing them at risk of harm, injury, and infection. Meager factory salaries make workers vulnerable to traffickers.

## 2021 TIP REPORT HEROES

Each year, the Department of State honors individuals around the world who have devoted their lives to the fight against human trafficking. These individuals include NGO workers, lawmakers, government officials, survivors of human trafficking, and concerned citizens. They are recognized for their tireless efforts – despite some working in challenging environments where human trafficking concerns remain pervasive and facing resistance, opposition, or threats to their lives – to protect victims, punish offenders, and mitigate the underlying factors that cause vulnerabilities traffickers often target.

For more information about current and past TIP Report Heroes, please visit the TIP Report Heroes Global Network at [www.tipheroes.org](http://www.tipheroes.org).

IMELDA POOLE  
**ALBANIA**



Sister Imelda Poole's leadership in the fight against human trafficking extends far beyond her own work to inspire others. A force of nature, she has prioritized achieving systemic change through grassroots action and effective networking. At the local and regional levels, she is persistent in advancing advocacy, outreach, and rehabilitation services to combat human trafficking.

Poole is a member of the Institute of the Blessed Virgin Mary (Mary Ward) congregation and serves as president of the Religious in Europe Networking Against Trafficking and Exploitation (RENATE), a network of European women religious from 21 countries combating human trafficking. She has traveled throughout Europe, mentoring and training others and becoming a leading spokesperson for anti-trafficking initiatives in Europe.

Always discerning the needs of the moment, Poole adapts to meet new challenges. When her ministry moved to Albania in 2005, she quickly established the anti-trafficking NGO Mary Ward Loreto (MWL) in Albania. Under Poole's strategic direction, MWL addresses the root causes of human trafficking, focusing on communities where Roma, migrants, women, and children are most vulnerable. Poole and her staff have worked with more than 3,000 women. They have set up 16 economic empowerment businesses throughout Albania, which aim to decrease women's risk of exploitation by providing opportunities to participate in entrepreneurial projects in tourism, design, and education, among others. In the past year, the MWL team has fervently worked to reduce the vulnerability of individuals and families in Albania affected by the COVID-19 pandemic to human trafficking.

Because of her passion for the cause to which she has committed her life, Poole works across borders to cultivate support for combating human trafficking and protecting vulnerable communities.

JOSIANE LINA BEMAKA-SOUI  
**CENTRAL AFRICAN REPUBLIC**



Josiane Lina Bemaka-Soui has developed the Central African Republic's national anti-trafficking response from the ground up. In her role as Presidential Advisor and the national Disarmament, Demobilization, and Repatriation program's Strategic Focal Point for Children, Bemaka-Soui operationalized the government's nascent anti-trafficking interagency committee and led the development and implementation of the country's first national action plan on human trafficking. Bemaka-Soui's tireless leadership and her efforts to forge these institutional frameworks resulted in the critical foundation for the government to steadily improve its efforts to combat human trafficking.

While facing pre- and post-election crises and an ongoing strain on resources, Bemaka-Soui has steadfastly made sure the interagency committee remains consistently engaged on the issue, and she has played a pivotal role in marshalling assistance from key partners and developing key training and outreach programs. In February 2021, Bemaka-Soui spearheaded and oversaw the launch of the government's first radio campaign to raise awareness about human trafficking in the local language of Sango, thereby allowing the government to reach key communities.

Bemaka-Soui is also sensitive to the effects that human trafficking has on individuals and their communities. She has gone out of her way to meet with individuals in facilities for internally displaced persons, who may have been exploited, and made sure they were aware of their rights under the country's laws. Equally notable, she has personally assisted former child soldiers released from prison and used her own money to help cover expenses for necessities.



CHANTAL SAGBO SASSE EP. GUEDET MANDZELA  
**GABON**



Chantal Sagbo Sasse has been at the forefront of Gabon's anti-trafficking movement for more than two decades. She launched one of the country's preeminent NGOs dedicated to combating child trafficking, Service International de la Formation des Enfants de la Rue (SIFOS), in 2000 and has led the organization since its founding.

Under Sagbo Sasse's courageous leadership and vision, SIFOS offers critical education to children who have experienced human trafficking, homelessness, or residential institutionalization. She has diligently worked with community members, law enforcement and government officials, and other NGOs to ensure the country is proactively identifying victims and referring them to care. Through her early work, Sagbo Sasse frequently interacted and established a deep connection with children who had survived human trafficking, many who were coming from Benin, her country of origin. She and her team have developed anti-trafficking monitoring cells throughout the country's capital composed of community members, whom SIFOS has trained and empowered to identify human trafficking within vulnerable populations, and to safely report suspected cases to authorities. From 2000 to 2020, SIFOS helped identify 578 child trafficking victims and reintegrate 9,039 children into local society.

Sagbo Sasse was also a crucial member of Gabon's anti-trafficking inter-ministerial committee and remains the country's foremost leader on this issue. In this committee, she played a major role in promoting victim identification and protections for child trafficking victims. While the government disbanded the committee in 2019 due to a lack of funding, Sagbo Sasse continued to give her time to be a key advisor to government officials, closely coordinating with relevant ministries on victim identification and referral efforts.

SHOICHI IBUSUKI  
**JAPAN**



Shoichi Ibusuki has been an unrelenting champion of protecting foreign workers' rights, and he has worked tirelessly for years on behalf of foreign technical trainees to assist victims of forced labor and prevent abuse within Japan's Technical Intern Training Program. He is the Co-President of the Lawyers' Network for Technical Intern Trainees, the President of the Lawyers Network for Foreign Workers, and a prominent legal expert in foreign labor issues. Ibusuki's advocacy, along with his unwavering and admirable dedication to helping foreign nationals enduring labor exploitation and protecting their human rights, have brought these issues to the forefront and raised their profile within Japan and around the world.

Ibusuki has sought justice on behalf of countless foreign workers by providing legal representation for those who are taking action against former employers for labor law violations. Ibusuki not only has represented trafficking victims, many of whom participated in Japan's Technical Intern Training Program, but also has been an outspoken advocate about the presence of forced labor in the program. These courageous efforts have pushed the government to start identifying these individuals as human trafficking victims. Ibusuki has gone further by advocating for the government to prohibit employers from retaining foreign workers' passports and for Japan to impose tighter control on exploitation and human rights violations by labor brokers and intermediaries in sending countries. These measures will go a long way to preventing labor abuse and exploitation, especially forced labor.



SHAKHNOZA KHAASSANOVA  
**KAZAKHSTAN**



Shakhnoza Khassanova is the director of the Legal Center for Women's Initiatives, "Sana Sezim." She has more than a decade of impressive experience raising awareness about human trafficking, advocating for greater victim protections, and aiding migrants and victims of human trafficking from across Central Asia. Founded in 2001, Sana Sezim has been a premier anti-trafficking organization in Kazakhstan and has greatly advanced efforts within the country to end human trafficking and help labor migrants.

Led by Khassanova, Sana Sezim has worked tirelessly throughout the COVID-19 pandemic to keep its shelter open for trafficking victims and to raise awareness about safe migration and human trafficking. Khassanova and Sana Sezim have bravely remained on the front lines to continue assisting migrants stranded at the Kazakhstan-Uzbekistan border due to pandemic closures, and who thus faced increased risk to human trafficking. Sana Sezim also negotiated and partnered with government agencies in Kazakhstan, Uzbekistan, and Tajikistan to open repatriation channels for more than 100,000 stranded migrants amid government-mandated lockdowns and public health emergencies.

Under the unparalleled leadership and direction of Khassanova, Sana Sezim continues to provide access to justice for victims of trafficking by building the organizational capacity of civil society organizations and the judicial system to combat trafficking in persons. Khassanova also works closely with local police to assist victims of trafficking who choose to participate in criminal proceedings.

Khassanova is highly respected by government officials and partners from international organizations. She trains government officials regularly, sharing important experiences on working with victims at Sana Sezim's human trafficking shelter.

GUILLERMINA CABRERA FIGUEROA  
**MEXICO**



Guillermina Cabrera Figueroa is the specialized prosecutor for human trafficking for the State of Mexico. In addition to her anti-trafficking accomplishments in her current position, she has a track record of championing the rights of trafficking victims and providing them with services.

With her determination, endless work, and leadership while working in the federal government's Specialized Investigations Office on Organized Crime, Mexico obtained its first criminal sentencing for crimes involving human trafficking and organized crime in June 2011. In March 2013, Cabrera accepted the position of specialized prosecutor for human trafficking at the State of Mexico Attorney General's Office. In this position, Cabrera plays a pivotal role in advancing the office's ability to investigate and prosecute human trafficking cases. Since joining the Attorney General's Office, her team has obtained 73 human trafficking convictions, issued 152 indictments for human trafficking, and initiated 941 human trafficking investigations. She continues to be a guiding force, bringing out the best in her team.

Throughout her longstanding and impressive career in law enforcement, she has led multiple trainings for government personnel. In an environment with extremely limited access to critical protection services, Cabrera and her office led efforts to secure funding for the creation of three victim shelters in Toluca, Huixquilucan, and Texcoco, which can now house up to 210 victims of trafficking. Her office oversees the three shelters and partners with the inter-secretarial human trafficking commission, civil society organizations, among others to keep them running and provide services to the residents.

## MOHAMMED AL-OBAILY QATAR



Mohammed al-Obaidly is one of the most important Qatari figures advocating for labor and human trafficking reforms in Qatar. As an Assistant Undersecretary within the Ministry of Administrative Development, Labor, and Social Affairs, he has initiated or executed many of the policies and programs that have had significant impacts for trafficking victims. These include the creation of Labor Dispute Resolution Committees, the opening of the first and only shelter in the country for human trafficking victims, the removal of exit permit requirements for migrant workers, implementation of the minimum wage, and abolishment of the No Objection Certificate (migrant workers were previously required to obtain these certificates from their employer to transfer to another employer).

Qatar remains a difficult place for many migrant workers, and forced labor remains a serious concern in the country. Al-Obaidly has not solved Qatar's human trafficking or labor rights problems, and he would admit it. However, he and his team at the Ministry have continued to strive toward the goal of increasing transparency and protections against forced labor for migrant workers.

Al-Obaidly and his team have been strategic and persistent in the drive to instill real change, even when the task at hand seemed impossible. Despite facing resistance and, at times, criticism, he and his team continue to work toward the implementation of labor reforms and improvement of workers' lives. Most striking, al-Obaidly empowers his team and takes every opportunity for them to engage and share information with the public, including vulnerable communities, slowly building a passion for labor reforms within the Ministry.

## ROCÍO MORA-NIETO SPAIN



For 26 years, Rocío Mora-Nieto has dedicated her efforts to combat the sexual exploitation of women and, since the 1990s, sex trafficking in Spain through her work as director of the Association for the Prevention, Reintegration and Assistance to Prostituted Women (APRAMP). An outstanding and passionate activist, she has led APRAMP to be a pioneer in the implementation of strategies aimed at improving coordination between the judiciary, state security forces, and the national government, which has resulted in an effective blow against criminal organizations responsible for sex trafficking in Spain.

As APRAMP's director, Mora has implemented a comprehensive victim-centered approach, which is reflected in APRAMP's mobile unit. Those with lived experience help run the mobile units, and they are able to effectively identify and approach potential trafficking victims. In addition, APRAMP has a 24-hour hotline, short-term shelters, multidisciplinary care centers, witness protection resources, legal advice, psychological support, a job education center, and self-employment workshops.

During the three months of Spain's lockdown due to the COVID-19 pandemic, under Mora's leadership, APRAMP quickly redirected its efforts toward the detection of new spaces where commercial sex was happening. Doing so allowed the organization to continue connecting with potential trafficking victims, now hidden in private apartments and clandestine areas instead of clubs and brothels, which had been ordered to close due to the lockdown along with all other public spaces. As a result, APRAMP was able to remain active in reporting on sex trafficking trends, thus providing strategic information to other relevant stakeholders. During the pandemic, APRAMP also created intervention guides that set the standard for recent government guidelines for serving victims of trafficking.



A survivor stands in front of a door at a shelter. Short-term and long-term care shelters are a necessary component to comprehensive protection services for survivors of human trafficking. Governments and NGOs often work in partnership to provide specialized, trauma-informed care for trafficking survivors.





# TIER PLACEMENTS AND REGIONAL MAPS

## TIER 1

ARGENTINA	CANADA	FRANCE	NAMIBIA	SWEDEN
AUSTRALIA	CHILE	GEORGIA	NETHERLANDS	TAIWAN
AUSTRIA	COLOMBIA	GUYANA	PHILIPPINES	UNITED KINGDOM
BAHAMAS, THE	CZECH REPUBLIC	KOREA, SOUTH	SINGAPORE	UNITED STATES OF AMERICA
BAHRAIN	ESTONIA	LITHUANIA	SLOVENIA	
BELGIUM	FINLAND	LUXEMBOURG	SPAIN	

## TIER 2

ALBANIA	ECUADOR	JORDAN	MOZAMBIQUE	SEYCHELLES
ANGOLA	EGYPT	KAZAKHSTAN	NEW ZEALAND	SIERRA LEONE
ANTIGUA AND BARBUDA	EL SALVADOR	KYRGYZ REPUBLIC	NIGER	SLOVAK REPUBLIC
ARMENIA	ESWATINI	KENYA	NIGERIA	SOLOMON ISLANDS
BANGLADESH	FIJI	KOSOVO	NEPAL	SUDAN
BENIN	GABON	KUWAIT	NORTH MACEDONIA	SURINAME
BOLIVIA	GERMANY	LAOS	NORWAY	SWITZERLAND
BOSNIA AND HERZEGOVINA	GHANA	LATVIA	OMAN	TAJIKISTAN
BOTSWANA	GREECE	LEBANON	PANAMA	TOGO
BRAZIL	GUATEMALA	MADAGASCAR	PARAGUAY	TUNISIA
BULGARIA	HONDURAS	MALAWI	PERU	TURKEY
CABO VERDE	HUNGARY	MALDIVES	POLAND	UKRAINE
CENTRAL AFRICAN REPUBLIC	ICELAND	MALTA	PORTUGAL	UNITED ARAB EMIRATES
CONGO, REPUBLIC OF THE	INDIA	MAURITIUS	QATAR	URUGUAY
COSTA RICA	INDONESIA	MEXICO	RWANDA	UZBEKISTAN
COTE D'IVOIRE	IRAQ	MICRONESIA	SAINT LUCIA	VANUATU
CROATIA	ISRAEL	MOLDOVA	ST. VINCENT	
CYPRUS	ITALY	MONGOLIA	AND THE GRENADINES	
DENMARK	JAPAN	MONTENEGRO	SAUDI ARABIA	
DOMINICAN REPUBLIC	JAMAICA	MOROCCO	SERBIA	

## TIER 2 WATCH LIST

ARUBA	CAMEROON	HAITI	PALAU	TONGA
AZERBAIJAN	CHAD	HONG KONG	PAPUA NEW GUINEA	TRINIDAD AND TOBAGO
BARBADOS	CONGO, DEMOCRATIC	IRELAND	ROMANIA	UGANDA
BELARUS	REPUBLIC OF THE	LESOTHO	SENEGAL	VIETNAM
BELIZE	CURAÇAO	LIBERIA	SINT MAARTEN	ZAMBIA
BHUTAN	DJIBOUTI	MACAU	SOUTH AFRICA	ZIMBABWE
BRUNEI	EQUATORIAL GUINEA	MALI	SRI LANKA	
BURKINA FASO	ETHIOPIA	MARSHALL ISLANDS	TANZANIA	
BURUNDI	GAMBIA, THE	MAURITANIA	THAILAND	
CAMBODIA	GUINEA	PAKISTAN	TIMOR-LESTE	

## TIER 3

AFGHANISTAN	COMOROS	IRAN	RUSSIA	VENEZUELA
ALGERIA	CUBA	KOREA, NORTH	SOUTH SUDAN	
BURMA	ERITREA	MALAYSIA	SYRIA	
CHINA	GUINEA-BISSAU	NICARAGUA	TURKMENISTAN	

## SPECIAL CASE

LIBYA	SOMALIA	YEMEN
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# AFRICA

Boundary representation is not authoritative.

## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3
 ■ SPECIAL CASE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	811 (49)	317 (33)	9,523 (1,308)	4
2015	1,517 (53)	719 (8)	12,125 (3,531)	6
2016	1,293 (54)	1,120 (21)	18,296 (13,205)	4
2017	1,325 (98)	515 (34)	26,517 (5,902)	2
2018	1,253 (37)	1,190 (29)	24,407 (3,749)	2
2019	955 (71)	2,122 (32)	42,517 (1,284)	2
2020	1,493 (251)	382 (107)	28,538 (6,947)	8

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.



## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	1,938 (88)	969 (16)	6,349 (1,084)	3
2015	3,414 (193)	1,730 (130)	13,990 (3,533)	10
2016	2,137 (51)	1,953 (31)	9,989 (310)	7
2017	2,949 (77)	3,227 (72)	4,915 (669)	0
2018	2,351 (63)	1,275 (16)	5,466 (291)	1
2019	3,276 (86)	3,662 (20)	14,132 (7,687)	2
2020	1,838 (70)	1,502 (12)	2,884 (691)	1

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.





## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	4,199 (197)	1,585 (69)	11,910 (3,531)	5
2015	4,990 (272)	1,692 (245)	11,112 (3,733)	8
2016	2,703 (201)	1,673 (40)	13,349 (3,192)	3
2017	2,548 (179)	1,257 (53)	12,750 (3,330)	0
2018	2,394 (234)	1,379 (80)	16,838 (2,675)	1
2019	2,896 (106)	1,346 (41)	17,383 (1,369)	2
2020	2,355 (101)	1,291 (33)	18,173 (1,082)	2

\* Islands in the Caribbean Sea—although part of the Kingdom of the Netherlands, Aruba, Curaçao, and Sint Maarten are covered by the Department's Bureau of Western Hemisphere Affairs.

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

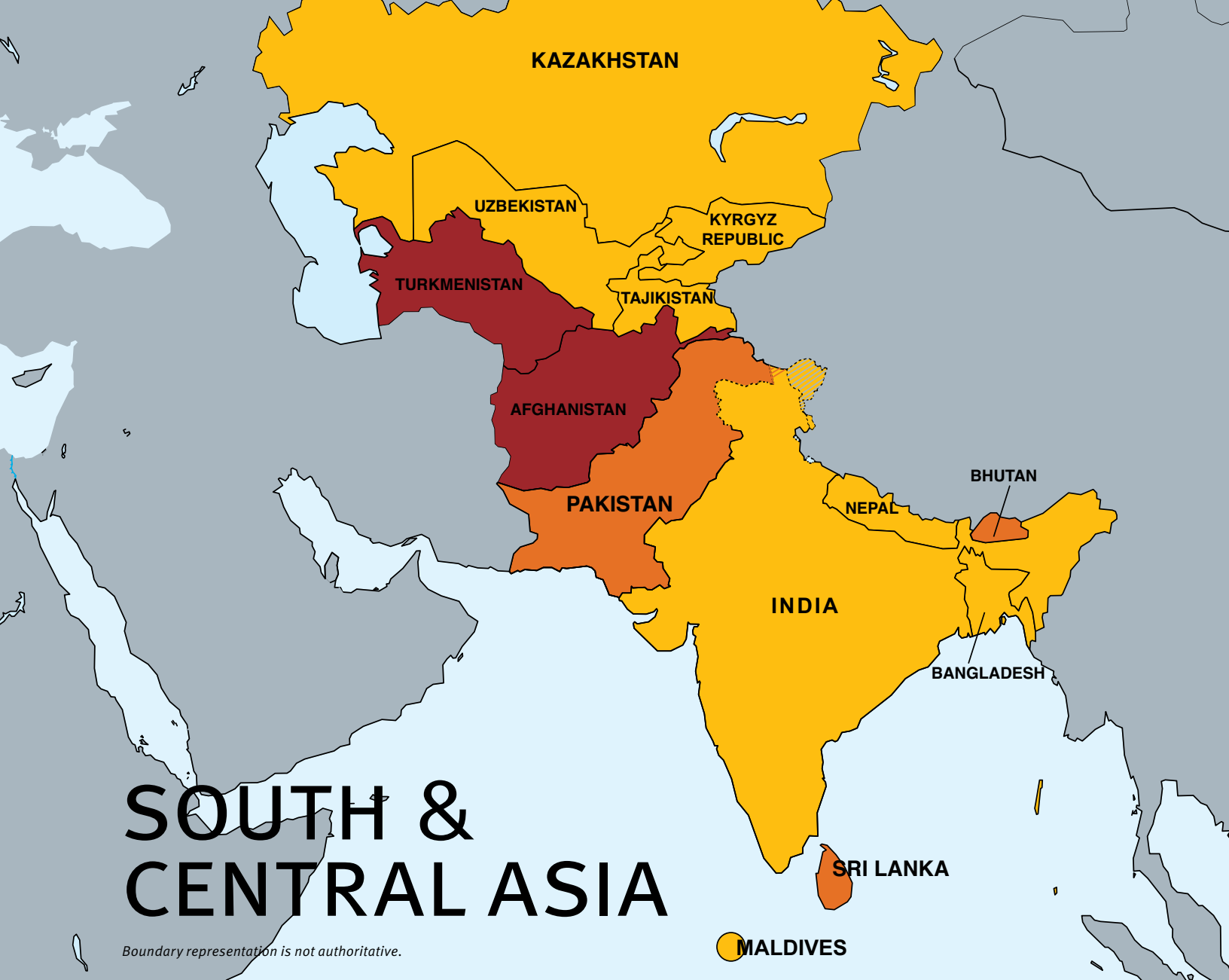


## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3
 ■ SPECIAL CASE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	320 (5)	144 (25)	3,388 (2,460)	0
2015	480 (31)	343 (31)	6,068 (156)	0
2016	996 (591)	1,187 (582)	3,292 (185)	4
2017	974 (112)	104 (11)	1,834 (53)	0
2018	738 (10)	155 (7)	2,675 (83)	0
2019	788 (44)	419 (22)	3,619 (35)	0
2020	533 (106)	677 (84)	3,461 (1,827)	0

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.



## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	1,839 (12)	958 (10)	4,878 (1,041)	3
2015	6,930 (225)	1,468 (16)	24,867 (1,191)	0
2016	6,297 (72)	2,193 (19)	14,706 (464)	5
2017	8,105 (264)	1,063 (48)	40,857 (11,813)	2
2018	3,102 (41)	2,465 (9)	24,544 (1,841)	1
2019	2,602 (616)	1,156 (349)	28,929 (3,227)	1
2020	2,747 (532)	831 (74)	45,060 (3,275)	3

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.





## TIER PLACEMENTS

	TIER 1	TIER 2	TIER 2 WATCH LIST	TIER 3
YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2014	944 (67)	470 (63)	8,414 (2,014)	5
2015	1,796 (83)	663 (26)	9,661 (2,118)	6
2016	1,513 (69)	946 (24)	8,821 (109)	2
2017	1,571 (139)	969 (114)	10,011 (2,139)	1
2018	1,252 (72)	1,017 (177)	11,683 (2,370)	0
2019	1,324 (101)	843 (34)	12,352 (273)	0
2020	910 (55)	588 (27)	11,100 (626)	2

*The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.*

# HOW TO READ A COUNTRY NARRATIVE

This page shows a sample country narrative. The tier ranking justification appears in the first paragraph of each country narrative and includes language that explicitly highlights the factors supporting a given tier ranking. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see pages 56-58), during the reporting period. This truncated narrative gives a few examples.

The country's tier ranking is based on the government's efforts to combat trafficking as measured against the TVPA minimum standards and compared to its efforts in the preceding year.

## COUNTRY X: TIER 2 WATCH LIST

Synopsis of key developments that support the country's tier ranking.

Prioritized recommendations for how the government can better meet the TVPA minimum standards.

Summary of the government's anti-trafficking laws and law enforcement efforts.

TVPA Minimum Standard 4(1)—whether the government vigorously investigates and prosecutes trafficking offenses; convicts and punishes trafficking offenders; and provides data on these actions.

Summary of the government's efforts to ensure trafficking victims are identified and provided adequate protection.

The Government of X does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included undertaking awareness raising efforts and reaffirming its commitment to enact anti-trafficking legislations. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not show evidence of overall progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking. Therefore, X remained on Tier 2 Watch List for the second consecutive year.

### PRIORITIZED RECOMMENDATIONS:

Enact the draft comprehensive anti-trafficking legislation

- Significantly increase efforts to identify and prosecute trafficking offenses, and convict and punish trafficking offenders
- Institute and consistently apply measures to identify victims of trafficking among vulnerable populations, disaggregate, analyze and disseminate enforcement data.

TVPA Minimum Standards 1-3—whether the government prohibits all forms of trafficking and prescribes adequate criminal punishments.

### PROSECUTION

The Government of Country X decreased efforts to investigate and prosecute trafficking offenses during the reporting period. Country X does not prohibit all forms of trafficking, but it criminalizes slavery under Section 321 and forced labor under Section 322 of its criminal law. The prescribed penalty for forced labor—up to six months' imprisonment—is not sufficiently stringent. Article 297 prohibits forced or coerced prostitution, and the prostitution of a child below age 15 even if there was no compulsion or redress; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other serious crimes, such as rape. Draft revisions to the penal code have not yet been enacted. An unconfirmed report indicates that four traffickers were charged with fraudulently issuing visas to workers who they then exploited. Two were reportedly deported, and two were reportedly convicted. The government did not confirm nor deny the existence of this case. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

Country X maintained minimal efforts to protect victims of trafficking during the reporting period. Although health care facilities reportedly refer suspected abuse cases to the government anti-trafficking shelter for investigation, the government continues to lack a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for involvement in commercial sex; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported that the Ministry of the Interior has a process by which it refers victims to the trafficking shelter; however, this process is underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance.

TVPA Minimum Standard 4(2)—whether the government adequately protects victims of trafficking by identifying them and ensuring they have access to necessary services.

Country X commonly fines and detains potential trafficking victims for unlawful acts their traffickers forced them to commit, such as immigration violations and leaving their sponsors, without determining whether the individuals are victims of trafficking.

Country X sometimes offers temporary relief from deportation so that victims can testify as witnesses against their employers. However, victims were generally not permitted to leave the country if there is a pending case. The government did not routinely encourage victims to assist in trafficking investigations or consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

TVPA Minimum Standard 4(2)—whether the government ensures victims are not penalized for the unlawful acts their traffickers forced them to commit and encourages victim participation in investigations and prosecutions, including by providing legal alternatives to their removal from the country.

### PREVENTION

Country X increased efforts to prevent trafficking in persons during the reporting period. While the government made no apparent effort to amend provisions of Country X's sponsorship law to help prevent the forced labor of migrant workers, the government did start to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require foreign workers to request exit permits from their sponsors in order to leave Country X. Although this may increase migrant workers' vulnerability to forced labor, the law created a new process through which a laborer who was not granted an exit permit due to a sponsor's refusal or other circumstances can seek one by other means. The Ministry of Labor sponsored media campaigns and organized informational workshops for officials, NGOs, and labor recruitment agencies. However, the government did not provide anti-trafficking training or guidance to its diplomatic personnel during the reporting period. The government has a national plan of action to address trafficking in persons, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not implement any public awareness campaigns aimed at reducing the demand for commercial sex acts in Country X, but it convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

TVPA Minimum Standard 4(3)—whether the government is making adequate efforts to prevent human trafficking.

Summary of the government's efforts to prevent human trafficking.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Country X, and traffickers exploit victims from Country X abroad. Men and women from South and Southeast Asia, East Africa, and the Middle East voluntarily travel to Country X as laborers and domestic servants, but they subsequently face conditions indicative of involuntary servitude. These conditions include threats of serious harm, legal action and deportation; restriction on freedom of movement, travel documents and travel documents use. In some cases, arriving in Country X on the terms of employment that they agreed to in their home country, individuals employed as domestic servants are vulnerable to trafficking since they are not covered by the provisions of the labor law. A small number of foreign workers transit Country X and are forced to work on farms in Country Y. Country X is also a destination for women who migrate and become involved in commercial sex, but the extent to which these women are subjected to sex trafficking is unknown.

TVPA Minimum Standard 4(12)—whether the government has made efforts to reduce the demand for commercial sex acts, and, if applicable, participation in international sex tourism by its nationals.

Overview of human trafficking in the country and factors affecting vulnerability to trafficking of the country's nationals abroad.

# COUNTRY NARRATIVES

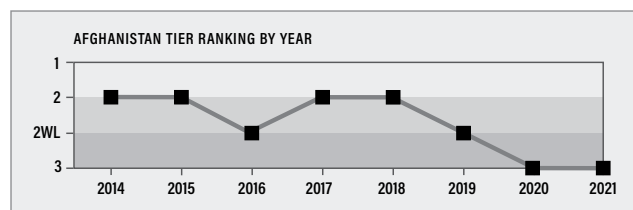


A Somali refugee poses for a self-portrait. Refugees and other displaced populations are vulnerable to exploitation, including from traffickers, due to a lack of identity documents, basic necessities, and employment, and given their overall insecurity.



## 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, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. During the reporting period there was a government pattern of sexual slavery in government compounds (*bacha bazi*—a practice in which men exploit boys for social and sexual entertainment) and recruitment and use of child soldiers; therefore Afghanistan remained on Tier 3. Despite the lack of significant efforts, the government took some notable steps to address trafficking, including prosecuting and convicting members of the security services for *bacha bazi*, removing some child soldiers from armed forces, and indicting the chief of the Major Crimes Task Force for trafficking crimes. A school headmaster was also indicted in connection with the 2019 Logar case, which included *bacha bazi*, and was the first government employee to be charged in relation to the case. The government increased anti-trafficking trainings for security officials, the judiciary, and prosecutors and finalized a national referral mechanism to increase the identification of trafficking victims and refer them to proper services. However, the government did not investigate or prosecute many high-level security officials or government employees for *bacha bazi*, despite continuing reports of complicity. The government reported limited efforts to address other trafficking crimes that were not *bacha bazi*. An international organization reported that the government or government-affiliated armed groups recruited and used at least 24 children during the reporting year. The government has never prosecuted any military or police officials for recruitment or use of child soldiers. Authorities continued to arrest, detain, penalize, and abuse many trafficking victims, including punishing sex trafficking victims for “moral crimes” and sexually assaulting victims who attempted to report trafficking crimes to law enforcement officials. Due to inadequate victim protection, some NGOs would not assist trafficking victims in reporting their traffickers to law enforcement.



### PRIORITIZED RECOMMENDATIONS:

Continue to prioritize criminal investigations and prosecutions of suspected traffickers, including law enforcement and military officials irrespective of rank, and convict and adequately sentence perpetrators. • Cease the unlawful recruitment and use of children by Afghan security forces, including for *bacha bazi*, and demobilize children from all armed groups with adequate protection and reintegration support. • Increase proactive identification of trafficking victims and ensure victims are protected 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 bazi*. • Cease penalization and abuse of victims for unlawful acts traffickers forced them to commit, including “moral crimes.” • Train justice system officials on the anti-trafficking provisions in the penal code and the prohibition against mediation in sex trafficking cases per the 2009 Elimination of Violence Against Women Act. • Cease support to nonstate 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 SOPs 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 bazi* 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 Trafficking in Persons and its data collection efforts.

### PROSECUTION

The government increased law enforcement efforts, including on *bacha bazi*; however, official complicity in the recruitment and use of child soldiers continued with impunity. The 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants criminalized sex trafficking and labor trafficking, including *bacha bazi*. 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’ 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 bazi*. 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 bazi*. 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’ imprisonment if the victim who was forced to fight died while subjected to trafficking. While the 2018 penal code also specifically criminalized more crimes related to *bacha bazi*, some of which would constitute trafficking offenses, it also prescribed lower penalties for certain acts constituting *bacha bazi* 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.

Despite growing political will to hold perpetrators accountable, the government’s lack of resources and a deteriorating security situation 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 officials. 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 prohibited mediation, and other Afghan laws neither permitted nor prescribed 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 customary justice practices, including for trafficking victims. In some cases involving sexual abuse, the Taliban executed both perpetrator and victim.

As in the previous year, ministries provided limited data, which made it difficult to compare to previous years. The Ministry of Interior (MOI) reported referring 237 cases of *bacha bazi* to the Attorney General’s Office (AGO), with 185 of these cases under police investigation at the end of the reporting period, compared with the investigation of 16 suspects in 14 trafficking-related cases in 2019. The government separately reported additional statistics on combined human trafficking and migrant smuggling efforts. It reported investigating 50 suspects and initiating prosecution of

an unknown number of cases. It was unclear how many of these investigations and prosecutions were for human trafficking.

In addition, the MOI's Major Crimes Task Force chief Abdul Razaq Ahmadzai was indicted for trafficking offenses; he is the highest-ranking government official to face such charges. The AGO initiated prosecution of 19 suspects in four *bacha bazi*-related cases. In one of the cases, the government charged four suspects in connection to a network of child sexual abuse, including *bacha bazi*, uncovered in November 2019 within the Logar public high school system. One of the four suspects was a high school headmaster and the first government employee to face charges of child sexual assault related to the case. The judiciary convicted seven Afghan National Police (ANP) officers of *bacha bazi*, murder, rape, assault, and sodomy in one case and separately, two Afghan National Army (ANA) officers for *bacha bazi* during the reporting period. These were the first known cases where the government charged uniformed police officers directly with *bacha bazi* and did not solely charge the trafficker with the related crimes. Courts sentenced one ANP officer to death, two received 30-year prison sentences, and the remaining four received 24-year prison sentences. Courts sentenced the two ANA officers to 18 months' imprisonment. In addition, the court convicted nine individuals of child sexual assault for their involvement in the 2019 Logar *bacha bazi* case involving the sexual abuse of 165 male students. Courts sentenced the perpetrators to between five and 22 years' imprisonment. According to the High Commission, at the close of the reporting period, 47 trafficking cases were currently with the primary court, 35 with the appellate court, and 76 with the supreme court. Thirteen cases involving *bacha bazi* were with the primary court and eight with the appellate court. Courts convicted seven traffickers under the anti-trafficking and EVAW laws in the previous reporting period.

While the government took action to investigate, prosecute, and convict government officials allegedly complicit in *bacha bazi* in the above cases, disregard for the rule of law and official complicity in trafficking, especially *bacha bazi*, remained widespread. Afghan security forces, in particular the ANP and Afghan Local Police (ALP—disbanded in late 2020), continued to recruit boys for *bacha bazi*. Local authorities acknowledged that some police, especially checkpoint commanders, recruited boys for sex trafficking in *bacha bazi*. An international organization reported Afghan security forces or pro-government militias perpetrated seven cases of sexual violence and rape, including possible *bacha bazi*, during the reporting period; this included three cases by the ANP, one by the ALP, one by the ANA, one by the Afghan National Army-Territorial Force, and one by a pro-government armed group. The government reported prosecution and conviction of the officials involved in one ANP and one ANA case and is investigating the remaining cases. Additionally, the international organization noted the reported cases did not reflect the full extent of the problem given the obstacles victims and witnesses faced in reporting, as well as the organization's challenges in verifying these cases due to the sensitivities around victim stigmatization and gender and concerns for victim and witness protection. 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 bazi*. In some instances, ANA officials reportedly used promises of food and money to entice boys into *bacha bazi*.

Afghan security forces, including the ANA, ANP, and the now-disbanded ALP, continued to recruit and use children in combat and non-combat roles. MOI and the Ministry of Defense (MOD) continued to rely on past directives they had issued to prevent the recruitment and sexual abuse of children. An international organization stated the government made notable progress on combating the recruitment and use of child soldiers through its Child Protection Units (CPUs) in ANP recruitment centers. Beginning in 2018 the government established one CPU in each of the 34 provinces; all 34 remained active during the reporting period. According to the Office of the President, MOD prevented the recruitment of more than 5,050

children into Afghan national defense and security forces during the year. However, in 2020, an international organization reported the ALP and pro-government armed groups jointly recruited and used eight children, the ANP recruited and used five, the Afghan National Army-Territorial Force recruited and used four, and pro-government armed groups recruited and used seven children. This is similar to previous years, though experts stressed recruitment and use of child soldiers remained underreported, often due to safety concerns. The government has never prosecuted any military or police official for recruitment or use of child soldiers, though it did investigate some claims. Some officials accepted bribes to produce identity documents for boys stating they were at least 18 years old. In addition, media reported the ANP and pro-government militias forced some civilians to defend isolated outposts in the north of country against insurgents; untrained civilians arrived at these locations often through the fraudulent promise of work and were left isolated with limited supplies for months at a time.

Widespread official complicity in human trafficking continued outside of the Afghan security forces, often with impunity. Observers noted perpetrators of *bacha bazi* often paid bribes to, or had relationships with, law enforcement, prosecutors, or judges who protected them from prosecution. In the past, 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 bazi*. In 2019, activists spent six months investigating and interviewing hundreds of boys ages 14-20 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 dismissed one school manager accused of *bacha bazi* from his job but later gave him a job at Logar's provincial Education Department. After an international outcry, several government bodies—including the AGO, Afghanistan Independent Human Rights Commission (AIHRC), Ministry of Education (MOE), 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 suspected perpetrators, 10 of whom the government had arrested by the end of the reporting period, including a school headmaster, resulting in nine convictions. Separately, in previous reporting periods, female sex trafficking victims alleged prosecutors and judicial officials sought sexual favors in exchange for continuing investigations and prosecutions of their cases.

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. The High Commission developed and implemented awareness classes for an unknown number of officials and the government, with funding from a foreign government, also developed its first Countering Trafficking in Persons and Smuggling of Migrants Training Manual with the help of an international organization. The National Directorate of Security (NDS) Human Rights Department conducted 89 seminars on child protection and the prevention of trafficking, including *bacha bazi*, in 2020. The President directed the government to improve the quantity and quality of trafficking prosecutions, which subsequently led government legal experts to provide a three-day training on trafficking laws to provincial judicial officials. Separately and in partnership with a foreign government, the AGO, Supreme Court, and the Ministry of Justice (MOJ) provided training to approximately 300 prosecutors, judges, and legal aid attorneys on sections of the Afghan penal code covering *bacha bazi* from October 2019 through November 2020. MOD's Human Rights Unit provided awareness training for 2,925 officers, noncommissioned officers, and soldiers on human rights, the Child Rights Protection Law,

and the prevention of child soldiers. 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 Afghan Border Police (ABP), and a Kabul-based INTERPOL unit also had mandates to address human trafficking. The agencies did not have a clear delineation of responsibilities, and therefore, NDS investigated most human trafficking cases. While ABP was the 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 and 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 550 potential trafficking victims in 2020, compared with 493 in 2019, although NGOs continued to express concern about the validity of the figures. The government separately reported it identified 20 children as child soldiers in the military and referred them to child protection centers, as well as 35 children in civilian security forces in Uruzgan province who were returned to their families. The MOJ approved the national referral mechanism (NRM), drafted in previous reporting periods in partnership with a foreign government. While the NRM was designed to help officials identify and refer victims of trafficking to protective services, the government did not report to what extent, if at all, it was utilized during the reporting period. An international organization continued to train officials on a victim identification manual. Afghans continued to both voluntarily return and be deported from Iran and Pakistan, and traffickers abroad reportedly forced some Afghans into labor prior to their return or deportation. At the border, government agencies such as the Department of Refugees and Returnees, ABP, NDS, and AIHRC engaged in some screening of Afghan returnees for migrant smuggling and referred some Afghans to care. It was unclear if officials also screened returnees for trafficking or referred suspected trafficking victims to services.

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 shelters could accommodate adult male trafficking victims. At times, the government placed child trafficking victims in orphanages, and some orphanages subjected children to trafficking. Additionally, in the absence of sufficient shelters for boys, authorities detained abused boys and placed them in juvenile rehabilitation centers. Authorities sometimes placed male and female victims in prison if they could not accommodate them in shelters. The High Commission reported that during 2020, 600 victims of trafficking or smuggling of migrants received a mix of medical, psychological, and educational care, and family reunification. 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 employed 250 social workers, including those specifically trained to assist child victims of crime. The Child Protection Action Network (CPAN), a conglomerate of NGOs, civil society, and government entities overseen by MOLSA, was active in 170 districts 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.

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. MOI reported it returned 35 children removed from child soldiering to their families in Uruzgan province; it did not report if it had determined if the child's home was safe for their return. The government took some steps to enhance child protection mechanisms, which could assist child trafficking victims. In the previous reporting period, the President ordered several ministries to create a National Child Protection Committee to address *bacha bazi* with representatives from AGO, AIHRC, MOE and other bodies; the government later decided the CPAN and High Commission were effective enough without the parallel body.

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 bazi*, 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 bazi* 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 the previous reporting period, 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. Also reported in the past, 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 allowed prosecutors to seek restitution for trafficking victims, but not all did so, and the ones who did were often unsuccessful. There were no reports that any trafficking victims received restitution during the reporting period. Foreign victims had the same limited access to services as Afghan victims, and Afghan law allowed 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 crimes their traffickers compelled them to commit. Nevertheless, the formal justice system and informal, customary justice administered in rural areas and 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 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 the formal justice system also disproportionately affected women. Male community leaders in some cases settled both criminal and civil disputes and penalized female sex trafficking victims for "moral crimes." Through its customary justice practices, 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 bazi* 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. Following their interception by government forces, all child soldiers from militia groups are initially placed into an NDS detention facility and are sometimes transferred to juvenile JRCs and later to a shelter for child victims of trafficking, conflict-related violence, abandonment, and other issues, run by MOLSA and located in Kabul. An estimated 125 children were held at the NDS detention facility during 2020, 30 were held at the shelter, and there was no reliable estimate of how many children were held in JRCs. The government operated a total of five shelters for children, with two more under construction. The government arrested, detained, and prosecuted for terrorism-related crimes children younger than 12 years old that nonstate armed groups had forcibly recruited.

## PREVENTION

The government made increased efforts to adopt anti-trafficking prevention plans, but the government's implementation remained inadequate to prevent trafficking. The High Commission, the government's autonomous inter-ministerial anti-trafficking committee under the MOJ, met twice in 2020, and its Technical Committee met more than a dozen times. 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 formally petitioned the government for a budget, increased staff, greater cooperation among ministerial-level members, and additional capacity building, but it did not receive any of these requests during the reporting period. Provincial-level anti-trafficking commissions operated in 16 provinces, chaired by the respective provincial governors, with plans for commissions to operate in all 34 provinces. There were no reports as to how frequently these commissions met or how effective they were. In addition, the office of the President reported the presence of anti-trafficking focal points in 33 provinces. The government had an anti-trafficking national action plan (NAP) that covered 2018-2021. During the reporting period, the Office of the National Security Council led the development of a new NAP which outlined specific actions for MOI, MOD, MOJ, and other ministries. The Cabinet approved the NAP, but it awaited final approval by the President at the end of the reporting period. 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 that reached more than 8,000 citizens, government officials, and security force personnel. Separately, several agencies also conducted anti-trafficking awareness sessions for vulnerable groups: during 2020, Ministry of Public Health awareness programs reached more than 13,500 Afghans repatriated from Iran, Pakistan, Greece, Turkey, and European countries; MOWA's trafficking awareness programs reached more than 100 government and NGO officials, as well as district and village elders across Kabul.

MOE introduced a policy on the prevention of sexual harassment and abuse in schools in response to the Logar case in 2019. MOE officials worked with Logar legal advocates to reform school regulations and curriculum, emphasizing the safety of children and the need for awareness of anti-trafficking laws, such as those outlawing *bacha bazi*, and providing protections for survivors. Legal advocates also worked with Ministry of Higher Education officials to develop and implement guidelines and protocols to address trafficking, sexual harassment, and abuse on university campuses. MOD, MOI, and NDS completed their common child protection policy for their forces in the field and began disseminating it among rank-and-file personnel. The government had some existing migrant labor agreements with Gulf countries but did not implement them during the reporting period. The AGO noted that it did not receive any child labor cases during the reporting period, neither from other ministries nor NGOs. Given the lack of reported cases, experts assessed there was

not a functioning referral mechanism between criminal authorities and social services.

MOI operated CPUs in all 34 provinces to prevent the recruitment of children into the ANP. According to an international organization, these units prevented 187 underage applicants from joining the ANP. MOD reported it prevented the recruitment of 90 children during 2020. Additionally, an MOD review of former ALP personnel slated for MOD service triggered by the forces' dissolution revealed 131 boys, who were refused enlistment. For the ANP, some NGOs reported CPUs were not sufficiently equipped, staffed, or trained to provide adequate oversight. The government did not have a sufficient referral pathway for children identified by CPUs and prevented 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. The pandemic increased the risk of exploitation by traffickers, especially bonded labor, as individuals took out loans to cover expenses. Traffickers compel entire families to work in bonded labor in the brickmaking 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 bazi*. 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 previous 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 bazi*. Some boys who reported sexual abuse and sex trafficking to police reported police officers then raped them.

Afghan security forces and nonstate 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 *madrassas* 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 abducts and forces adult women into labor. The Taliban maintains illegal detention facilities in which it forces detainees, including child and adult sex trafficking victims charged with "moral crimes," into labor. ANA, 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 bazi*. Pro-government militias that

may receive direct financial support from the government recruited and used child soldiers, primarily in support roles and for *bacha bazi*.

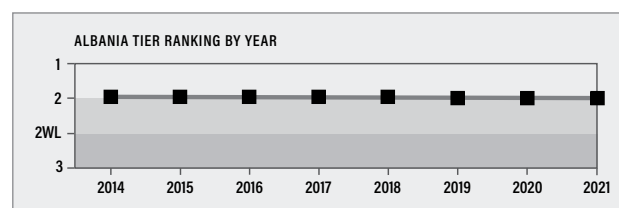
Traffickers', including government and military officials', exploitation of children as young as 9 in *bacha bazi* remained pervasive nationwide. In the northern provinces, many *bacha bazi* traffickers were community elders or private citizens. In southern provinces, by contrast, *bacha bazi* perpetrators were more commonly police, military, and local government officials. Local authorities overwhelmingly acknowledged that many police, especially checkpoint commanders, recruited boys for sex trafficking in *bacha bazi* nationwide but especially in Kandahar province. *Bacha bazi* survivors reported to NGOs an "overwhelming understanding that *bacha bazi* is committed by the powerful," including military commanders and community leaders. International organizations reported cases of *bacha bazi* by nearly all groups. ALP, ANA, and pro-government militias reportedly recruited some children specifically for *bacha bazi*. Perpetrators of *bacha bazi* sometimes offer bribes or use relationships with law enforcement, prosecutors, and judges to evade punishment.

In 2020, Afghanistan received approximately 865,793 returns of undocumented Afghan migrant workers from Iran and Pakistan. 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 (POR) card holders, 880,000 Afghan Citizen Card (ACC) holders, and an estimated 300,000 to 500,000 undocumented Afghans. The Pakistani government allowed the ACC and POR registration to expire, further increasing Afghans' vulnerability to exploitation. 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, India, Iran, and Pakistan are exploited in sex trafficking and domestic servitude by their new husbands. According to an international organization, during the reporting period, the economic effects of pandemic as well as other conditions, such as drought in several provinces, exacerbated the problem of families selling girls into marriage. 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 have subjected Afghan boys to *bacha bazi* 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Albania remained on Tier 2. These efforts included prosecuting more defendants and significantly increasing resources to the government-run shelter. The government transferred resources to a fund of seized criminal assets for victim support services, and the Development Center for Criminal Justice for Minors (DCCJ) produced documents to strengthen child protection and standard operating procedures (SOPs) for authorities working with child victims. The government appointed a new national coordinator to the Office of the National Anti-Trafficking Coordinator (ONAC). However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers, identified fewer victims, and decreased resources to NGO-run shelters. The government lacked screening efforts for vulnerable populations—particularly migrants, asylum-seekers, individuals in commercial sex, and children—and mobile victim identification units (MIU) remained underfunded and staffed despite identifying most of the victims every year.



### 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. • Increase funding and create funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the NGO-run shelters for trafficking victims. • Improve the sustainability of, and law enforcement participation in, mobile trafficking victim identification units. • Expand the jurisdiction of labor inspectors to inspect businesses that are not legally registered. • Increase reintegration services, including access to mental health services for victims and education for child victims. • Implement victim-centered approaches and victim-witness protection measures during investigation, prosecution, and court proceedings.

### PROSECUTION

The government decreased 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 ten 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 31 cases with 32 suspects (41 cases with 62 suspects in 2019); 22 cases with 27 suspects for adult trafficking and nine cases with five suspects for child trafficking. The ASP also investigated four suspects

for “knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act” (two in 2019). The General Prosecution Office (GPO) investigated 43 cases with 16 defendants (25 cases with eight defendants in 2019); 30 cases with four defendants for adult trafficking and 13 cases with 12 defendants for child trafficking. GPO prosecuted two cases with 12 defendants (three cases with three defendants in 2019); one defendant for adult trafficking and eleven defendants for child trafficking. Courts did not convict any traffickers (five in 2019). The appeals court reviewed and confirmed decisions on three traffickers (three in 2019). The government suspended courts from March to April 2020 due to pandemic mitigation efforts and suspended activities when judicial staff tested positive for COVID-19.

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 Structure against Corruption and Organized Crime (SPAK) and the Special Court of Appeals on Corruption and Organized Crime have jurisdiction over trafficking cases related to organized crime, while district courts prosecuted trafficking cases without an organized crime nexus. However, GRETA, prosecutors, and other observers reported that district prosecutors did not have the specialized experience and capacity to prosecute trafficking cases successfully. GRETA and observers reported that authorities confused 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, prosecutors, and victim coordinators on various anti-trafficking issues. The government suspended five police officials, including the Director of the Border and Emigration Directorate of Tirana and three chiefs of units, after media reported a story that alleged their complicity in an organized trafficking operation. The government conducted an investigation into the officers involved but did not report prosecuting or convicting these officials or any other government employees complicit in human trafficking crimes. GPO executed three international arrest warrants, sent ten rogatory letters, and received five rogatory letters from foreign authorities. GPO continued a joint investigation with Italian authorities and received one request to extradite a suspected trafficker and asked a foreign government to extradite a suspected trafficker to Albania.

## PROTECTION

The government maintained victim protection efforts. The government and NGOs identified 81 potential victims and five officially recognized victims (96 potential victims and seven officially recognized victims in 2019). Of these, 48 were sex trafficking victims, 27 forced labor, and six forced criminality; 62 were female and 24 were males; 58 were children; three were foreign victims from The Gambia, Philippines, and Serbia. The government maintained a multidisciplinary national referral mechanism (NRM) and updated SOPs for identifying and referring victims to services. First responders referred potential victims to law enforcement and state social services, who conducted joint interviews to determine officially recognized victim status. The law provided equal services for both potential and officially recognized victims. MIUs in eight regions, consisting of social workers from NGOs and police officers, identified most of the victims every year, but the units’ sustainability was uncertain due to the lack of permanent staff, formalization, and resources; MIUs identified 45 potential victims (42 potential victims in 2019). Experts reported that police did not participate consistently in the MIUs 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 border police lacked resources, interpreters, and knowledge to screen consistently or implement SOPs for irregular migrants and asylum-seekers. As in previous years, ASP did not screen individuals in commercial sex for indicators of trafficking during raids and investigations of commercial sex establishments, and the Labor Inspectorate lacked the training to identify victims of forced labor. Observers also reported that the absence of a standardized database created confusion among relevant government agencies on who was responsible for providing support.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 17.6 million leks (\$175,390), compared with 21.5 million leks (\$214,250) in 2019 to NGO-run shelters to support 29 staff salaries. The government provided an additional 6.8 million leks (\$67,760) for food support to NGO-run shelters in 2019 and 2020. The government allocated 29.3 million leks (\$291,980) to the government-run shelter, a significant increase compared with 20.9 million leks (\$208,270) in 2019. The government also transferred 4.6 million leks (\$45,840) to a fund of seized criminal assets for victim support services (none in 2019). 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 all 86 officially recognized and potential victims (115 in 2019), 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 Ministry of Health and Social Protection issued an order to improve information sharing among institutions during the pandemic and offered residential services for vulnerable populations, including trafficking victims. The government provided vocational training for 20 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. 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; however, experts reported victim assistance measures for victims with mental health issues were not sufficient. National Employment Services offices prioritized jobseekers from vulnerable groups, including trafficking victims; 60 potential and officially recognized victims registered with the employment office for employment opportunities.

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. While the government granted or renewed residency to two foreign victims (one in 2019), NGOs reported facing difficulties in obtaining temporary residence permits for their beneficiaries. Unlike previous years, there were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of formal identification procedures, the government may have detained or deported some women in commercial sex, irregular migrants, and asylum seekers. The government did not report the number of victims that cooperated in investigations and prosecutions (14 in 2019). SPAK possessed equipment that allowed testimony via video conferences, which was used in one case (the same number as



in 2019). Victims who testified against traffickers had access to the witness protection program; one victim continued to participate in the program. The government maintained the DCCJ with four part-time prosecutors and a judicial police officer responsible for child protection in criminal proceedings. DCCJ, in cooperation with a foreign government, produced documents on rights of children in conflict with the law, rights of child victims, and SOPs for officers and prosecutors dealing with cases involving children. The government maintained 22 victim assistance coordinators, who provided legal assistance and guided victims in accessing services. Judges did not issue restitution in criminal cases and no victims pursued compensation through civil suits. Authorities assisted in the voluntary repatriation of two Albanian victims and also repatriated one foreign victim to The Gambia and one to Serbia.

## PREVENTION

The government maintained efforts to prevent trafficking. The government continued implementation of the 2018-2020 national action plan (NAP) and allocated 488.9 million leks (\$4.87 million) for its implementation. The State Committee against Trafficking in Persons, composed of relevant ministry representatives, monitored and implemented various anti-trafficking efforts. The government also maintained the National Anti-trafficking Task Force, composed of ministry officials, civil society representatives, and other participants that monitored the NRM. The government allocated 8.2 million leks (\$81,710) to ONAC, compared with 9.5 million leks (\$94,670) in 2019. The national coordinator led ONAC and overall anti-trafficking efforts; the government dismissed the national coordinator in July 2020 but appointed a deputy interior minister as the new coordinator. ONAC produced a report assessing the implementation of the NAP and published periodic newsletters on anti-trafficking activities. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on local victim assistance and referrals mechanisms. 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 once in 2020, though the pandemic made meetings and activities difficult. ONAC, in cooperation with civil society, conducted awareness campaigns for students, government officials, 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 migrant vulnerability to exploitation abroad. Labor inspectors did not have authority to inspect informal work activities, including unregistered businesses. The Assembly enacted 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 competition for public contracts. The government reported the State Police Directorate's hotline did not function in 2020. The government did not make efforts to reduce the demand for commercial sex.

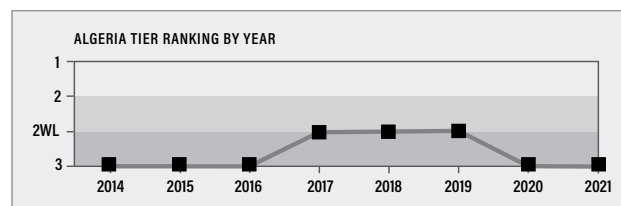
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in 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 exploit victims in sex trafficking. Traffickers commonly force children 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 United Kingdom (UK). Albanian migrants who seek employment

in Western Europe are vulnerable to exploitation in forced labor and forced criminality, particularly in the UK. Foreign victims from European countries, The Gambia, and Philippines are exploited in sex trafficking and forced labor in Albania. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking, particularly unaccompanied children.

## 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, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Algeria remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including convicting five traffickers, partnering with international organizations to organize virtual training workshops for officials, and drafting a 2022-2024 national anti-trafficking action plan. However, the government did not report any new trafficking investigations or prosecutions and did not proactively identify any trafficking victims. 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 potential unidentified 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.



## PRIORITIZED RECOMMENDATIONS:

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. • 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 a formal national victim referral mechanism to refer victims to appropriate care. • Train law enforcement, judiciary, 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 appropriate shelter, adequate medical and psycho-social care, and legal 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 implement the national anti-trafficking action plan. • Given significant concerns about forced

labor indicators in Cuban medical missions and Chinese nationals on Chinese government projects, screen Cuban medical professionals and Chinese nationals and refer them to appropriate services.

## PROSECUTION

The government maintained uneven law enforcement efforts. 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 1 million Algerian dinar (\$2,270-\$7,560). 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. Article 319 bis of the penal code, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of five to 15 years' imprisonment and a fine for individuals 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. Since 2018 and throughout the reporting period, the government coordinated with an international organization to draft a standalone anti-trafficking law that would remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses and institutionalize victim protection measures; at the end of the reporting period the Prime Minister's Office was reviewing the legislation before referring it to the Council of Ministers and legislature for consideration. During the reporting period, the government revised Algeria's constitution and added a provision condemning trafficking, with the goal of focusing government attention on trafficking cases.

The General Directorate of National Security (DGSN) maintained seven police brigades to combat human trafficking and illegal immigration based in Bechar, Tamanrasset, Illizi, Souk-Ahras, Tlemcen, Adrar, and Annaba; five additional brigades in Algiers, Oran, Constantine, Ouargla, and Ghardaia supported the brigades as necessary. The Gendarmerie maintained 50 special brigades dedicated to managing children's issues, including child trafficking. In 2020, the Gendarmerie and the DGSN dismantled 190 human smuggling groups and networks, but the ministries reported there were no incidents of human trafficking crimes allegedly committed by these groups. The government did not report investigating any trafficking cases for the second consecutive year. In 2020, the government did not report prosecuting any forced labor or sex trafficking cases; in 2019, the government prosecuted 13 alleged traffickers. The government convicted five traffickers – four for forced begging and one for sex trafficking – during the reporting period in two cases started in 2016 and 2019; this was an increase compared to the previous reporting period when the government did not convict any traffickers. Two of the convicted traffickers were Algerian and three were Nigerien. Sentences ranged from three years imprisonment and a 300,000 dinar (\$2,270) fine to 20 years imprisonment and a 1 million dinar (\$7,560) fine. In addition, the government convicted three Algerians for failing to report the sex trafficking case; the government sentenced one to four years' imprisonment and a 500,000 dinar (\$3,780) fine and the other two Algerians to a one-year suspended sentence and a 100,000 dinar (\$756) fine. 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 it classified trafficking within the Algerian judicial system; these courts adjusted to the pandemic by limiting in-person participation in court processes and allowing video testimony. Government officials acknowledged one of the biggest

obstacles to prosecuting cases is identifying trafficking crimes, which remains difficult because of a lack of well-trained investigators and judicial officials as well as limited public awareness.

Due to the pandemic, the government canceled most trainings for officials planned during the reporting period. However, the government, at times in coordination with international organizations, conducted eight virtual anti-trafficking trainings for law enforcement, judicial officials, and labor inspectors during the reporting period. Algerian officials also participated in virtual workshops hosted by international organizations, multilateral organizations, and foreign governments during the reporting period. 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 made negligible efforts to identify and provide services to trafficking victims. Authorities continued to penalize unidentified victims. 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. While NGOs and international organizations reported identifying and assisting at least 26 trafficking victims and 19 potential trafficking victims during the reporting period, the government did not report proactively identifying any victims. In 2019, the government identified 14 victims. 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 comprehensive standard operating procedures (SOPs) or a formal mechanism to identify and refer victims to protection services. The government reported that individual agencies used their own victim identification SOPs and 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 continued cooperating with an international organization to develop a formal national victim referral mechanism. The government did not finalize the referral mechanism or the SOPs by 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 population highly vulnerable to trafficking—and they lacked the manpower and capability to systematically screen each migrant for trafficking indicators. In October 2020, an NGO reported that authorities deported some refugees and asylum-seekers, some of whom were potential trafficking victims, due to a lack of effective screening measures. In addition, an NGO reported that authorities expelled migrants outside of official deportation procedures, at times leaving migrants in the desert at the Mali and Niger borders. 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, including 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 National 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 reported five victims received these services during the reporting period but did not provide specific details. 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 weak efforts to prevent human trafficking. The pandemic and prolonged political paralysis stalled government progress on a range of governance initiatives, including anti-trafficking efforts. The government postponed most activities planned under the national anti-trafficking action plan for 2019-2021 for 2020 due to pandemic-related restrictions. However, the government began drafting a 2022-2024 national anti-trafficking action plan. The national inter-ministerial anti-trafficking committee had an annual budget of 12 million dinars (\$90,760) that it could use to implement the action plan, but it did not provide a breakdown of resource allocation for implementation. The presidential decree that formally institutionalized the anti-trafficking committee required it to submit a report to the president on the trafficking situation in Algeria and the 2019-2021 national action plan required the committee to submit quarterly factsheets on activities; however, it did not provide a report or factsheets in 2020. The government organized a public awareness event in collaboration with an international organization on World Day against Trafficking in Persons in July 2020; the government delayed other planned public awareness activities due to the pandemic. 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 2020. 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, and traffickers exploit victims from Algeria abroad. 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 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 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 adults, 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 and work in Algeria's informal job market until they can continue their journey. 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 and 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 anecdotally 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.

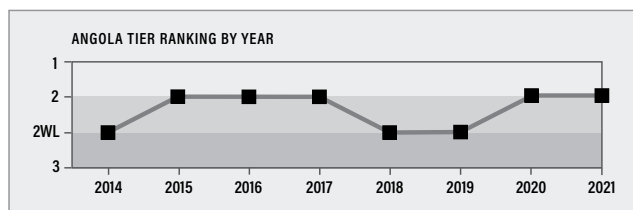
Criminal begging rings are common and were reportedly increasing in Algeria over the past several years. Media sources suggest leaders of begging networks coerce or force Sub-Saharan African migrant children to beg through the use of punishment. In 2020, a civil society organization estimated criminal begging networks exploit more than 6,000 unaccompanied migrant children in Algeria. 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. During the reporting



period, media reported alleged traffickers fraudulently recruited 55 Bangladesh workers for work in Spain and instead exploited them in forced labor in the Algerian construction sector. Cuban medical professionals working in Algeria may have been forced to work by the Cuban government. Chinese nationals may have been forced to work by Chinese-owned enterprises.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Angola remained on Tier 2. These efforts included convicting multiple traffickers, including five complicit officials, and sentencing all to imprisonment; offering long-term protective services that incentivized victims to participate in trials against their traffickers; dedicating funds specifically for anti-trafficking efforts, including for implementation of the national action plan (NAP); and conducting public awareness campaigns against trafficking. However, the government did not meet the minimum standards in several key areas. The government did not investigate some serious allegations of official complicity in trafficking, and while all convicted traffickers received sentences of imprisonment, some sentences were very short compared to the severity of the crime. The government substantially decreased victim identification efforts and did not report referring any identified victims to care. While the government launched a new hotline that received reports of trafficking, it did not yet have the staff or resources to investigate the claims. Finally, the government remained without procedures to oversee and regulate most domestic labor sectors and the labor recruitment process.



### 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 North Korean and Cuban workers, and refer victims to appropriate services. • Sentence convicted traffickers to prison terms. • Increase efforts to investigate and prosecute trafficking crimes, especially sex trafficking and labor trafficking in the construction sector and in animal herding. • Amend Article 178 to criminalize all forms of internal sex trafficking. • Increase efforts to provide shelter, counseling, and medical care for trafficking victims either directly or in partnership with NGOs. • Institute referral mechanisms for hotlines to report alleged trafficking cases to law enforcement. • Utilize the regional data collection tool to improve efforts to collect, synthesize, and analyze nationwide law enforcement and victim protection data. • Increase the proactive engagement of the inter-ministerial commission in anti-trafficking efforts and allocate funding for its activities. • Train law enforcement officials on the anti-trafficking provisions in Angolan law.

### PROSECUTION

The government maintained anti-trafficking law enforcement efforts and increased efforts to hold officials accountable for complicity in human trafficking. In November 2020, the government amended the anti-trafficking articles of the penal code, taking effect in February 2021.

Laws 38/20 and 39/20 revoked the prior anti-trafficking legislation, the 2014 Law on the Criminalization of Infractions Surrounding Money Laundering, slightly increasing the penalties for some trafficking offenses. Article 177 criminalized slavery with penalties of seven to 15 years' imprisonment and the buying or selling of a child under the age of 14 for the purpose of adoption or slavery with penalties of five to 10 years' imprisonment. Article 178 criminalized the labor trafficking of adults and children and prescribed penalties of four to 10 years' imprisonment. Article 189 criminalized some forms of domestic adult sex trafficking and prescribed penalties of one to eight years' imprisonment. Article 190 criminalized transnational adult sex trafficking and prescribed penalties of two to 10 years' imprisonment. Article 196 criminalized child sex trafficking and prescribed penalties of five to 15 years' imprisonment. These penalties were all sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. The 2020 amendment removed "sexual exploitation" as a purpose of a trafficking crime in Article 178. Because the other anti-trafficking articles did not criminalize all forms of internal sex trafficking, Angola law no longer criminalized all forms of sex trafficking. During the reporting period and before the passage of the new laws, the government continued to use the 2014 law to prosecute traffickers.

During the pandemic, government offices, including investigative agencies and courts, operated at reduced hours with reduced staff. Nevertheless, the government initiated 10 trafficking investigations, compared with 15 potential trafficking investigations in the previous reporting period. One case involved the sex trafficking of Congolese women in Cabinda province, and all other cases involved child forced labor across multiple provinces. The government also continued 13 investigations initiated in previous reporting periods, including several child forced labor cases and a Luanda sex trafficking case with 11 Vietnamese and Chinese victims. The government prosecuted and convicted 13 suspected traffickers in three cases, a decrease from prosecution of 27 potential traffickers but an increase from conviction of 10 traffickers in the previous reporting period. The government convicted and sentenced five labor traffickers to between six and 10 years' imprisonment for child forced begging, three Congolese traffickers to more than eight years' imprisonment for child and adult sex trafficking of Congolese women in Angola, and five police officers to between three and 10 years' imprisonment for sending children abroad for forced labor.

There were numerous reports of official complicity in human trafficking offenses, and the government took strong action in some cases. During the previous reporting period, the government charged five officers from a specialized police unit with trafficking in persons, forced labor, organized crime, and falsification of documents for allegedly conspiring to force six Angolan children to beg in Portugal, Italy, and France. In July 2020, it convicted all five for trafficking of minors to foreign countries. Three of the officials received six-year sentences, one received a three-year sentence, and the leader, convicted in absentia, received a 10-year sentence. During the reporting period, the government uncovered and began investigating additional officials from the civil registration office and migration and foreigners service who were also allegedly involved. In the past, well-connected individuals confiscated land from members of the San indigenous group, which forced many San to work as indentured servants on the land they had previously owned. The government has not reported whether it investigated or resolved the disputes, including whether the land was returned to the San. In the previous reporting period, the government charged an Angolan border guard in Cunene province for conspiracy to force a woman and five boys into exploitative labor and, in a second case, began investigating a possible trafficking nexus in the investigation of an Angolan army officer charged with smuggling; the government did not report any updates on these cases during the reporting period. Systemic corruption among labor officials prevented effective enforcement of labor laws, including against forced labor. Law enforcement did not consistently or effectively enforce laws against prostitution or sex trafficking.

Multiple law enforcement agencies had mandates that included trafficking. In addition to the police, the Criminal Investigation Services and Court of Minors could investigate child trafficking. The National Police Academy continued to train officers on the 2014 law, and an international organization trained 155 police officers on identification of trafficking. The government acknowledged officials at the northern Angolan-Congolese border had insufficient training to identify cross-border trafficking, which was reportedly prevalent. The Ministry of Justice and Human Rights (MJHR) trained 50 airport officials on identification of human trafficking.

## PROTECTION

The government decreased protection efforts. Through its investigations, the government identified at least 19 trafficking victims, including both adults and children, victims of sex and labor trafficking, and victims from Angola and the DRC. This is a significant decrease from identifying and referring to care 36 trafficking victims in the previous reporting period. Government officials generally referred identified victims to religious- or NGO-run shelters for food, clothing, education, and medical care; however, it did not report whether it referred any victims to these shelters during the reporting period. The government provided limited financial support to some of these shelters. The National Institute of Children (INAC) ran separate child support centers in all 18 provinces that could provide food, shelter, basic education, and family reunification for crime victims younger than age 18. Additionally, 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 government could also provide foster care and family tracing services for child trafficking victims, as well as legal representation, social workers, and counseling to all victims. It continued to provide a social worker to two child trafficking victims identified in a previous reporting period.

Law enforcement continued to report it used anti-trafficking manuals for proactive victim identification, including best practices for interviewing potential victims, screening vulnerable groups, assessing risk, and referring victims to protective services. During the reporting period, the government trained 22 officials on the national referral mechanism to direct trafficking victims to shelter and services. Nevertheless, 12 of Angola's 18 provinces continued to lack formal guidelines to refer trafficking victims to care. Foreign trafficking victims could return to their home country regardless of ongoing court proceedings. While trafficking victims remained in the country, Angolan law provided for access to immigration relief, including temporary residence documents, the right to seek asylum, government-provided legal representation, immunity from trafficking crimes, medical and mental health services, some financial support, family tracing assistance, and access to education. The immigration-related benefits, however, were contingent upon the commencement of a criminal investigation and the victim's testimony. The government did not report providing any of these benefits to foreign victims identified during the reporting period. The government encouraged victim cooperation in the investigation and prosecution of trafficking cases. Angolan law allowed for live teleconference testimony, which permitted victims to pursue repatriation and participate in trials against their traffickers from their home countries. The government did not report whether any victims used this option during the reporting period. Despite laws that permitted judges to order restitution to trafficking victims, none did so during the reporting period. While transnational trafficking across the Angolan-Congolese border was prevalent, law enforcement routinely detained and deported those illegally crossing the border without screening for trafficking. As a result, authorities may have detained and deported trafficking victims for unlawful immigration offenses their traffickers compelled them to commit.

## PREVENTION

The government maintained efforts to prevent human trafficking. The anti-trafficking inter-ministerial commission, led by MJHR and

the Ministry of Social Assistance and Reintegration, met five times during the reporting period. For the second consecutive year, the government funded the commission's 2020-2025 NAP, and the commission implemented it, in collaboration with international organizations and NGOs. The government did not report whether it contributed data to the regional data collection tool during the reporting period. The government did not have procedures to oversee and regulate labor recruitment beyond periodic labor inspections. It did not report how many labor inspections it conducted, compared with 5,461 in the previous reporting period. Personnel and financial deficiencies continued to hamper efforts to identify forced and child labor. Labor inspectors did not have enough funding to cover transportation expenses, and when they did conduct inspections, they targeted the formal sector, where only one-quarter of Angolans work. In addition, despite the presence of young children in forced and child labor, labor inspectors focused on children aged 14-17 who had the legal authority to work.

The government demonstrated mixed efforts to document individuals within the country. It continued its mass registration campaign and, in 2020, issued more than one million Angolans their first identity documents. The program did not include stateless individuals. Separately, the government, supported by an international organization, commenced a program to locally integrate more than 3,600 Rwandan, Liberian, and Sierra Leonean former refugees with a temporary residence permit. NGOs reported some police confiscated and destroyed refugees' documents during roundups. MJHR operated a hotline for potential victims of crime and public reporting, but it did not report how many calls it received or whether the government identified any victims via the hotline. In July 2020, INAC and the Integrated Center for Public Safety launched a separate hotline for crimes against children. While the hotline received 140 complaints of child trafficking from July 2020 through December 2020, hotline workers did not have the capacity to disseminate or investigate reported complaints; thus, the government did not investigate any of the 140 potential cases. 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

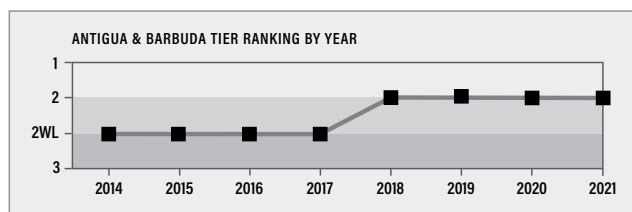
As reported over the past five years, human traffickers exploit domestic and foreign victims in Angola, and traffickers exploit victims from Angola abroad. Traffickers exploit Angolans, including children as young as 12 years old, in forced labor in the brick making, domestic service, construction, agriculture, fisheries, and artisanal diamond mining sectors. Angolan girls as young as 13 years old are victims of sex trafficking, and girls in domestic work within private homes in Angola are vulnerable to labor trafficking. Angolan adults use children younger than 12 in forced criminal activity because children cannot be criminally prosecuted. As a result of the pandemic, "handlers" increasingly bring poor children to Luanda for street work, including begging, shoe shining, car washing, and parking assistance, where they are vulnerable to forced labor from their handlers and other traffickers. The provinces of Luanda, Benguela, and the border provinces of Cunene, Lunda Norte, Namibe, Uíge, and Zaire are the most high-threat areas for trafficking activities. In response to widespread droughts in Cuene, some villages force children to drop out of school to gather water, dig wells, and herd cattle.

Transnational traffickers take advantage of Angola's numerous unsecured, informal, and heavily used border crossings. 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. Other recruiters take Angolan adults and children to Namibia for work in agriculture, construction, mineral extraction, and unlicensed street vending, where they may be in exploitative labor relationships. 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.

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. 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. Traffickers also exploit adult and child Congolese economic migrants in forced labor in construction. Women from Brazil, Cuba, DRC, Namibia, and Vietnam in commercial sex in Angola may be victims of sex trafficking, including in massage parlors. Due to the closure of businesses during the pandemic, commercial sex occurred more in clandestine settings, such as homes and hotel rooms. 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. There are reports that Chinese-owned and -operated construction companies exploit Brazilian, Chinese, Kenyan, Namibian, Southeast Asian, and possibly Congolese migrants in forced labor, including through withholding passports, threats of violence, denial of food, and confinement. These companies also, at times, coerce workers to operate in unsafe conditions, which sometimes reportedly resulted in death. The North Korean and Cuban governments may have forced their respective citizens to work in Angola, including at least 256 Cuban doctors sent to Angola to combat the pandemic.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore, Antigua and Barbuda remained on Tier 2. These efforts included creating a new anti-trafficking unit; working with an international organization to develop preventative measures for migrants; and continuing anti-trafficking awareness campaigns. However, the government did not meet the minimum standards in several key areas. The government did not identify any victims. It did not initiate any investigations or prosecute or convict any traffickers.



### 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, individuals in commercial sex, and Chinese and Cuban workers on foreign government-sponsored programs. • 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. • Reduce delays in court proceedings. • 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.

### PROSECUTION

The government decreased 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.

The government did not report any new investigations during the reporting period, compared to ten cases investigated in 2019 and seven in 2018. Authorities continued to investigate one sex trafficking case and one forced labor case initiated in previous reporting periods. The government did not report investigations of suspected child trafficking in domestic service and the retail sector. There were anecdotal reports of parents and caregivers exploiting children in sex trafficking. The government did not report initiating any prosecutions during the reporting period, compared to three prosecutions in the previous reporting period. Authorities continued to prosecute three suspected traffickers from 2018 who still awaited trial at the end of the reporting period. The government did not report convicting any traffickers for the second consecutive year. The government reported that police and the courts revised their operating procedures to address pandemic-related health concerns, resulting in limitations on investigations and judicial proceedings. The government reported that serious criminal cases, including trafficking cases, required in-person jury trials unless the defendant was pleading guilty or in rare instances where the case involved no witnesses. As jury trials by law could not take place remotely, no trafficking or other serious criminal cases were prosecuted for the entire reporting period after jury trials ceased in March 2020 due to the pandemic. The government reported this led to substantial court backlogs, exacerbating already existing substantial delays. During the reporting period and in cooperation with a foreign donor, the government created the ability to hold virtual hearings for civil cases, case management hearings, bail applications, and criminal cases with no witnesses or where the defendant plead guilty.

The Trafficking in Persons (Prevention) Committee (TPPC) oversaw the Trafficking in Persons Prevention Unit (TIP Unit), created during the reporting period, which included four full-time staff and an unspecified number of law enforcement officers drawn from the police, immigration, Coast Guard, and the Office of National Drug Control Policy who were knowledgeable about human trafficking, victim services, and investigations. The TIP Unit served as the investigative arm of the TPPC and was solely responsible for investigating trafficking, implementing the national human trafficking prevention objectives, and increasing anti-trafficking awareness efforts to improve overall efficiency. The government conducted random inspections of businesses suspected of being involved in commercial sex. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. There were reports of trafficking-related complicity by police officers who tended to receive administrative sanctions instead of being tried under the trafficking law. The government did not provide anti-trafficking training to law enforcement due to pandemic restrictions that halted in-person training; the Police Academy's training manual included trafficking crimes. Authorities approached one country in the region for assistance with a trafficking investigation.

### PROTECTION

The government decreased protection efforts. The government did not identify or refer to care any victims during the reporting period, compared to two victims in 2019 and five victims in 2018. The government had formal written procedures to guide law enforcement, immigration, and social services officials in the screening and identification of potential victims, although observers noted the government used them inconsistently with forced labor victims.



While the government did not identify victims or report providing care to victims during the year, services remained available and may have served potential victims. Under the TPPC, a senior police officer chaired the Cases Task Force, which was responsible for screening and identifying victims of human trafficking and referring victims to an assigned victim care officer for care and protection. The government reported that the pandemic-related restrictions including curfews and business closures reduced the Cases Task Force's activities. The TPPC provided an on-call consultant physician to provide medical care to victims. The country did not utilize shelters for trafficking victims, but rather a long/short-term safe space option for adults and children. The safe spaces consisted of privately owned properties from corporate citizens, which the Cases Task Force and selected law enforcement agencies manned and secured based on needs. A child would receive additional services from the Family and Social Services Division. Safe spaces were solely for victims of human trafficking. The government reported there was no time limit to victim care services. The government could provide temporary residency status as an alternative to removal to countries where victims may face hardship or retribution by traffickers; this assistance was not contingent on assisting law enforcement. Victims could obtain a work permit or leave the country after the Cases Task Force approved a satisfactory risk assessment. The government reported that when victims sought housing in a safe space, they all wished to return home. In these cases, the government contacted an international organization and the relevant local human trafficking unit in the country of origin for reintegration. The government informed potential victims of their rights and that their participation in investigations and prosecutions was voluntary; victims could decline any or all assistance offered. The government had a policy of not disclosing a victim's location, providing security at the victim's location and in transit, allowing for testimony via video link, and not disclosing a victim's identity to the public or media. However, the government did not report using any of these methods during the reporting period. The government did not report any cases where a victim had sought restitution, although the law allowed for a victim to do so.

## PREVENTION

The government maintained prevention efforts. The pandemic impacted the country's economy and severely limited the government's capacity to meet its commitments and obligations. The Solicitor General led the TPPC, which served as the national coordinating body for anti-trafficking efforts with representatives from across the government and one NGO; the TPPC carried out enforcement, research, and victim advocacy functions. The TPPC met monthly during the reporting period. The TPPC continued implementation of the 2019-2021 National Action Plan. The government did not report specific budget data related to its anti-trafficking efforts but reported its anti-trafficking budget provided funding for the national action plan. However, government financial resources including salaries for anti-trafficking officials were under severe strain in 2020 as a result of the pandemic, and prior to the pandemic government agencies cited lack of funding as a key deficiency. NGOs participated in the implementation of the national action plan. The government published an annual report containing general information on human trafficking and a summary of its anti-trafficking efforts as it had done in prior years.

The government maintained public awareness efforts, despite the pandemic. Authorities funded and carried out an anti-trafficking awareness campaign via billboards, national television, and other media. The awareness campaign targeted schools, community groups, NGOs, churches, and college students that reached at least 122 individuals in comparison to 800 individuals in the previous reporting period. The government also organized an "Awareness Week" with social partners that included a street fair that reached 65 individuals, radio programs, and an awareness walk on preventing trafficking; the awareness week in the previous reporting period reached 400 individuals. The government maintained a hotline for domestic abuse and gender-based violence that could receive calls

regarding trafficking but received no such calls out of the 55 total calls received during the reporting period; people preferred to call other emergency numbers or individual members of the TPPC with whom they were familiar.

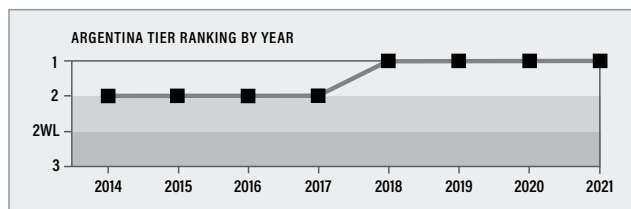
The government did not report whether labor recruiters charged fees. The government implemented new procedures for the issuance of work permits to foreign nationals to strengthen labor laws, the economic migration process, and protection for workers including against trafficking; foreign nationals could not enter the country until the Ministry of Labor (MOL) approved a work permit and MOL interviewed all applicants for renewal permits. To raise awareness among migrant laborers on the risks of human trafficking, the government, in coordination with an international organization, posted labor laws and regulations on government and other websites, posted signage at all ports of entry, and conducted awareness training for front-line workers (immigration, police, customs, and labor officers) on how to interview and communicate with migrant workers. Authorities closed all sea and air traffic from March until June 2020 to control the spread of the COVID-19 virus, limiting migration to the country. When the borders re-opened, external transportation links remained extremely limited, and strict ongoing travel health protocols restricted cross-border movement. The government did not make efforts to reduce the demand for commercial sex acts. The government did not report on efforts to prevent sex tourism. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not enter into any new agreements with other countries.

## 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 migrants from the Caribbean region, notably Jamaica, Guyana, and 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 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. Cubans working in Antigua and Barbuda may have been forced to work by the Cuban government. Chinese nationals working in Antigua and Barbuda may have been forced to work, including by PRC state-owned enterprises.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Argentina remained on Tier 1. These efforts included issuing a new national action plan; offering specialized training courses to public prosecutors' offices on investigating and prosecuting traffickers, including how to prosecute trafficking cases during the pandemic; and developing new guidelines for labor inspectors to identify victims. Although the government meets the minimum standards, it investigated, prosecuted, and convicted fewer traffickers and identified fewer victims in 2020. Official complicity in trafficking crimes remained a concern. The government did not allocate a dedicated budget to anti-trafficking efforts or provide dedicated shelters 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. • Improve victim assistance to include more specialized shelters and dedicated shelters for male victims. • Provide dedicated funding to fully implement the national action plan. • Restructure the witness protection program to address trafficking victims' needs and prevent abuse by agents. • 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. • Strengthen coordination among the federal and provincial governments and NGOs. • Revitalize efforts to address labor trafficking, including prosecuting and convicting labor traffickers and proactively identifying 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. • Consistently implement victim restitution procedures. • Improve efforts to collect and integrate data on law enforcement statistics and victim assistance.

### PROSECUTION

The government decreased prosecution 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.

The special prosecutor's Human Trafficking and Exploitation Unit (PROTEX) opened 220 trafficking investigations (130 for sex trafficking and 90 for labor trafficking) in 2020, compared with 252 in 2019. The government prosecuted 26 suspected traffickers (19 for sex trafficking and seven for labor trafficking) in 21 cases (14 for sex trafficking, five for labor trafficking, and two for both sex and labor trafficking) under the trafficking law, compared with prosecuting 78 alleged traffickers in 2019 and 106 in 2018. The government convicted 26 traffickers (22 for sex trafficking and four for labor trafficking) in 15 cases in 2020, compared with 53 traffickers in 29 cases in 2019 and 71 traffickers in 48 cases in 2018. Authorities further reported convicting five traffickers for "subjection to servitude," a form of labor exploitation that carried similar penalties to the trafficking statute of the Argentine penal code and could amount to trafficking under international law. The courts sentenced convicted traffickers to between two years' and 10 years and six months' imprisonment. In Corrientes province, courts convicted and sentenced a Paraguayan

woman to six years' imprisonment for sex trafficking her three daughters. In an investigation leading to the identification of seven victims, officials in Salta province arrested three alleged traffickers suspected of fraudulently recruiting young women on social media and forcing them into commercial sex. In one high-profile case, law enforcement in several cities raided 24 properties associated with an evangelical church suspected of trafficking, leading to the arrest of six alleged traffickers and the identification of more than sixty victims of labor trafficking; officials expected to identify more victims as investigation continued. Due to guidance from the Supreme Court during the pandemic, federal courts operated under modified protocols, reducing the number of decisions handed down in trafficking and other cases between March and July 2020. Similar mitigation efforts slowed investigation and prosecution processes, as well, although these resumed normal operations in the latter half of the reporting period. The government diverted law enforcement officers from regular duty, including investigating trafficking crimes, to enforce pandemic-related restrictions. Although the government's federal trafficking investigations database, the Integrated Criminal Information System on the Crime of Trafficking in Persons (SISTRATA), was meant to include input from nearly all provincial governments, it remained difficult to obtain comprehensive data and analyze trends across reporting periods, as federal and provincial authorities still commonly compiled law enforcement statistics separately. The government continued to train law enforcement officials to use the database.

Corruption and official complicity in trafficking crimes remained significant obstacles to anti-trafficking efforts, particularly at the local and regional levels, and hindered law enforcement action during the year. Although prosecutors opened at least two new trafficking cases involving current or former public officials, the government did not report convicting any complicit officials for the second consecutive year. In one of these cases, authorities in Cordoba province charged a member of the local public prosecutor's staff with sex trafficking, alleging he exploited a young woman's drug dependence and forced her to engage in commercial sex. The government did not report the status of investigations and prosecutions involving complicit officials initiated in previous years. However, in a prosecution initiated in 2019, courts extended pre-trial detention for a former police chief accused of exploiting approximately 20 victims in sex trafficking; media reports linked more than one dozen officers to the case, but the government did not report prosecuting any additional officers. The First Sergeant indicted for trafficking in persons in 2019 remained in police custody throughout 2020; his case was expected to return to trial in 2021. There were no updates in a 2019 case where 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. Similarly, there were no new developments in a fourth ongoing case, the result of investigations dating to 2010, involving trafficking charges brought against two public officials connected to the commercial sexual exploitation of victims in private residences. Authorities prosecuted only a small number of cases involving official complicity in trafficking; official complicity appeared infrequently in media reporting. The government conducted its anti-trafficking trainings for prosecutors, law enforcement, and judicial officials virtually due to the pandemic. Notable training opportunities covered topics such as conducting successful investigations during the pandemic, for staff of the public prosecutors' offices; on confiscating traffickers' assets and coordinating with PROTEX, for members of the federal police force; and the characteristics of labor trafficking, for judges working at the provincial level. PROTEX did not report cooperating in any international investigations during the year. However, the government coordinated with officials in the United States to arrange the extradition of a trafficker who fled the country after a 2018 conviction; separately, a 2019 extradition request concerning an alleged trafficker arrested overseas remained pending after the defendant appealed the cooperating government's assent to the extradition.

## PROTECTION

The government decreased 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 2020, the Rescue Program reported assisting 933 victims, compared with 1,438 victims in 2019 and 1,501 victims in 2018. Of the victims assisted, 644 were victims of labor trafficking, 235 were victims of sex trafficking, and seven were victims of 'subjection to servitude'; the government was unable to specify a form of trafficking for the remaining 47 victims. More than 70 percent of victims in 2020 were Argentine nationals; foreign national victims (245) hailed predominantly from Latin America and the Caribbean, including Paraguay, Bolivia, and Venezuela, but the government also reported assisting victims from China, Peru, Russia, South Korea, and the United States, among other countries. The government funded repatriation for 10 Argentine victims exploited in trafficking abroad between January and July 2020; it did not report repatriation statistics for the second half of 2020. The National Directorate of Migration established a new anti-trafficking unit to promote identification and referral of trafficking victims amongst migrant populations. The government, with the support of an international organization, expanded use of the virtual platform to compile victim assistance data from both the national and provincial levels, first launched in 2019; 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 a limited understanding of trafficking. 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 federal shelter specifically for foreign victims, regardless of gender or age. Shelters modified their services to comply with pandemic mitigation recommendations, providing staff with personal protective equipment, distributing alcohol gel, and retrofitting vehicles to reduce circulation between driver and passenger spaces. Critically, many shelter facilities reduced occupancy to maintain safe distancing between residents; officials reported these measures greatly increased shelter operating costs during the pandemic. 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. Certain assistance programs required victims to complete complex renewal procedures to maintain eligibility. NGOs expressed concerns for the welfare of trafficking victims in the Undersecretariat of Criminal Policy's witness protection program. Some government officials acknowledged that the program, which was primarily designed for witnesses of drug trafficking, terrorism, and extortive kidnapping, was ill-suited to the needs of human trafficking victims; in past years, the Ministry of Justice dismissed at least one program administrator accused of sexually harassing protected witnesses, including trafficking victims. 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 courts offered victims participating in trials the option to provide testimony via live video, recordings, or written statements. 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. The government maintained a trust fund for trafficking victims, comprised of traffickers' forfeited assets and required criminal courts to award victim restitution at the time of traffickers' convictions. Victims could also file civil suits against their traffickers to receive additional compensation, although victims had limited success in securing compensation through civil suits. Courts granted between 550,000 and 600,000 pesos (\$6,160 to \$6,720) each in restitution to 10 victims in 2020 and, although a verdict had not been reached, ordered the auction of assets in another case to ensure funds for victim restitution. Despite these cases, observers reported prosecutors and judges inconsistently prioritized financial restitution in trafficking cases. The government struggled to identify and refer victims of forced labor in rural zones. In 2020, the government produced new guidelines to facilitate labor inspectors' recognition of trafficking indicators and identification of labor trafficking victims; the Ministry of Labor trained its inspectors in accordance with these guidelines in October 2020.

## PREVENTION

The government maintained prevention efforts. The Federal Council for Human Trafficking and the Executive Committee oversaw the government's national action plan to combat trafficking in persons and began implementing a new plan for 2020-2022 in December 2020. The new plan outlined 100 specific activities to combat trafficking, including 22 activities left unfinished at the expiration of the previous action plan. The Federal Council incorporated three civil society organizations in its regular meetings and in the development of the 2020-2022 plan. The Federal Council required civil society participants be legally recognized as NGOs in Argentina; observers noted some NGOs found the costs associated with maintaining this status prohibitive. 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 through contributions from participating ministries; the pandemic exacerbated these funding concerns. Authorities had the ability to penalize foreign labor recruiters for fraudulent recruiting, but the government did not report assessing any penalties during the reporting period. Given the increased vulnerability of migrants due to widespread job loss and movement restrictions during the pandemic, the government extended expiration dates and deadlines associated with several visa categories, which decreased their vulnerability to trafficking.

The government produced three new federal trafficking awareness campaigns—two focused on labor trafficking and one on sex trafficking—which it made available, along with existing awareness materials, on its website. PROTEX officials presented at several trafficking awareness webinars hosted by domestic and international civil society groups; these virtual events were accessible to wide audiences. NGOs and experts remained concerned by child sex tourism, although there were no reported investigations or prosecutions in the reporting period related to this crime. The Secretariat of Tourism led a regional working group on combating sex tourism. The Ministry of Justice and Human Rights operated the nationwide 1-4-5 trafficking hotline with response assistance from the Rescue Program. There were 1,340 calls during the year, compared with 1,809 in 2019; of these, authorities referred 514 trafficking-related reports to the federal courts. PROTEX conducted an evaluation of trafficking-related calls to the national hotline, to understand the impact of the pandemic on reporting tendencies; officials reported a greater share of hotline complaints came from victims, rather than witnesses, in 2020. The Federal Council for Human Trafficking released its Annual Report, which retrospectively assessed the government's success in completing the 2018-2020 national action plan based on indicators laid out therein. The government did not make efforts to reduce the demand for commercial sex acts.

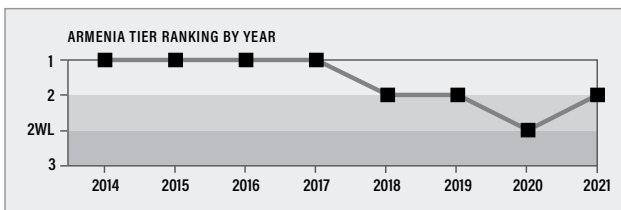


## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Argentina, and Argentine adults and children are victims of sex and labor trafficking in other countries. Traffickers exploit victims from other Latin American and Caribbean 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. Officials indicate traffickers may exploit the additional vulnerabilities of individuals with mental illnesses or instabilities. Adults 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 victims from China and South Korea; Chinese citizens working in supermarkets are vulnerable to debt bondage. Traffickers exploit children participating in youth sports clubs in sex trafficking. Revelations in 2018 of an active child sex trafficking ring in Argentina's minor soccer league that victimized youth athletes raised concerns about child sex trafficking in domestic sports and athletic clubs. Religious sects and other organizations serve as fronts for traffickers. Traffickers compel trafficking victims to transport drugs across the country's borders. Traffickers increasingly utilize social media and other online platforms to recruit victims. Official complicity, mainly at the sub-national level, is pervasive and continues to hinder the government's efforts to combat trafficking.

## ARMENIA: TIER 2

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 demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Armenia was upgraded to Tier 2. These efforts included investigating more suspects, convicting a sex trafficker, and identifying more victims. The government developed a manual for local police on monitoring businesses for trafficking and engaging vulnerable communities and adopted a law that restricted interviews for children to 90 minutes in the presence of a psychologist. The Prosecutor General's Office (PGO) created a working group to review all trafficking cases from 2018-2019 to identify legal or procedural issues and law enforcement added trafficking curriculum to train the new patrol police. The government significantly increased resources to the NGO-run shelter, developed screening indicators for social workers, and strengthened procedures to identify child victims. The government allocated funds to repatriate victims for the first time, and it adopted the 2020-2022 national action plan (NAP) and allocated resources to its implementation. The Health and Labor Inspection Body (HLIB) conducted labor inspections for the first time since 2015. However, the government did not meet the minimum standards in several key areas. The government has not convicted a labor trafficker since 2014. PGO continued to drop or reclassify trafficking cases referred by local police due to a lack of evidence. First responders did not have standard indicators to screen vulnerable populations and continued to rely on victims to self-identify. Law enforcement officers in some remote areas lacked information and training to inform victims of their rights and victims continued to face low access to justice, including an absence of victim-centered procedures and formal victim-witness protection measures. HLIB did not have jurisdiction to conduct inspections of "non-legal" employers such as small farms or illegal businesses.



## 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. • Implement legal authorities for labor inspectors to conduct regular inspections, including non-legal employers, and identify victims through unannounced visits. • Provide advanced training to investigators and prosecutors on trafficking investigations and prosecutions, including evidence collection and victim-centered interview techniques. • Establish and implement preventative measures for child labor and potential child trafficking in state childcare institutions. • Increase access to justice during court proceedings, such as establishing victim-centered policies to reduce re-traumatization, strengthen confidentiality, and provide victim-witness protection. • Increase resources for reintegration services for victims. • Establish formal procedures for repatriating trafficking victims from abroad. • 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 other serious crimes, such as rape. The government investigated 16 cases (11 in 2019); 13 were forced labor cases and three sex trafficking cases (eight forced labor cases and three sex trafficking cases in 2019). The government prosecuted two defendants for forced labor (three defendants for forced labor and one for sex trafficking in 2019). The government continued to prosecute three defendants from previous years. Courts convicted one sex trafficker and sentenced the trafficker to ten years' imprisonment (no convictions in 2019). The government has not issued a forced labor conviction since 2014. The government reported an ongoing investigation of a human resource officer and the head of a psychiatric institution that opened an unregistered store in the psychiatric hospital and coerced a patient to work in the store from 2002 to 2018. Due to the pandemic, the government reported delays in court proceedings, including delays due to hospitalizations of victims, and witnesses unable to attend proceedings. Prosecutors and investigators working on trafficking cases and witnesses in trafficking prosecutions enlisted or volunteered to serve in military units fighting in and around Nagorno-Karabakh, which further delayed court proceedings.

The Armenian Police (AP) maintained an Anti-Trafficking Unit (ATU) that conducted initial investigations and referred cases to the Investigative Committee (IC) for in-depth investigation. Local police units designated an officer as the main point of contact for trafficking within their jurisdiction. The government developed a manual for local police on monitoring risky businesses and interviewing vulnerable communities; however, law enforcement did not proactively pursue investigations and relied on victims to self-identify. In January 2020, the government reorganized ATU from the Organized Crime Department to the Department of Crimes against Human Beings and Property, which some experts feared might result in the ATU being

called to assist in non-trafficking cases. Observers continued to report an absence of victim-centered approaches within law enforcement procedures, and local investigators in some remote areas lacked the skills to properly interview victims, resulting in inadmissible evidence and dropped prosecutions. Guidelines restricted interviews to four hours for adults; the government adopted a law, which took effect in January 2021, that restricted interviews for children to 90 minutes in the presence of a psychologist. In previous years, observers reported police repeatedly interrogated victims for long hours, including children for up to 10 hours, increasing the risk of re-traumatization. Additionally, investigations did not incorporate gender-sensitive approaches, such as the use of female medical professionals for forensic examinations of female victims. While the IC or PGO continued to drop or reclassify trafficking cases referred by local police due to a lack of evidence, PGO created a working group to review all trafficking cases from 2018-2019 to identify any legal or procedural issues, but no results were published during the reporting period. Authorities dropped seven forced labor cases and one sex trafficking case due to a lack of evidence and reclassified one sex trafficking case to “involving a person in prostitution,” compared with reclassifying one sex trafficking case and dropping four forced labor cases in 2019.

The Police Academy and Justice Academy maintained classes on trafficking for police, judges, prosecutors, and investigators. ATU trained officers designated as trafficking points of contact in local police units and added a trafficking component to the curriculum for new patrol officers. The government did not conduct any international investigations or extraditions in 2019 or 2020. Prosecution of forced labor cases involving Russia remained limited, as Armenian investigators continued to face difficulties collaborating with Russian law enforcement. Similarly, the absence of diplomatic relations with Turkey continued to hinder law enforcement and victim protection efforts for cases involving Turkey.

## PROTECTION

The government modestly increased protection efforts. The government identified nine victims (eight in 2019). Of these, nine were victims of forced labor, including five victims of forced begging; five were children; three were female and six male; and one was a foreign victim from Iran. The 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation prescribed identification, referral, and assistance procedures for relevant actors. The government developed screening indicators for social workers and adopted procedures to identify child victims among children not enrolled in school; however, experts continued to report that officials did not proactively identify victims and instead relied on victims to self-identify. Observers continued to report that first responders did not consistently screen vulnerable populations for trafficking indicators, particularly individuals in commercial sex and foreign migrant workers. The government provided temporary shelter, emergency medical services, 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 (VIC), which consists of representatives from the Ministry of Labor and Social Affairs (MOLSA), PGO, police, and NGOs, officially recognized victims based on information collected during the “pre-identification stage;” the VIC officially recognized five victims in 2020 and five additional victims from January to March 2021 (eight in 2019). Civil society continued to report the referral procedures functioned well, and they had positive cooperation with the government.

The government allocated 40.2 million drams (\$78,060) for victim protection efforts, including operational costs for an NGO-run shelter, an increase compared with 19 million drams (\$36,890) in 2019. The government and local NGOs jointly provided legal, medical, and psycho-social support; housing; a one-time monetary compensation of 250,000 drams (\$490); and access to social,

educational, and employment projects. One victim received free health care (three in 2019), and one victim received the one-time monetary compensation (six in 2019). In 2019, 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 10 identified victims during the reporting period (four in 2019). 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. Additionally, the NGO-run shelter provided male victims with separate rooms or rented apartments; one male victim received accommodation (none in 2019). 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 of accommodation and foster families for children, which resulted in some cases where authorities returned children to family members who were involved in their exploitation. In previous years, the government did not have established procedures or funds to cover logistical costs for the repatriation of victims. For the first time the government allocated funds for repatriation in 2020, although no victims required repatriation in 2019 or 2020. The government provided foreign victims the same services as Armenian victims. The law entitled foreign victims to a 30-day reflection period in which victims could 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; no foreign victim received a permit in 2020 (one in 2019).

There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of consistent identification procedures for trafficking indicators, authorities may have detained and deported individuals in commercial sex and foreign migrant workers who were unidentified victims. According to 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, which may have caused re-traumatization. The government lacked 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 2020. Judges did not issue restitution during criminal proceedings and victims did not file civil suits for compensation in 2019 or 2020. In previous years, judges did not issue 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 increased prevention efforts. The Anti-trafficking Ministerial Council and the Inter-Agency Working Group against Trafficking in Persons (IWGTP) monitored and carried out anti-trafficking efforts during the reporting period; the Ministerial Council met once (none in 2019) and IWGTP met once (none in 2019). During the previous reporting period, the government failed to pass the 2019-2021 NAP; however, the Ministerial Council and IWGTP updated the NAP, and the government adopted the 2020-2022 NAP and allocated 78.9 million drams (\$153,200) in 2020 for its implementation. The government did not conduct any new research on trafficking

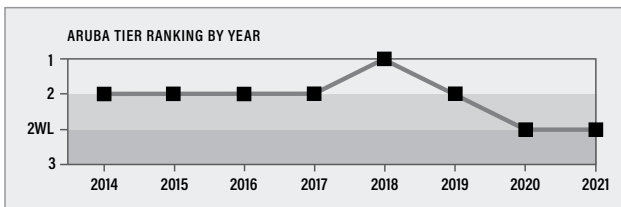
in 2020 (none in 2019). The government produced one radio and two television shows and funded a public service announcement on trafficking. Additionally, the Ministry of Education, Science, Culture, and Sports funded an anti-trafficking website and hosted an annual award ceremony for journalists publishing trafficking stories. The government did not regulate or monitor 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. In 2020, HLIB conducted labor inspections for the first time since 2015 but did not have jurisdiction to conduct inspections of “non-legal” employers such as small farms or illegal businesses. AP and MOLSA both maintained a 24-hour hotline for trafficking, and the Ombudsman operated a 24-hour hotline for human rights-related issues, including trafficking; the government did not report the number of calls, potential victims identified, or investigations resulting from 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. Traffickers exploit some of the Armenian migrants who seek employment in Russia, the United Arab Emirates (UAE), and Turkey in forced labor, often through recruitment fraud and exorbitant recruitment fees charged by labor brokers. Armenian women may also be exploited in sex trafficking in the UAE and Turkey. Armenian women 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 Armenian nightclubs are vulnerable to sex trafficking. Traffickers may target Iranian and Indian migrants who willingly seek employment in the informal sector for exploitation in forced labor. Men in rural areas with little education and children staying in childcare institutions remain highly vulnerable to labor and sex 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 identifying more victims, investigating more trafficking cases, and providing anti-trafficking training for officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government did not prosecute or convict any traffickers for the second consecutive year and officials relied on victims to report their exploitation, rather than proactively screening vulnerable populations. Anti-trafficking efforts lacked a dedicated budget and were largely dependent on ad hoc funding allotments. In addition, officials conflated trafficking in persons and migrant smuggling, hindering the effectiveness of prosecution, prevention, and protection efforts. Therefore Aruba remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Proactively identify victims among all vulnerable groups, including women in commercial sex, detained migrants, domestic workers, and migrants working in construction, supermarkets, and retail. • Train law enforcement officials, prosecutors, judges, coast guard officers, and labor inspectors on victim-centered and trauma-informed approaches to trafficking cases. • Establish dedicated funding for anti-trafficking efforts, including for full-time staff members. • Sentence convicted traffickers to significant prison terms. • Complete the construction of the multipurpose shelter for victims of crimes, including human trafficking. • Improve coordination and information-sharing with anti-trafficking counterparts across the Kingdom of the Netherlands. • Implement guidelines for proactive victim identification and increase referral of possible trafficking victims among Venezuelan migrants and refugees. • Formalize agreements with local NGOs and private sector accommodations to shelter adult and child victims. • Promote awareness of trafficking in persons, separately from migrant smuggling, through trafficking-specific materials and campaigns.

### PROSECUTION

The government maintained 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, commensurate with those prescribed for other serious crimes, such as kidnapping. The government drafted an amendment to the anti trafficking law to increase penalties for trafficking offenses, which remained under review with the advisory council, a final stage before submission to parliament, at the end of the reporting period.

Due to pandemic-related movement restrictions, officials reported a significant reduction in migrant smuggling cases involving Venezuelans in 2020; similar cases required significant investigative resources and overwhelmed the government's ability to investigate possible human trafficking crimes in the previous reporting period. Authorities reported conducting 13 preliminary investigations, resulting in two full trafficking investigations in 2020, compared with one investigation in 2019 and three in 2018. Officials did not report prosecuting or convicting any traffickers in 2020, compared with zero prosecutions or convictions in 2019 and one prosecution and one conviction under smuggling charges in 2018. In 2020, authorities continued to prosecute one case of labor trafficking involving two suspects, initiated in 2018. Authorities halted or investigated under related criminal statutes nine additional potential trafficking crimes where victims did not self-identify as such and declined to participate. The government did not report investigating, prosecuting, or convicting any government employees complicit in trafficking offenses.

The joint Human Trafficking and Migrant Smuggling Unit (UMM), comprised of law enforcement officials from the Aruban Police Force and the Royal Dutch Military Police, led trafficking investigations. During the reporting period, authorities provided anti-trafficking

\* Aruba is a semi-autonomous entity of 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. However, the Kingdom is an important contributor to the Government of Aruba's anti-trafficking efforts.



training to 38 new and veteran law enforcement officials through the Academy for Justice and Security. While senior government officials distinguished between trafficking and human smuggling, non-specialized law enforcement officials did not demonstrate an understanding of trafficking; across the government, Aruba addressed trafficking in persons and migrant smuggling via the same institutions. Officials issued training participants “Quick Reference Cards” (QRCs), funded by the Kingdom of the Netherlands, 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. Aruban authorities cooperated in two investigations coordinated by international law enforcement agencies and continued to collaborate with the Indian government in an ongoing prosecution.

## PROTECTION

The government slightly increased protection efforts. Multidisciplinary teams consisting of police, labor, and immigration officials continued to operate. The government reported identifying four trafficking victims in 2020, compared with zero in 2019, two in 2018, and 71 in 2017. Of the four victims identified, all were adults exploited in labor trafficking; one was male, one female, and two were anonymous reports made without specifying gender. Authorities screened ten additional individuals as possible trafficking victims but determined them to be victims of other crimes. The government established a new protocol to encourage identification of trafficking victims among vulnerable migrant groups by allowing potential victims to remain anonymous and receive services from civil society organizations during the initial investigation. In 2020, the government implemented the new protocol in one case, allowing two victims without legal residency status to report their exploitation and receive services anonymously; an international organization provided shelter and other services to these two victims. 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. Although authorities reportedly screened detained migrants for trafficking indicators ahead of deportation, observers expressed concern detention center officials were not equipped to identify trafficking. The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) developed a set of questions to guide officials screening detained migrants but did not report training officials on the new materials. The government had a basic victim referral mechanism to guide officials; however, the government did not report referring victims to services in 2020.

The government maintained informal verbal agreements with local NGOs and private sector accommodations to shelter adult and child victims of trafficking. Through these arrangements, the government could secure emergency short-term shelter for victims and longer-term shelter for adult female victims, despite a lack of trafficking-specific shelters. Authorities could place unaccompanied child victims in foster care centers or foster homes and adult male victims could be accommodated by civil society organizations 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 a longstanding plan to expand shelter capacity for male victims and families via new facilities was fully funded through a Kingdom of the Netherlands grant but stalled due to complications related to the pandemic; officials stated the government would begin construction in 2021. Authorities did not report any victims assisting 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 in 2020. 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 any victims received these benefits but confirmed trafficking

victims were not at risk of deportation during the reporting period as a result of a government-wide halt on removal proceedings during the pandemic. 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 (\$27,800) for financial and emotional damages, although none did so in 2020. The Bureau of Victim Assistance operated a hotline for potential victims of all crimes, including trafficking; the government reported eight trafficking-related calls to the hotline, leading to the identification of two trafficking victims, compared with zero victims identified via the hotline in 2019 and 2018.

## PREVENTION

The government maintained minimal prevention efforts. The National Coordinator on Human Trafficking and Migrant Smuggling continued to lead the government’s anti-trafficking efforts, with support from a national task force and the CMMA. All three entities had dual responsibility for both anti-trafficking and anti-smuggling efforts. Authorities continued to implement the 2018-2022 national action plan, which continued to lack dedicated resources for its implementation. Instead, anti-trafficking activities were financed via ad hoc allotments, including periodic infusions from the Kingdom of the Netherlands, which limited the capacity and stability of these efforts across prosecution, protection, and prevention. In 2020, the government hired a project manager for the CMMA, the four-year-old institution’s first dedicated staff member, with funding from the Kingdom of the Netherlands. However, the Aruban government had not approved dedicated funding for the project manager role in the national budget, leaving the future of the position uncertain.

Officials raised awareness of human trafficking and the hotline in multiple languages via social media, posters, and flyers, as well as a new airport-based campaign supported by an international organization. Authorities continued to utilize awareness materials produced in a 2011 campaign aimed to inform migrants of general risks, including trafficking. The government provided trafficking-awareness training to 120 government officials and civil society stakeholders. In 2020, the government converted many events to virtual delivery, including an annual anti trafficking awareness conference funded by the Kingdom of the Netherlands, which the CMMA reformatted as a week-long webinar series that reached more than 300 participants.

Officials had procedures to screen adult entertainers, primarily from Colombia; but, the government closed adult entertainment venues during the pandemic, and all adult entertainment visa holders returned to their countries of origin. Thus, few inspections were performed. Normally, individuals on adult entertainment visas were required to meet with consular officers to ensure the applicants knew their rights and had a copy of their work agreement before picking up their in-flight letter at the Kingdom of the Netherlands embassy in Colombia. Upon arrival, such visa recipients normally received information about their rights, risks, and resources. The government did not report efforts to reduce the demand for commercial sex acts.

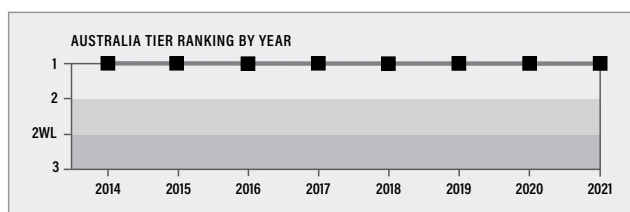
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Aruba. Traffickers exploit Venezuelan women in sex trafficking and foreign men and women in forced labor in Aruba’s service and construction industries. Arriving Venezuelans commonly overstay their visas, 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 children 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Australia remained on Tier 1. These efforts included more than doubling funding for victim protection services; updating, adopting, and funding a new five-year national action plan; and creating a publicly available registry of annual modern slavery statements from more than 250 businesses on their efforts to reduce the risk of forced labor in their supply chains. Although the government meets the minimum standards, its trafficking convictions remain low in comparison to the number of trafficking cases identified and the overall broader scope of the crime. Additionally, while courts convicted one trafficker during the reporting year, the trafficker received three years' probation; such lenient sentences weaken deterrence and may undercut broader efforts to fight trafficking. The government also did not adequately screen vulnerable groups traffickers may target, including domestic workers, international students, and migrant workers, which at times may have resulted in the government's detention or deportation of unidentified victims.



### PRIORITIZED RECOMMENDATIONS:

Significantly strengthen efforts to investigate and prosecute trafficking crimes 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. • Further de-link the provision of services from participation in the criminal justice process and increase services available to victims unable or unwilling to participate in the criminal justice process. • Ensure 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.

### PROSECUTION

The government maintained 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 crimes 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 2020, the government referred 212 suspected cases of trafficking for possible investigation, compared with 213 in 2019 and 179 in 2018, and initiated prosecutions against four defendants, compared with nine in 2019 and two in 2018. Authorities continued prosecutions from previous reporting periods against 20 defendants. The government convicted one trafficker for forced labor under section 270.6A(1) of the criminal code, compared with two convictions in 2019 and zero in 2018. The forced labor case involved one defendant convicted of forced labor of an employee; courts sentenced the trafficker to one year and six months' imprisonment. However, the prison sentence was reduced to a three-year probation. The government also prosecuted 38 defendants for planning or engaging in sexual activity with children overseas; some of these cases were initiated in prior reporting periods. These efforts led to one conviction, compared with 30 prosecutions with 10 convictions reported in 2019 and 11 prosecutions with no convictions in 2018. Authorities continued 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 employees complicit in trafficking crimes. The government reported pandemic-related delays in some court cases that required a jury; the courts allowed for remote court appearances and focused on facilitating early resolution of cases to address these delays. The government funded and facilitated training on trafficking investigations, legal provisions, and victim support for approximately 120 Australian Federal Police (AFP), prosecutors, and other law enforcement officers, and approximately 450 immigration officials. In addition, the AFP conducted 25 victim identification training presentations for 496 law enforcement and other government officials.

### PROTECTION

The government maintained efforts to protect victims. Authorities identified 65 potential victims, including 25 for sex trafficking and/or forced labor—compared with 54 sex trafficking and/or forced labor victims identified in 2019 and 41 in 2018; for the remainder of victims, the form of exploitation was unclear. Eleven of the potential victims were younger than 18 years old. Authorities referred all 65 potential victims to the Australian government's NGO-implemented Support for Trafficked People Program (support program). The government also assisted 11 potential Australian trafficking victims abroad, compared with 17 in 2019 and 25 in 2018; however, it was not clear how many of these individuals were victims of trafficking as defined by international law compared to victims of forced marriage or individuals vulnerable to forced marriage. Authorities identified most victims through the efforts of joint agencies, health care facilities, task forces, and cooperative action with foreign governments. Authorities continued to utilize a list of indicators to identify trafficking victims and refer them to services, and during the reporting period, the AFP updated the list in consultation with NGOs and other government

agencies. However, authorities often linked trafficking to migration and continued to inadequately screen for indicators of trafficking in the agricultural and hospitality industries and among offshore migrants. The government continued to 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. Civil society has reported some victims may have been reluctant to communicate with law enforcement officers due to fear of detention and deportation. Government policy sought to prevent victims from being held in immigration detention or otherwise arrested for unlawful acts traffickers compelled them to commit; however, due to a lack of formal identification procedures, authorities may have deported or detained some unidentified victims.

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 4.1 million Australian dollars (\$3.17 million) from the federal budget to the support program in the 2020-2021 funding year, as well as an additional 2.7 million Australian dollars (\$2.09 million) for pandemic-related needs, an increase compared with 2.25 million Australian dollars (\$1.74 million) during the 2019-2020 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 support program had five “streams” that were tailored to the needs of the particular victim. The assessment and intensive support stream within the support program 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 crime. 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. Children were automatically entitled to the extended support program if it was in their best interest. The temporary trial support stream assisted victims giving evidence pertaining to a human trafficking related prosecution. The justice support stream aided victims until the finalization of their case investigation and/or prosecution. The 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 continued to report some support services for victims were contingent on participation in law enforcement investigations and the government would cease provision of services when investigations ended. The government did not report how it provided services to adults unable or unwilling to participate in law enforcement investigations. The government created an interagency working group to focus on operational issues and information-sharing in relation to the support program; the interagency group met several times throughout the reporting period and reported meeting about pandemic-related impacts on trafficking victims.

The government provided temporary and permanent “referred stay” visas to eligible victims. In 2020, the government provided 28 temporary stay visas to foreign trafficking victims, compared with an unspecified number of victims in 2019 and 12 in 2018. Fewer than five individuals were granted permanent “referred stay” visas, the same as in 2019 and 2018; this included victims and their immediate family members, although some of these cases may have been victims of forced marriage rather than trafficking. In the previous reporting period, the government increased funding and staffing levels within the Commonwealth Director of Public Prosecutions’ Witness Assistance Service, which provided support to victims of human trafficking during the court process; the government did not report any changes to these levels during the reporting period. The government did not report whether prosecutors requested restitution or if 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 increased efforts to prevent trafficking. The Australian Interdepartmental Committee on Human Trafficking and Slavery continued to coordinate the government’s anti-trafficking efforts, while the Modern Slavery and Human Trafficking Branch within the Australian Border Force led the government’s domestic response to trafficking. In December 2020, the government finalized and launched its updated five-year national action plan (NAP) to combat trafficking. During the drafting of the NAP, the government invited public consultation on its development and held workshops with community stakeholders. The NAP focused on five national strategic priorities and continued to fund research projects and civil society organizations; facilitate awareness sessions for the public, government agencies, and civil society groups; and train law enforcement and government officials. The government allocated 10.5 million Australian dollars (\$8.11 million) to the implementation of the NAP. In addition to funding multiple research projects conducted by an academic institution, the government funded the institution to review the implementation of the previous NAP; this report was publicly available. In 2020, the government announced availability of almost 393,380 Australian dollars (\$304,000) for four NGOs to implement community prevention programs in Australia, compared with 400,000 Australian dollars (\$309,120) for the 2019-2020 period. NGOs implementing these programs focused on forced labor, migrant worker rights, and increasing trafficking awareness and community collaboration of anti-trafficking activities. The government, through the AFP, continued to operate a national hotline to report victims of trafficking.

The government established an interagency advisory group, which met four times in 2020, to provide strategic advice on the implementation of the Modern Slavery Act, which required businesses and entities with annual revenue of 98 million Australian dollars (\$75.73 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. In 2020, the government published its first Modern Slavery statement, in compliance with the act, and created a publicly available online registry of all submitted statements. The government posted more than 250 statements from businesses, covering nearly 500 entities operating in over 21 different industries on the registry during the reporting period, which was the first submission period under the act. The government disseminated three additional guidance documents, including on how the pandemic may increase supply chain risks to forced labor, to assist businesses with the implementation of the act’s requirements during the reporting period. In addition, the government participated in more than 50 educational engagements with businesses to support the understanding and completion of the act’s requirements. The Fair Work Ombudsman continued to prioritize prevention of potential labor exploitation—including human trafficking—amongst migrant workers, focusing on awareness in domestic workers and among international students.

In the previous reporting period, the government established a Migrant Workers’ Interagency Group to implement recommendations from the February 2019 Migrant Workers Taskforce Report. One recommendation from the report 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 still not been implemented nationally at the close of the reporting period, similar registration schemes had been implemented in Queensland and South Australia in 2018, Victoria in 2019, and the Australian Capital Territory in 2021. An NGO reported concern that the government did not effectively monitor and enforce 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, in the previous reporting period, 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 did not report an update to this definition change.

The government continued to make 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 64 passports and denied five to registered child sex offenders during the reporting period, which was the second year these authorities were implemented. In addition, authorities provided 100 notifications to foreign law enforcement regarding traveling Australian child sex offenders. The government reported pandemic restrictions reduced the overall number of individuals leaving the country and, therefore, reduced the number of notifications and cancelled or denied passports for this reporting period. The government did not make efforts to reduce the demand for commercial sex acts within Australia. The Department of Foreign Affairs and Trade provided pre-departure training to diplomatic personnel in compliance with Australia’s anti-trafficking legislation, and Home Affairs distributed a training package to its overseas staff and visa service providers. The government continued to work with international governments by engaging in anti-trafficking dialogue, conducting trainings, and sharing technical assistance.

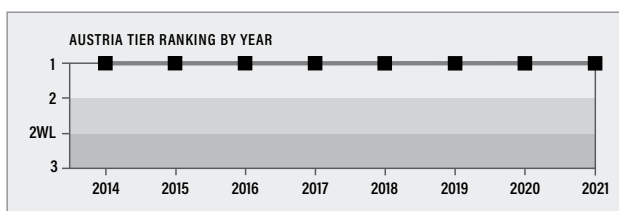
## TRAFFICKING PROFILE

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 that 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. Some fishing vessels that transit or dock at Australian ports use physical abuse to force men to perform labor. 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Austria remained on Tier 1. These efforts included increasing cooperation with foreign law enforcement and proactively and strategically following protocols in counter-narcotic operations by law enforcement to identify victims and ensure they were not punished for unlawful acts their traffickers compelled them to commit. Although the government meets the minimum standards, the government prosecuted and convicted fewer traffickers and some gaps remained in the referral process for potential victims of trafficking among migrants and asylum-seekers.



## 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 expanding training to help front-line responders recognize indicators of labor trafficking, including subtle means of fraud or coercion. • Thoroughly investigate and prosecute traffickers and sentence convicted traffickers to adequate penalties, which should involve significant prison terms, consistent with those imposed for other serious crimes such as rape. • Thoroughly investigate and prosecute traffickers and sentence convicted traffickers to adequate penalties, which should involve significant prison terms, consistent with those imposed for other serious crimes such as rape. • Strengthen efforts to guarantee effective access to compensation for victims, including by enforcing court compensation orders. • Continue to increase efforts to identify potential victims among Austrian citizens. • Uniformly apply the non-punishment provision for unlawful acts traffickers compel victims to commit and codify in law the non-punishment of victims. • Standardize the government law enforcement database on investigations, prosecution, 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 decreased 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 61 investigations involving at least 102 suspects under Article 104a, compared with 66 investigations of 102 suspects in 2019. The government initiated prosecutions under Article 104a against one defendant and continued 12 ongoing prosecutions in 2020, compared with 21 total prosecutions in 2019. Courts convicted four traffickers under Article 104a, compared with 10 in 2019. Authorities attributed the decrease in the number of prosecutions and convictions to a higher frequency of cases being rejected due to insufficient evidence. Moreover, due to pandemic-related restrictions, courts were unable to secure witness testimony in some cases. The government prosecuted 10 defendants and convicted three under Article 217, but it did not specify how many involved trafficking offenses. In contrast to the Austrian court register, 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 2019, when courts sentenced nine traffickers under Article 104a. Courts sentenced one trafficker to six years' imprisonment, two to five years', one to four years', one to three and a half years', one to two years', one to a partially suspended sentence of three years', one to a suspended sentence of two years', and one to a suspended sentence of 20 months'. Additionally, under Article 217, courts sentenced one individual to a prison term of 39 months', one to a suspended sentence of 10 months', and one to a suspended sentence of six months'. Despite the lack of comprehensive data for 2020, individual case reports provided some sentencing information. In a landmark case, law enforcement arrested traffickers from Serbia and Bosnia and Herzegovina who forced nationals from those countries to be "street runners" in drug trafficking. Specialized anti-trafficking police units worked with counter-narcotic police units to ensure they identified victims and did not punish them for crimes their traffickers forced them to commit. In May 2020, law enforcement collaborated with international authorities to disband an organized international sex trafficking operation that had exploited Romanian women in Vienna. 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, diplomatic, consular, 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 authorities cooperated with authorities from other countries, including neighboring EU countries, to investigate and prosecute trafficking cases. In 2020, the government requested mutual legal assistance in 50 cases and executed 16 requests for mutual legal assistance from foreign officials, whereas in 2019 there were 22 cases and six executed requests. Authorities reported no new cases of forced labor in diplomatic

households; one case from 2019 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 modestly increased protection efforts. The government continued to implement a referral mechanism in practice, launched in November 2018, for law enforcement 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. However, experts noted the government lacked a formalized national referral mechanism that includes a wide variety of stakeholders that may come into contact with a potential trafficking victim. 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 314 female victims and their children in 2020 (336 in 2019), of whom police referred 117 and other government agencies referred 36. 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 62 victims in 2020, although it did not specify how many of these were government referrals. The government identified 13 Austrian victims under Article 104a and four Austrian victims under Article 217 in 2020; the government identified 34 Austrian victims in 2019. 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. Authorities reported victim identification was constrained in 2020 due to pandemic-related restrictions on the commercial sex industry; authorities were unable to conduct regular health inspections and provide counseling services, limiting their ability to identify potential victims of trafficking.

The government allocated €1.43 million (\$1.76 million) to specialized anti-trafficking NGOs to provide shelter, services, and legal support to victims in 2020, compared with €988,110 (\$1.2 million) in 2019. However, the government also allocated €274,590 (\$336,920) between April 2019 and December 2019 to an NGO providing specialized services for male victims and €410,000 (\$503,070) between June 2018 and December 2019 to support NGO-run counseling centers for male victims and undocumented migrants. Government funding accounted for the bulk of support for these organizations. The city of Vienna funded a government-run center for unaccompanied migrant children, 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 2020. The government's anti-trafficking task force published annual guidelines on child victim identification and included these in brochures on children's rights that were distributed throughout the country in 2020. 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, diplomatic, and consular 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 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 2020 – the same number as in 2019. The provision of legal aid was constrained by gaps in the identification of victims; experts noted cases in which victims were not properly identified and therefore unable to access specialized legal assistance. 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 seven residence permits and extended 18 permits to trafficking victims in 2020, compared with 13 new permits and 24 extensions 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 a criminal case. Courts could award restitution upon criminal conviction; in 2020, courts awarded restitution to eight victims in trafficking cases, compared to 25 in 2019. Experts expressed concern that access to compensation and restitution remained rare in trafficking cases; furthermore, compensation awards were unevenly enforced, as it was the victim's responsibility to enforce the order through a claim with legal authorities. Compensation was also negatively impacted by the return to the victim's country of origin. The government included the topic of victim compensation in its trainings and seminars for prosecutors and judges. 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. Observers noted the non-punishment provision was infrequently applied and cited the lack of a specific legal provision on the non-punishment of victims of trafficking. 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 modestly increased efforts to prevent trafficking. A national anti-trafficking task force led the government's efforts and included representatives from federal ministries, provincial governments, NGOs, business and labor interest groups, and civil society. The task force included working groups to address issues of particular concern, including child trafficking, labor exploitation, and non-punishment of victims. The working group on child trafficking started drafting a concept for a national center for child trafficking victims, while the working group on labor exploitation began a project to compile informational material for foreign childcare workers to increase their knowledge of their rights. The government did not finalize its 2021-2023 national action plan prior to the end of the reporting period; the Ministry of Interior commissioned a study in August 2020 on trafficking in Austria and completed it in March 2021 in preparation for drafting the 2021-2023 plan. Civil society representatives who were not official members of the task force were periodically invited to attend task force meetings, and regional human rights coordinators covering anti-trafficking issues were regularly represented in the task force. The government finalized an implementation report assessing its progress in combating trafficking

under its 2018-2020 national action plan but did not submit it to parliament during the reporting period. Despite pandemic-related restrictions, the task force held four of its five planned plenary meetings in 2020. 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 virtual conference for approximately 500 participants from civil society, international organizations, and members of the diplomatic and consular 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. In August 2020, the government launched an awareness campaign through billboards and online platforms to educate the public. 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. The government-funded counseling center for undocumented workers continued an information campaign for seasonal agricultural workers and held workshops to raise awareness. 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. Authorities required a quality certificate for agencies employing nursing care personnel to prevent them from engaging in labor exploitation. Observers noted the labor inspectorate's mandate was limited to addressing health and safety conditions, which they claimed hindered inspectors' ability to respond to other exploitative work conditions; however, Austrian authorities stated inspectors received training on identifying labor exploitation and were required to report suspected cases to police. 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 interpretation 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 continued partnering 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 provided funding for projects to combat trafficking in a range of countries in the EU and Africa, as well as Cambodia and Nicaragua.

The government maintained efforts to reduce the demand for commercial sex acts by continuing to distribute awareness materials on the possibility of sex trafficking in commercial sex. The government continued 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 government funded a project to analyze the use of tools and initiatives to counter trafficking in international supply chains and a study on the effects of the pandemic on working conditions in global supply chains.

## TRAFFICKING PROFILE

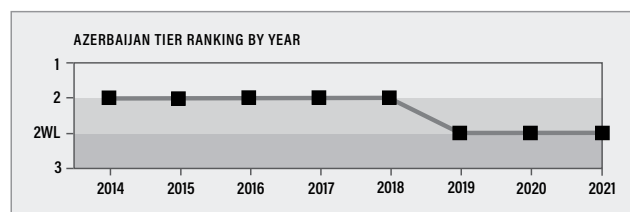
As reported over the past five years, human traffickers exploit foreign victims in Austria. Traffickers exploit women and girls from Eastern Europe (especially Bulgaria, Hungary, Romania, and Slovakia), Southeast Asia, China, Nigeria, and South America in sex trafficking. More than 95 percent of identified 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 of the Nigerian victims arrive in Austria as asylum-seekers. 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 imposing more stringent sentences to convicted traffickers and identifying more victims, including victims of internal trafficking. The government slightly increased funding for victim assistance, continued to provide robust victim assistance through Victim Assistance Centers (VAC), and adopted the 2020-2024 National Action Plan (NAP). However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government investigated and prosecuted fewer suspects and convicted fewer traffickers. The government lacked proactive identification efforts, resulting in victims likely penalized for unlawful acts their traffickers compelled them to commit. The government continued to lack interagency cooperation on anti-trafficking efforts and continued its moratorium on scheduled and unannounced labor inspections through 2021. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Azerbaijan was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Azerbaijan remained on Tier 2 Watch List for the third 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 and implement standard operating procedures 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. • Increase and allocate adequate funding to NGO-run shelters providing victim support services. • Lift the moratorium on scheduled and unannounced labor inspections. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. • Adopt and implement specific procedures to protect potential child victims, including identification and referral procedures, indicators, and interview questions.

### PROSECUTION

The government decreased law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and Article 144-1 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 12 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 18 cases with 20 suspects, compared with 25 cases with 27 suspects in 2019. Of the 18 cases, 16 were for sex trafficking and two for forced labor with 17 female and three male suspects. The government prosecuted 21 defendants, compared with 30 in 2019. Courts convicted 15 traffickers, a significant decrease from 42 in 2019. Of those convicted in 2020, 11 were females convicted for sex trafficking, and one female and three males were convicted for forced labor. Judges issued stronger sentences in 2020 with three traffickers sentenced to three to five years' imprisonment and nine traffickers sentenced to eight to nine years and six months' imprisonment. Judges also issued fewer suspended sentences; three traffickers received suspended sentences, compared with 28 in 2019. Officials reported judges issued suspended sentences to traffickers due to the "2018 decree on humanization of punishment," which required judges to issue more alternative punishments to imprisonment; however, in 2020, the government disseminated additional guidelines clarifying that the decree did not include trafficking. Due to pandemic mitigation efforts, the government postponed court cases, and law enforcement partially suspended inspections on locations associated with sex trafficking. However, law enforcement prioritized serious crimes, including trafficking, and continued investigations during the pandemic.

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 lacked corroborative evidence for victim testimony; law enforcement noted standard procedures required a complaint from a victim to initiate an investigation, which hindered the ability to conduct proactive investigations. Observers reported low-level police solicited bribes from individuals in commercial sex and brothels operated under the purview of district police chiefs. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. In previous years, observers reported 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, judges, border guards, and State Migration Service (SMS) officials on various anti-trafficking issues. ATD also held training for approximately 70 police officers and conducted virtual trainings for new prosecutors. The government did not provide information on international investigations or extraditions.

### PROTECTION

The government maintained victim protection efforts. The government officially identified 94 victims (91 in 2019); 85 were female sex

trafficking victims, five were female forced labor victims, and four were male forced labor victims (85 female sex trafficking victims and six male forced labor victims in 2019); one was a foreign victim from Russia (two foreign victims from Tajikistan and Uzbekistan in 2019); and two were child victims (one in 2019). Most officially identified victims were Azerbaijani victims identified in destination countries or foreign victims exploited in Azerbaijan; officials identified eight Azerbaijani victims of internal trafficking (one in 2019). The government did not report information on identified children and parents “involved in begging for the purpose of helping their parents” in 2019 or 2020 (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 standard operating procedures (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, LGBTQI+ 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, which officially identified 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. Civil society referred two potential victims to ATD in 2020 but none of the potential victims were determined by ATD as trafficking victims.

The government allocated 119,000 manat (\$70,000) for victim assistance, compared with 110,000 manat (\$64,710) in 2019. The government also allocated 113,350 manat (\$66,670) for the MIA-run shelter, compared with 84,700 manat (\$49,820) in 2019. The State NGO Council provided 172,000 manat (\$101,180) for 19 civil society projects, including 30,000 manat (\$17,650) for two NGO-run shelters, compared with 209,000 manat (\$122,940) for 20 projects, including 57,000 manat (\$33,530) for two NGO-run shelters in 2019. MIA provided a land grant in October to an NGO to construct a new shelter, but government funding overall was still inadequate for NGO-run shelters. NGO-run shelters remained severely underfunded and restrictive legislation governing foreign grants limited NGOs’ ability to receive funding from external donors. Most NGO-run shelter staff who provided support services worked on a voluntary basis. The MIA operated a shelter for trafficking victims, which provided accommodation, financial assistance, legal assistance, and medical and psycho-social support; 80 officially identified victims received support at the shelter (78 in 2019). 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 provided a resettlement allowance of 700 manat (\$412) for officially identified victims; 91 officially identified victims received the resettlement allowance, the same number as in 2019. The VAC in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims. VACs assisted 32 officially identified victims (85 in 2019), including 19 victims and four of their children with medical aid, 14 with psychological assistance, and 11 with legal aid. The government did not provide data on the number of potential victims who received assistance from VACs in 2019 or 2020. The government aided 12 officially identified victims to find employment (14 in 2019) and 25 with vocational training (45 in 2019). The government provided in-kind support and

assistance to children of victims; 27 children received school supplies (56 in 2019), 14 children received identity documents (14 in 2019), and 27 children were enrolled in preschool education (22 in 2019). Observers reported that low pay for VAC employees led to high staff turnover and decreased service quality due to inexperienced staff assisting victims. In previous years, the government awarded some contracts to organizations with no experience and jeopardized victim safety and assistance quality. The government referred 80 victims to NGO-run shelters (67 in 2019). NGO-run shelters operated at full capacity despite pandemic mitigation efforts but one NGO-run shelter in Ganja suspended operations after shelling in the armed conflict over Nagorno-Karabakh damaged its facility. The SMS did not report data on the number of temporary residence permits issued to foreign victims in 2019 or 2020 but the government assisted a foreign victim in obtaining a passport.

Observers reported that law enforcement’s attitude towards victims improved, but authorities may have penalized sex trafficking victims with administrative fines for prostitution crimes 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 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. Judges did not issue restitution in criminal cases and did not provide information on compensation in civil suits. The government reported confiscating property, cash, securities, and other assets from traffickers and transferring it to a victim assistance fund.

## PREVENTION

The government increased prevention efforts. The government consulted NGOs, international organizations, and government agencies to draft the 2020-2024 NAP and adopted the NAP in July 2020. The national coordinator led government-wide anti-trafficking efforts but the lack of cooperation between agencies hindered interagency coordination. While civil society reported the government did not consider trafficking as a high priority, it highlighted good communication with ATD, including responsiveness to recommendations and concerns. The ATD recognized 18 NGO leaders with monetary awards of 1,000 manat (\$588) for their anti-trafficking efforts in 2019 and 2020. The government postponed awareness campaigns targeting children and students due to the pandemic but distributed brochures and flyers on the risks of trafficking at public awareness events and to citizens traveling. 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, which received 5,705 calls (6,845 calls in 2019). These calls helped identify 10 victims and initiate three investigations. The government did not make efforts to 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 its moratorium on scheduled and unannounced labor inspections through 2021. Although inspectors were permitted to request information from employers and relevant employees in order to investigate complaints, complaint response did not include worksite inspections. The Ministry of Labor and Social Protection reported that it investigated 8,512 complaints in 2020.

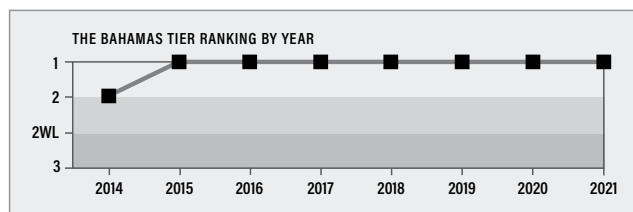
## TRAFFICKING PROFILE

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 but there were no reports of forced begging or forced labor at wedding facilities in 2020, which were not operational due to pandemic mitigation measures. Oil workers are vulnerable to forced labor with lengthy shifts at sea due to pandemic-related restrictions. Civil society and government officials reported no instances of forced labor in the 2019 and 2020 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.

## BAHAMAS, THE: 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 considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore The Bahamas remained on Tier 1. These efforts included convicting one trafficker, awarding restitution to a victim for the first time in the amount of 10,000 Bahamian dollars (\$10,000), continuing to prosecute alleged traffickers, and increasing training of government officials. Although the government meets the minimum standards, it identified fewer victims; did not comprehensively implement its victim identification protocol, especially among vulnerable groups; and did not have a dedicated shelter for trafficking victims.



### 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 such as stateless persons; vulnerable migrants from Haiti, Venezuela, and other countries; and LGBTQI+ individuals. • Provide a dedicated shelter for trafficking victims and continue funding comprehensive victim services. • Reduce delays in court proceedings. • Take steps to eliminate recruitment fees charged to workers in The Bahamas by labor recruiters and ban employee paid recruitment fees. • Provide vulnerable individuals with trauma-informed assistance and interpretation in their language prior to, during, and after screening for trafficking, including through the hotline. • Strengthen the capacity of labor inspectors to identify and refer victims of labor trafficking. • Increase 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 investigations 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 up 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.

The government initiated investigation of 13 cases (11 for sex trafficking and two for labor trafficking) during the reporting period, compared with 16 investigations in 2019 and two investigations in 2018. One of the investigations resulted in the prosecution of two individuals—a Bahamian male and a Bahamian female—in two cases for sex trafficking, compared to two cases in 2019 and one in 2018. Two investigations, involving three suspects, led to prosecutions for crimes other than trafficking. The government continued one sex trafficking investigation initiated in a previous reporting period. Authorities arrested 12 individuals on suspicion of trafficking during the reporting period. The Magistrate's Court handled the charges in all cases. The government convicted one trafficker in 2020 in the Magistrate's Court through a plea agreement, compared with no convictions in 2019 and one each in 2018 and 2017. The trial for the convicted individual, a female sex trafficker from the Dominican Republic, started in January 2020, but the pandemic delayed its completion until December 2020; courts sentenced the trafficker to two years' imprisonment. The convict, who did not have legal status to reside in The Bahamas, completed her sentence and was deported after receiving the required reduction as provided for in the majority of cases of persons convicted and sentenced in The Bahamas; the convict served a total of 16 months. However, the sentence indicated two years, despite the reduction in actual time served. The Supreme Court continued to hear two cases from previous reporting periods involving a total of two Bahamian male defendants and one female Bahamian defendant; both trials were ongoing at the end of the reporting period. The Magistrate's Court also continued the trial of a female Jamaican alleged trafficker initiated in a previous reporting period; the trial was ongoing at the end of the reporting period and authorities continued to monitor the movements of the defendant. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

The pandemic forced the suspension of all criminal court proceedings from April to November 2020, although many civil cases proceeded virtually. However, the government reported police, defense, health, and immigration officials continued to execute the government's trafficking response despite the pandemic, including by screening potential victims. The government did not divert any resources from anti-trafficking efforts as a direct result of the pandemic, and there was no interruption to law enforcement efforts. The National Trafficking in Persons Inter-Ministerial Committee (TIP Committee) Task Force maintained an investigative unit. The government did not assign any courts specifically to handle human trafficking cases. 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. Observers noted the lack of judges and prosecutors in the country contributed to significant backlogs in all cases; courts easily granted bail (due in part to prison overcrowding) even to defendants accused of violent crimes, and law enforcement did not have the resources to fully uphold the law. Immigration officials may have solicited Haitian migrants for bribes to prevent detention. The government provided in-person anti-trafficking training for 98 police recruits in April 2020, 24 police detectives in July 2020, and 147 members of the military from April-July 2020 on their roles regarding suspected trafficking crimes. Authorities also held a virtual training for 90 members of the judiciary in November 2020. The November event featured



opening remarks from the Chief Justice of the Supreme Court, the Attorney General, the Minister of National Security, the Chair of the (TIP Committee), and a foreign judge. The Royal Bahamas Police Force provided human trafficking training for 48 officers and two Masonic lodges on February 27 both virtually and in person. The Royal Bahamas Defense Force held a human trafficking training in March 2021 for 122 military personnel covering an overview of the crime, the role of the police, and the role of social services. The government did not enter into any new agreements or conduct any trafficking-focused law enforcement cooperation with other governments. However, two draft memoranda of understanding (MOU) to assist in human trafficking investigations and information sharing with Mexico and Colombia remained pending at the end of the reporting period.

## 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 government identified two Bahamian child victims during the reporting period, down from five victims in 2019 and the same as in 2018. NGOs did not identify any victims, the same as in the previous reporting period. The two identified victims, both 16 years old, returned to their families, and the Department of Social Services provided financial support both to the victims and to their families. Authorities provided care for five victims identified during previous reporting periods, including two victims still receiving support at the end of the reporting period, although efforts to provide care to victims stopped temporarily from late March to mid-April due to pandemic lockdown restrictions. The government's actual spending on trafficking victims' care and prevention activities apart from the pandemic was 41,351 Bahamian dollars (\$41,351). The government also provided 47,651 Bahamian dollars (\$47,651) for four victims for needs resulting from the pandemic, including emergency food assistance, financial assistance for basic needs, and temporary shelter. In 2019, the government gave 69,509 Bahamian dollars (\$69,509) to four NGOs that offered services to trafficking victims, among other vulnerable groups, compared to 240,000 Bahamian dollars (\$240,000) in 2018, with the decrease due to emergency costs incurred to address the destruction caused by Hurricane Dorian. In December 2020, a court awarded a Venezuelan victim 10,000 Bahamian dollars (\$10,000) in restitution in a civil suit for the first time. As of the end of the reporting period, the government was still arranging the logistics to deliver the award to the victim, who was in Venezuela. Authorities reported screening individuals for trafficking indicators during routine checks of nightclubs. The government reported it had a formal process to guide officials in transferring victims to institutions that offered short- or long-term care, and it screened all migrants arriving by sea individually upon arrival; normally, migrants apprehended on land were observed for indicators that might warrant further investigation. However, experts reported authorities did not use formal protocols to screen all migrants and continued abuse of migrants—particularly those of Haitian descent—by officials was a cause of concern. The country has an SOP with a detailed, victim-centered approach to the screening process, including the use of qualified interpreters of the same gender to assure reporting and comprehension of all communication. However, reports of inconsistent training of staff on screening for trafficking indicators, and lack of implementation of identification protocols in migrant languages indicated that authorities did not screen all vulnerable individuals, consequently failing to identify and protect any trafficking victims.

The Department of Social Services oversaw the support for identified and potential victims by service providers, attorneys, and law enforcement. The Department provided shelter, food, clothing (inclusive of school uniforms for dependent children),

rent, furniture, payment of utility bills, placement in school, medical care, psychological and psychiatric attention as needed, counseling, transportation, assistance with shopping, securing legal documents, résumé preparation, job placement assistance, facilitation of payment of stipends, and wiring of money abroad. The government typically provided most services for victims, but NGOs have in the past assisted in providing services to victims, including meals and water, hygiene supplies, and a non-threatening, neutral environment for authorities to conduct interviews. An NGO could provide counseling, while another NGO could be called upon for short-term accommodations for female victims. The government did not provide a dedicated shelter for trafficking victims; however, the government did provide short-term and long-term accommodations and partnered as needed with an NGO for use as a temporary safe house. Authorities continued to place victims in NGO-managed shelters shared with domestic violence victims. The government reported that it considered victim preference when determining the appropriate shelter, and that victims could choose not to reside in a shelter. The government did not report any cases of victims with disabilities; however, the national anti-trafficking budget included resources to make accommodations, if those services were necessary. Shelters did not restrict the movements of trafficked victims, allowed victims to leave for employment, and provided advisory services. Protection services were not time-limited. The government tailored victim care services to the needs of the victim upon assessment.

Victim participation in human trafficking investigations and prosecutions was voluntary and the law granted the victim immunity from prosecution. As a matter of policy, courts closed trafficking trials and—as the law mandated non-disclosure of victims' names, under penalty of prosecution—the media could not publish the identity of a victim. Bahamian law permitted victim testimony via live television links and for the reading of written statements into evidence, but this did not happen during the reporting period. Authorities reported they advised victims of their rights with respect to the law, appointed a designated caseworker who provided support for the victim, and provided witness protection. The government additionally gave a police security detail for foreign victims moving to and from the airport and for victims moving to and from the designated shelter, including for court appearances, during which a police officer stayed with the victim. The government also conducted periodic visits to the safe house. The government reported it encouraged victims returning from abroad for trial to bring a family member with them for additional support. The country lacked a visa classification for victims of crime, but foreign victims were entitled to the same assistance and services provided to Bahamian victims. Authorities did not tie benefits to foreign victims' willingness to cooperate with law enforcement or to testify in court and the outcomes of legal proceedings did not affect victims' temporary immigration status. Foreign nationals had the option to remain in the jurisdiction with legal status or to return to their country of origin; the government reported it did not deport victims. Foreign victims who decided to stay in the country received assistance in obtaining legal residency for humanitarian purposes, which included a standardized certificate that resembled the asylum certificate but did not identify the holder as a trafficking victim and enabled the holder to work legally. However, foreign victims—particularly irregular migrants—may not have felt comfortable enough to report crimes to law enforcement officers who could identify them as victims. During the reporting period, there were no reported cases of Bahamians being exploited in trafficking abroad and the Bahamian government did not identify any exploited nationals requiring funding for repatriation.

## PREVENTION

The government maintained prevention efforts. Ministry of National Security officials led the government's overall efforts to combat trafficking and chaired the TIP Committee, whose membership included the Ministry of National Security (including the Royal Bahamas Police Force, the Royal Bahamas Defense Force, the Department of Immigration, and the Department of Labor); the

Attorney General/ Department of Public Prosecutions (DPP) (a DPP Prosecutor); the Ministry of Social Services & Community Support (the Department of Social Services Chief Welfare Officer responsible for victim care); the Ministry of Health (the Department of Public Health); the Ministry of Foreign Affairs (two Foreign Service Officers); three NGOs; and the Task Force. The Task Force comprised the same members and activated in response to individual cases. The TIP Committee Secretariat consisted of three full-time, seconded government officials dedicated to efforts against human trafficking: the Chair from the Ministry of National Security, plus one official each from the Royal Bahamas Police Force and the Department of Social Services. The government reported it planned to double the size of the Secretariat to include officials from the Department of Labor, the Department of Immigration, and the Royal Bahamas Defense Force, but had not done so by the end of the reporting period. The TIP Committee, which continued to meet virtually every other week during the entirety of the pandemic, briefed the Minister of National Security weekly on anti-trafficking developments. The government had a national action plan, running from 2019-2023.

The Bahamian government funded anti-trafficking initiatives through the national anti-trafficking annual budget, which was included within the Ministry of National Security's annual budget. The Task Force had a dedicated budget of 95,000 Bahamian dollars (\$95,000), which was the same budget as in 2019; funding remained available during the pandemic. Funding for trafficking-related work in other ministries came from the general budgets for those ministries or departments. The government did not employ any specific methodology to research and assess human trafficking during the reporting year apart from information sharing within the TIP Committee. Government-imposed lockdowns and curfews due to the pandemic during the first half of the reporting period forced the TIP Committee to postpone or cancel numerous awareness-raising activities, including workshops, discussions with the public, and presentations. However, the Task Force was able to continue virtual awareness events. In July 2020, authorities held a press conference to outline the government's efforts to combat human trafficking in the country. Authorities provided anti-trafficking awareness sessions for 35 nurses in January 2021, 24 new staff from the Department of Public Health in February 2021, and 31 individuals including staff from the Accident and Emergency Department in February 2021. In July 2020, authorities provided a virtual awareness session for 35 members of the Bahamian/Jamaican Kiwanis Club and in October 2020 for 31 university students. In February 2021, members of the Secretariat provided a virtual awareness session for 48 lodge members on the human trafficking law, indicators, and prevention and reporting strategies. Authorities also provided sessions for tourism front-line staff and tourism "ambassadors." An officer with the Criminal Investigation Department, assisted by an interpreter, met with members of a Haitian church as a form of outreach on human trafficking to the Haitian community. Members of the Secretariat appeared on a radio talk show in November 2021 to discuss The Bahamas's strategy to combat human trafficking.

The Ministry of National Security maintained a dedicated 24/7/365 English-speaking trafficking hotline, funded by the national security budget, while an NGO had its own emergency hotline to report all forms of physical, sexual, and emotional abuse. The government's hotline remained fully operational during the reporting period, receiving two calls regarding suspected trafficking that did not result in the identification of any victims. The government advertised the hotline through English media and some Mandarin, Creole, and Spanish brochures placed in public spaces. The government disseminated multiple public service announcements via radio and television broadcasts and constructed a billboard with the hotline number. A Ministry of National Security vehicle displaying the trafficking hotline number circulated the streets in areas with vulnerable populations. The Department of Immigration, in conjunction with the Royal Bahamas Police Force, disseminated brochures with the trafficking hotline number to residents including school students, the local bank, food stores, and government offices.

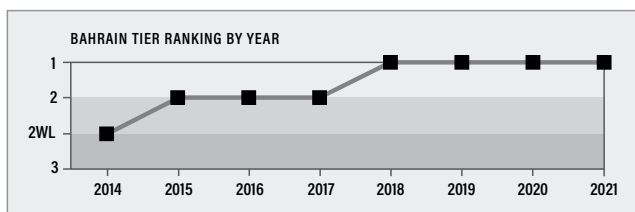
The constitution prohibits forced labor. Bahamian trafficking and labor laws did not explicitly prohibit charging workers recruitment fees, switching contracts, and withholding wages to compel service. The Department of Labor did not train labor inspectors in trafficking or report whether surprise inspections resulted in trafficking investigations, but the trafficking screening questionnaire for labor inspectors asked them to determine if an employee's job situation was different from what was promised or expected and if payment was withheld or deducted. The government reported the Department of Immigration granted work permits that were very specific in nature, and that the Immigration Board reviewed applications for every job over six months to prevent the issuance of unqualified permits and to protect against exploitation. The Department of Labor, through the Public Employment Services Unit, worked with private sector organizations to recruit Bahamians for specific projects. When an employer submitted a request for a work certificate for a non-Bahamian to work in the country, authorities issued anti-trafficking brochures to the employer, but staff rarely interacted with the prospective employee prior to arrival in the country. During the reporting period, the government received no reports of workers recruited through knowingly fraudulent job offers, contract switching, and confiscating or otherwise denying workers access to their identity documents. At the onset of the pandemic, the government gave migrant workers a choice to stay or return to their country of origin. However, the emergency lockdown restrictions, in effect during much of the reporting period, hindered the ability of many migrant workers to continue earning an income. Anyone temporarily out of work due to the pandemic was eligible to apply for unemployment benefits. Authorities began discussions with an international organization to establish an MOU on multiple issues relating to migration, including human trafficking and its impact on immigrants. The government did not undertake specific efforts to reduce demand for commercial sex. The government required all new diplomats to have anti-trafficking training and junior officers within the Ministry of Foreign Affairs rotated and sat on the TIP Committee for a minimum of six months.

## 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 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 five 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, irregular migrants, stateless persons, LGBTQI+ individuals (particularly from poor communities), and migrants displaced by Hurricane Dorian have been trafficked or are particularly vulnerable to trafficking. In particular, irregular migrants living in informal settlements on the Hurricane Dorian-ravaged islands of Abaco and Grand Bahama, and those who fled to New Providence after the storm, exist in what observers call "dark spaces," which deter reporting abuse. The high unemployment rate—reported to have exceeded 40 percent—resulting from the pandemic may have increased vulnerabilities for potential victims.

## BAHRAIN: TIER 1

The Government of Bahrain meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Bahrain remained on Tier 1. These efforts included establishing a specialized trafficking Public Prosecutor's Office and High Court, convicting a complicit government official for sex trafficking, and reporting more sex trafficking convictions. The government also increased efforts to prevent vulnerability of migrants who lost immigration status due to pandemic-related job loss through implementing a series of measures to protect migrant workers and reduce instances of forced labor. Although the government meets the minimum standards, it did not prosecute or, for the third consecutive year, convict any traffickers for forced labor. The government did not proactively identify victims of all forms of trafficking, specifically victims of forced labor, and it identified significantly fewer victims overall. It did not routinely employ its proactive identification and referral mechanism, which resulted in the penalization of some potential and unidentified victims, specifically those arrested for immigration violations or engaging in commercial sex and those fleeing forced labor. In addition, authorities sometimes treated forced labor—including cases of unpaid or withheld wages, passport retention, and related abuses—as labor law violations, rather than potential trafficking crimes.



### PRIORITIZED RECOMMENDATIONS:

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 and to all workers holding flexi-work permits and permanently allow domestic workers to self-sponsor through flexible work permits. • 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 sponsorship reforms to domestic workers, such as allowing domestic workers to change jobs at any time without employer consent. • Implement the new Wage Protection System (WPS) and ensure it covers all migrant workers, including domestic workers and flexi-permit holders. • Continue to train officials, particularly law enforcement and prosecutors, on the anti-trafficking law and victim identification, particularly for victims of forced labor. • Ensure that victims of all forms of trafficking receive equal access to protection services and that receiving shelter and other provisions does not depend on confirmation of a trafficking crime from the Public Prosecutor. • Increase proactive identification of trafficking victims among vulnerable groups, such as domestic workers, migrant workers, Cuban medical missions, Chinese nationals working on projects managed by state-owned enterprises, and individuals in commercial sex. • Train officials on and routinely use the two labor trafficking-focused directorates to identify labor trafficking victims and investigate labor traffickers. • Continue to conduct national anti-trafficking awareness campaigns, strategically targeting migrant and domestic workers.

### PROSECUTION

The government demonstrated varied law enforcement efforts during the reporting period, as it built greater capacity to prosecute trafficking cases under the anti-trafficking law and convicted a complicit government official for sex trafficking but did not prosecute or convict any traffickers for forced labor crimes. 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 (BD) (\$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 continued to maintain a police unit dedicated to investigations of trafficking crimes. In an effort to increase investigations and prosecutions under the anti-trafficking law, Bahrain's Attorney General issued Order 34 that established a specialized Trafficking in Persons Prosecutor's Office (PPO) and the First High Criminal Court for Trafficking in Persons during the reporting period. The government created the specialized PPO office to give prosecutors the full investigatory mandate to prosecute all trafficking crimes under the 2008 anti-trafficking law and ensure that potential victims of trafficking had greater access to legal recourse and adequate protection services and assistance. Both the prosecutor's office and court included staff specially trained by the Labor Migration Regulatory Authority (LRMA) and two international organizations on human trafficking.

The Ministry of Interior (MOI) reported investigating 19 potential trafficking cases (33 individual arrests) during the reporting period, of which 15 were for sex trafficking and four for forced labor, marking an overall decrease compared with 29 sex trafficking and 12 labor trafficking investigations during the previous reporting period. Calls to the government-run national trafficking hotline resulted in two of these investigations, as staff alerted the police who subsequently investigated the allegations. Officials prosecuted 27 alleged sex traffickers and zero individuals for alleged forced labor crimes, down from 53 and seven, respectively, the year prior. The government convicted 22 individuals for sex trafficking under the anti-trafficking law and handed down sentences between three and 15 years' imprisonment plus a fine in accordance with the law; it convicted 14 sex traffickers and administered similar sentences the previous reporting cycle. Courts sentenced two of the 22 traffickers to life in prison and ordered their deportation from Bahrain upon completion of their sentences. As in the previous two years, officials did not achieve any forced labor convictions. Also, as in the previous two years, the government required convicted traffickers to pay all costs associated with the repatriation of the victims. The government planned to deport all non-Bahraini trafficking offenders upon the completion of their sentences. In April 2020, a Bahraini court convicted eight traffickers to seven years' imprisonment and a fine of 5,000 BD (\$13,260) in a case initiated in the previous reporting period; the case involved Bahraini cooperation with the Government of the Philippines and involved two Filipino nationals who were forced into commercial sex upon arrival in Bahrain. The government also convicted a Bahraini police officer for complicity in the sex trafficking ring. In another case initiated in the previous reporting period and involving 21 Kazakhstani females forced into commercial sex in Manama, the LMRA, Ministry of Justice (MOJ), and MOI worked closely with the Kazakh Embassy in Saudi Arabia and with police officials in Kazakhstan to obtain testimony from the victims during the initial stages of the investigation before they departed Bahrain. The case resulted in the conviction of three traffickers and the repatriation of all 21 victims through funds from the government's victim assistance fund.

NGOs and civil society reported that although the government provided training to officials on identifying cases and victims of forced labor, frontline authorities, nevertheless, sometimes recorded instances



of non-payment of wages and passport confiscation as labor violations and rarely referred these cases to the PPO for investigation as potential trafficking cases. The government reported workers continued to be able to file a grievance against an employer in a labor court if arbitration was unsuccessful. The LMRA reported it began providing *pro bono* legal services through the Labor Case Submission Office for migrant workers and screened each of the 1,277 submitted cases for indicators of human trafficking. The government previously improved prospects for criminal prosecution of labor trafficking cases. The LMRA established two directorates in the previous reporting period and housed them within the MOJ's Labor Case Coordination section. The first directorate was the Protective Inspection Directorate (PID), which had the mandate to identify, investigate, and document all forms of labor exploitation with a focus on those with a prospective nexus to trafficking; it was staffed by labor inspection officers trained by two international organizations. The second directorate was the Grievances and Protections Directorate (GPD), which was able to receive, register, and document all labor-related criminal cases. The government incorporated both directorates into the government's broader national referral mechanism (NRM) with the goal of increasing laborers' access to the justice system, reducing the time for courts to render an official decision, and examining labor disputes from a trafficking, victim-centered lens. The government reported PID investigators could submit their findings directly to the PPO or the High Criminal Court for Trafficking in Persons; however, the government did not report whether the PID referred any cases in this manner during the reporting period. However, none of these referrals resulted in prosecutions for forced labor crimes. During the reporting period, the government provided training to nearly 2,000 judges, lawyers, police officers, government officials, and LMRA officials on topics related to trafficking, including victim-centered and trauma-informed approaches, NRM design and management, and challenges related to victim identification. Beginning in February 2020, the government shifted all training efforts to online platforms due to the pandemic.

## PROTECTION

The government made varied efforts to protect victims; it continued to provide strong protection services to confirmed victims, but it did not routinely identify victims of forced labor, rendering some potential trafficking victims unable to receive government provided shelter and other protective services. The government identified and provided robust protective services to 19 adult female sex trafficking victims (one of which was identified and referred via the trafficking hotline), a decrease compared with the 39 victims it assisted during the previous reporting period. All of the victims were from Indonesia, India, Thailand, Morocco and Kazakhstan. In total, 74 individuals received assistance at the government's trafficking shelter during the reporting period, including one adult male and five children. The government continued to employ its NRM to proactively identify trafficking victims, ensure proper documentation of cases, refer cases to the MOI and PPO 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 NGO stakeholders. The LMRA's digitized case management process under the NRM continued to increase in speed and overall effectiveness in case management and coordination of support to victims. Police stations, other government entities, NGOs, and foreign embassies provided direct referrals to the LMRA. The government reported 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. Further, the LMRA reported that its shelter served both male and female workers regardless of their legal status in the country and hosted presumed trafficking victims, severe cases of forced labor, and potential victims who may be in exploitable situations. Conversely, one NGO reported the government provided protection services, such as shelter, food, interpretation, legal assistance, and medical assistance only to trafficking victims confirmed by the PPO; however,

a local NGO refuted the assessment that victims of forced labor may not have received the full assistance and protection services from the government since authorities rarely identified forced labor as a trafficking crime. Per the NRM, in instances where authorities did not identify an individual as a trafficking victim but rather part of a labor or exploitation case, the government offered that individual shelter depending on the severity of the case. The National Committee to Combat Trafficking in Persons (NCCTIP) shelter provided 16 of the 19 identified trafficking victims with shelter, food, clothing, medical care, religious support, psychosocial counseling, rehabilitation, transportation, familial reunification, translation assistance, legal counsel, and repatriation or job placement in Bahrain; the government reported that the remaining three victims chose not to reside in the shelter, but received full assistance from the government otherwise. In addition, the government provided all confirmed trafficking victims with monthly financial compensation—93 BD (\$250)—via its victim assistance fund for those who remained in Bahrain for the duration of trial; additional funding was available through the LMRA's budget to cover the costs of victim repatriation and daily GPD expenditures, such as payroll and operational expenses. Embassies of labor-source 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 NCCTIP shelter or were unable to reach it.

Articles 19 and 40 of the Labor Law established some protections for domestic workers, which include agricultural workers, home security guards, nannies, drivers, and cooks who work for the employer or family members, requiring employers to provide a labor contract specifying working hours, annual leave, bonuses, and that such workers must be paid at least monthly. However, Article 22, which prohibited contract switching or changes to preset work conditions outlined in the contract, was not applicable to domestic workers, effectively increasing their vulnerability to forced labor. Labor inspectors faced difficulties conducting unannounced inspections of domestic workers' 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, salary, and other information. Domestic workers brought to Bahrain by recruitment agencies were 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. The LMRA maintained 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 the LMRA's oversight capacity by standardizing the application process and retaining all worker-employee documents on the LMRA's electronic systems. The government mandated 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 that the government penalized victims for unlawful acts traffickers compelled them to commit; however, there were reports that 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. Further, an NGO reported that in interviews with migrant men and women in deportation centers and others who were deported during the reporting period, authorities did not screen all arrested individuals for trafficking indicators before deportation. In addition, an NGO noted that the

government did not identify potential trafficking victims during raids, and commercial sex workers were generally detained and deported without being screened for trafficking indicators. 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 actions committed as a result of being subjected to trafficking. 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. During the reporting year, the government amended the Judicial Authority Law 42/2002 to allow the use of foreign languages in courts and permit the appointment of “non-Arab” judges in Bahraini courts, which allowed the court to hear testimony from non-Arabic-speaking witnesses directly, versus through a sworn translator as the original law stated, to have judges who could understand the witnesses in their native language. The government reported victims could testify via written correspondence, video recording, a closed-circuit live video, or in private, but it did not report if any victims utilized this option during the reporting period. Some migrant workers who fled abusive situations chose not to contact police to report abuse due to being a “free visa” holder—laborers in violation of the local labor law because they worked for a non-sponsor employer after leaving the employment of the sponsor that facilitated their entry into the country. 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, the government repatriated at least 21 trafficking victims to their countries of origin at the victims’ request.

## PREVENTION

The government maintained efforts to prevent trafficking. In 2020, the government finalized a three-year, 377,000 BD (\$1 million) agreement with an international organization to provide technical expertise to the Center of Excellence and Training for Trafficking in Persons, established in partnership with two international organizations during the previous reporting period, for the purpose of capacity building of victim assistance among government and regional stakeholders. The government was unable to offer training courses due to the pandemic. During the reporting period, high-level government officials and the LMRA participated in the second Inter-Governmental Forum on Combating Trafficking in Persons in the Middle East, hosted by the United Arab Emirates, and the forum appointed Bahrain as its permanent Secretary General in October 2020. High-level officials from across the region and two international organizations attended the forum to share anti-trafficking efforts during the pandemic, specifically related to increasing capacity to protect potential victims of trafficking.

The government also made significant efforts to address the increased vulnerability of migrant workers, regardless of residency status, due to pandemic-related job-loss or extended absence from work due to illness. These efforts included an amnesty period from April 2020 to December 2020 for all out-of-status workers (including those that lost legal status due to job loss), the elimination and/or reduction in costs associated with new and renewal work permits, including the “flexible (or flexi) work permit,” and the establishment of an online marketplace to allow workers who had experienced job loss to be re-hired by another employer in Bahrain as an alternative to returning to their home countries. The government also provided food, medical services, and financial relief to migrant workers throughout the pandemic.

Since its inception in July 2017, the LMRA’s “flexi” 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. From April 2020 to June 2020, the government eliminated all fees associated with

residency visas and the “flexi” permit program, gradually increasing the fees to previous, pre-pandemic levels in September 2020. Likely due to the lower cost of the program, the number of “flexi” permit holders significantly increased from about 23,000 to 46,000 during the reporting period, allowing workers that had lost jobs or were part of the amnesty to regularize their residency status. The government reported around 40,000 migrant workers experienced pandemic-related job loss during the reporting period; however, by providing the “flexi” permit visa at a reduced cost and launching an online marketplace to allow workers to be re-hired in Bahrain, the LMRA reported 51,000 migrant workers had re-entered the workforce and reduced their vulnerability to trafficking. Under the “flexi” permit, foreigners could reside and work in Bahrain without a sponsor, thereby reducing trafficking vulnerabilities inherent in the *kafala* or sponsorship-based employment system. Successful applicants could work any full- or part-time job with any chosen employer—including multiple jobs concurrently with various employers—and were able to directly negotiate wages and working hours. From November 2018 to June 2019, the government temporarily extended eligibility for the “flexi” permit to domestic workers who absconded from their employers or had expired work visas to allow them to regularize their residency and work status. During the pandemic, the government renewed this policy and allowed domestic workers to apply for flexi-permits during the amnesty period that ended at the end of 2020. However, as of 2021, the government again removed domestic worker eligibility for the program, rendering domestic employees vulnerable to the plight of the *kafala* system. Legal workers were also eligible to enroll in the program without the consent of their employer after the termination or expiry of their work permit. The “flexi” permit—which cost 432 BD (\$1,150) for one year—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 was not a suitable alternative for low-income workers who may not be able to afford the high cost of the permit each month and in some cases must find daily work to keep up with the costs of the visa. Rights groups also expressed the need to ensure protections for flexi-permit holders; as holders who work on a freelance basis or in short-term employment are not required to have a contract with their employer, and rarely do, heightening their vulnerability to wage disputes or other issues with a temporary employer without protection under the labor law. Further, because the labor law does not explicitly cover flexi-permit holders (as they do not have an employer or sponsor), these individuals are not afforded the ability to file grievances or labor complaints with the labor courts as other workers covered under the law could; rather, flexi-permit holders could only file cases against employers in civil courts. Additionally, a flexi-permit is not an option before a migrant worker arrives in Bahrain—a worker only becomes eligible for the program once their visa has expired, their contract has ended, or they become irregular—which continued to put workers in situations of potential exploitation under a sponsor or employer when first arriving in the country. Since 2011, private sector workers have had freedom to change jobs without their employer’s consent after one year of employment; on average eight to nine percent of Bahrain’s migrant worker population change employers each year. However, the LMRA still must approve the transfer, and like the flexi-permit program, domestic workers do not have the ability to change jobs without employer consent—further heightening the risk of exploitation to this vulnerable population. The government also reported all workers were able to terminate employment at any time, with a notice period according to their contract, and leave the country permanently without employer consent.

Passport retention was a crime punishable under Article 395 of the Bahraini penal code, with a penalty of jail time, a fine, or both. However, according to the law, employers were allowed to retain an employee’s passport if the employee gave the employer permission to do so, enabling the employer to justify the action. Laborers continued to be able to file a grievance for passport withholding

with the police, the Ministry of Labor and Social Development (MOLSD), or the LMRA. When handled by the LMRA, instances of passport retention were reportedly screened by trained GPD staff for indicators of trafficking. Representatives of labor-source country embassies reported that cases handled by the LMRA resulted in expedient and fair disposition of cases. A worker could also register a complaint to the court directly if the employer refused to return the passport; however, in most cases, once the LMRA, MOLSD, or police approached the employer, they returned the passport to the employee, and the worker chose not to pursue criminal charges against their employer. In a purported effort to address the crime, the LMRA's GPD began working more closely with a local NGO to learn more about passport retention and address the issue directly with employers. During the reporting period, the GPD reported improvements in addressing passport retention by employers and reported that incidents of employers returning confiscated passports to employees increased by 365 percent. The GPD's strategy included an awareness campaign about the issue of passport retention targeted at employers and underscored administrative and potential criminal repercussions for confiscating a worker's documents. However, as in previous reporting periods, labor authorities or police did not report referring any cases of passport retention to the PPO for criminal investigation or prosecution.

The government made efforts to prevent forced labor by increasing inspections of recruitment agencies and announcing a plan to launch a Wage Protection System (WPS). The LMRA continued to oversee the issuing of licenses and regulation of recruitment companies through quarterly inspection visits to the offices and other measures to ensure the protection of workers' rights. For example, the government continued to require all recruitment agencies to submit a security deposit equivalent of 10,000 BD (\$26,530) to safeguard employees' rights and required each employer to provide dedicated accommodation for recruited workers that met the LMRA's standards. The LMRA's PID employed 70 inspectors who were responsible for enforcement of employment violations, immigration violations, and worksite inspections. The LMRA's PID reported conducting 2,264 inspections during the reporting year, of which 152 were for recruitment agencies. Through these inspections, the government permanently shut down six companies and suspended one recruitment agency; in 2019, it closed one agency. It also suspended 15 additional companies due to noncompliance with LMRA regulations and having workers without legal status employed in the establishments. As in previous years, the government did not report referring any recruitment agency or offices to the PPO for further investigation or criminal prosecution. In March 2021, the government announced plans to launch a WPS for private sector workers beginning in May 2021; the system, intended to be rolled out in three phases, is not currently obligated for employers of domestic workers, but employers of domestic workers had the option to participate in the system. The government reported the aim of the system was to ensure regularly and timely transfer of worker's wages directly to their bank account and enhance transparency; the system will automatically flag instances of non-payment or delayed payment of wages, and an employer's failure to pay monthly salaries on time would result in penalties and legal procedures against violators.

The government continued to fund awareness campaigns via text messages and social media targeting low-skilled migrant workers through the reporting period. It used mobile phones to proactively engage with migrant labor populations, sending out nearly one million text messages with the trafficking hotline information, labor rights facts, and police station locations as well as information to migrant workers about the pandemic and associated safety and health measures. In addition to traditional messages about the dangers and signs of trafficking, the LMRA also deployed extensive outreach campaigns to raise awareness for workers regarding the amnesty period during the year, guidance on how to obtain and renew a flexi-permit, and how to regulate their legal status due to pandemic related job loss. During the previous reporting period, the

LMRA launched a website ([endtrafficking.bh](http://endtrafficking.bh)) with a wide range of information on trafficking and myriad resources readily accessible for foreign workers. However, NGOs reported key information on the website was only available in English, limiting its application. 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 the LMRA when applying for initial or renewed residency cards. The LMRA's Expat Protection Center's trafficking hotline collected reports and served as a resource to educate workers about their rights and available services in Arabic, English, Hindi, Malayalam, Sinhalese, Tagalog, Tamil, Telugu, and Urdu 24 hours a day, seven days a week. The government advertised the hotline's number and mandate through pamphlets given to each migrant worker upon arrival in Bahrain and circulated through the LMRA's social media platforms and website. The government reported receiving a 151 percent increase in the number of calls during the reporting period (16,201, an increase compared with 6,444 such calls the previous year), most of which pertained to the pandemic and associated job losses. Officials initiated two trafficking investigations and identified and referred one victim through this hotline during the reporting period. The government concluded memoranda of understanding with several labor-source countries, including Pakistan and India, that focused on oversight of recruitment agencies and protection of migrant workers in Bahrain and provided technical assistance to other governments in the region on trafficking topics such as victim identification, care and assistance, migration management and sponsorship reform, and building a NRM. 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, Uganda and The Gambia, is increasing. Prior to the pandemic, foreigners comprised approximately 80 percent of the total Bahraini workforce, the majority being unskilled or semi-skilled construction or maintenance workers. Likely due to pandemic-related job loss, the economic downturn, and an increased desire for workers to repatriate, Bahrain's migrant workforce decreased in 2020. The government reported there were roughly 65,000 domestic workers in Bahrain in 2020, 85 percent of whom were female, predominantly from Ethiopia, India, Philippines, Bangladesh, Kenya, and Indonesia—20 percent fewer than the previous reporting period. This category of employee includes agricultural workers, home security guards, nannies, drivers, and cooks. Men from India and Bangladesh account for the vast majority of Bahrain's male domestic workers. Domestic workers from African nations are increasingly at risk of forced labor 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. NGO and labor-source countries report an increase in incidents of unpaid wages and debt bondage, especially among 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



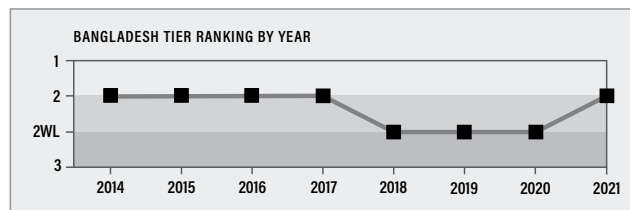
freedom of movement, withholding of workers' identity cards and passports, and employer coercion constrain employees from reporting such instances of exploitation. During the reporting year, NGOs report an increase in non-payment of wages and coercion for domestic workers who were forced to stay in their employer's home and work after completing their contracts due to pandemic-related travel restrictions. Chinese nationals working in Bahrain may have been forced to work, including on projects managed by state-owned enterprises. Cuban nationals working in Bahrain may have forced to work by the Cuban government.

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 NGOs report that due to pandemic-related shutdowns of the service industry, workers who lost their jobs were consequently forced or exploited in commercial sex. 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Bangladesh remained on Tier 2. These efforts included initiating more prosecutions, particularly of labor traffickers; beginning to operate its trafficking tribunals; and collaborating with foreign governments on a transnational trafficking case. The government also opened an investigation into—and Parliament revoked the seat of—a member of Parliament involved in bribing a Kuwaiti official to fraudulently send more than 20,000 Bangladeshi migrant workers to Kuwait. The government also reported it funded 95 percent of its national action plan to fight human trafficking. However, the government did not meet the minimum standards in several key areas. The number of convictions decreased, while law enforcement continued to deny credible reports of official complicity in trafficking, forced labor and sex trafficking of Rohingya, and child sex trafficking, including in licensed brothels, and did not demonstrate efforts to identify victims or investigate these persistent reports. While international organizations identified signs of trafficking in hundreds of migrant workers returning from Vietnam, the government, instead of screening them for trafficking indicators, arrested them on vague charges, including for damaging the country's image. The government

continued to allow recruiting agencies to charge high recruitment fees to migrant workers and did not consistently address illegally operating recruitment sub-agents, leaving workers vulnerable to traffickers. Victim care remained insufficient. Officials did not consistently implement victim identification procedures or refer identified victims to care, and the government did not have shelters or adequate services for adult male victims.



### PRIORITIZED RECOMMENDATIONS:

Increase prosecutions and convictions for trafficking offenses, particularly of labor traffickers and complicit government officials, while 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. • Disseminate and implement standard guidelines for provision of adequate victim care referral to protective 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. • Continue collaboration with the Inter-Sector Coordination Group to implement measures protecting Rohingya from traffickers. • Enhance training for officials, including law enforcement, labor inspectors, immigration officers, and health care providers 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 for migrant workers, including sessions on labor rights, labor laws, and access to justice and overseas 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. • Finalize, adopt, and implement revisions to the 2015 MOU with India to streamline the identification and repatriation of Bangladeshi trafficking victims. • Fully implement the 2018-2022 National Plan of Action, including dedicating official resources towards enhancing victim care. • Establish standard guidelines for investigating transnational trafficking cases.

### PROSECUTION

The government maintained overall law enforcement efforts. The government prosecuted more traffickers for forced labor, expanded cooperation on transnational trafficking crimes, and revoked the seat of a member of parliament following his conviction abroad for trafficking crimes, but it convicted fewer traffickers and did not take adequate steps to address internal sex trafficking or official complicity in general, 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) (\$588). Bonded labor was treated as a separate offense with lesser prescribed penalties of five to 12 years' imprisonment and a fine of not less than 50,000 BDT (\$588). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The government continued to train police officers through an anti-trafficking module at the police

academy. The government also continued to train and provide in-kind support to international organization and NGO-run trainings for judicial, immigration, and border officials. The government did not report whether police and other relevant officials received training on the 2017 PSHTA implementing rules.

The government investigated 348 cases under the PSHTA (including 138 investigations continued from previous years), compared with the investigation of 403 cases (including 29 ongoing investigations) during the previous reporting period. The government prosecuted 517 suspects (184 for sex trafficking and 333 for forced labor)—an increase from the 312 individuals the government prosecuted the previous reporting period, of which 56 were for forced labor. The government convicted seven traffickers, including one for sex trafficking, two for labor trafficking, and four for undefined trafficking crimes, but acquitted 14 defendants. This was a significant decrease from courts convicting 25 traffickers the previous reporting year. Due to the pandemic, courts were closed from April to July 2020 and in-person activities were delayed until August. In addition to delaying trials, the pandemic forced postponement of the orientation and training for new anti-human trafficking tribunal judges and prosecutors who had been appointed in March 2020. The government reported more than 4,000 trafficking cases remained pending investigation or prosecution as of December 2020. The government acknowledged investigations, prosecutions, and convictions for trafficking remained inadequate compared to the scale of the problem.

In previous reporting periods, the majority of cases involved migrant smuggling of Rohingya and Bangladeshis without clear indicators of crimes of trafficking in persons; the government did not report case details of this year's investigations or prosecutions. Some 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. However, in one notable case, the government collaborated with United Arab Emirates (UAE) law enforcement and intelligence agencies to investigate organized crime and human trafficking following the arrest in Dhaka of a Bangladeshi alleged to have led a sex trafficking ring which forced Bangladeshi women into commercial sex in Dubai nightclubs. Police also arrested five other Bangladeshis in connection to the case. In the previous reporting period, the government established seven anti-trafficking tribunals by appointing seven judges and special prosecutors exclusively to hear human trafficking cases and address the substantial case backlog. Due to pandemic-related delays, the tribunals did not begin operating until August 2020. Legal experts praised the expediency in which one internal case before the Dhaka tribunal was decided. However, they cautioned the process for more complicated cases, especially those involving transnational elements, would require additional time before the tribunals. For cases heard outside of the tribunals, observers had previously noted the government generally did not dedicate sufficient resources to pre-trial investigations, and cases languished due to a lack of evidence or case backlogs. The government continued to allow mobile courts, established under the executive branch, to adjudicate labor violations, human trafficking cases, and migrant smuggling cases, especially in areas without a trafficking tribunal. 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 that 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, most Rohingya-related cases reported by law enforcement involved movement via boat—cases that might have amounted to 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 crimes, including trafficking, from approaching law enforcement for assistance. In previous reporting periods, the Bangladeshi High Court did not accept anti-trafficking cases filed by Rohingya, despite the law allowing Rohingya to file such cases in Bangladeshi courts. International organizations continued to allege some Bangladeshi officials facilitated trafficking of Rohingya, including by accepting bribes from traffickers to gain access to camps.

Official complicity in human trafficking, trafficking-related corruption, and impunity for traffickers remained serious concerns, continuing to inhibit 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 forego checking for the required documentation that each individual was older than 18, and to procure fraudulent documents for girls 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.

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. During the reporting period, the Anti-Corruption Commission opened an investigation into a Bangladeshi parliamentarian accused of bribing Kuwaiti officials to bring more than 20,000 Bangladeshi migrant workers into Kuwait on work visas which stipulated a different job, and paid the workers significantly lower wages than promised, or none at all. Parliament revoked the member's seat following his conviction and imprisonment in Kuwait for bribery. The government initiated an investigation into the accused's wife, also a member of parliament and convicted in Kuwait on a related but lesser charge, and other family members. Media reported 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 (\$435) 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, and for a second year no hearings were held. Other than the investigation into the member of parliament, and despite ongoing allegations of official complicity, the government did not report any other investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government increased the number of victims identified but maintained severely inadequate victim protection, especially for

Bangladeshi trafficking victims identified overseas. The government identified 6,866 potential trafficking victims, a significant increase from 585 in the previous reporting period; however, the government did not report details of this number or account for the large increase and, in the past, had reported many smuggled migrants in the overall number. Traffickers exploited the majority of victims identified through forced labor. Organizations identified and provided support to at least 1,683 trafficking victims, including 339 Rohingya identified between December 2019-2020. The Ministry of Home Affairs (MHA), the government's lead agency for combating trafficking, had standard operating procedures (SOPs) for proactive trafficking victim identification; however, the government did not report how widely officials disseminated or used the SOPs. Some police officers used a checklist to proactively identify victims when they came into contact with individuals in commercial sex establishments; however, the government did not formally adopt or disseminate the checklist, and its use was inconsistent. The government, in partnership with an international organization, developed a rapid victim identification mobile application during the reporting period, and the government reported initiating a virtual method for trafficking victims to file police reports.

During the reporting period, the government adopted a standard 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; however, the government did not provide reimbursement or overall funding to the NGOs. The government referred 126 victims to government shelters and 167 to NGO-run shelters, an increase from approximately 74 victims referred in the previous reporting period. 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, offering short-term shelter, medical services, and psychological care. In response to pandemic-related restrictions, the Ministry of Women and Children Affairs created psycho-social support options through cell phone and email. 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 additional 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 to assist female victims of crime, although it was unclear whether and how officials referred women to these centers. The government generally did not view adult men as trafficking victims. While some NGO shelters could house male victims, the majority of NGO shelters – similar to government shelters – could not, 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 most returned to the refugee camps, where they remained vulnerable to re-trafficking. The government's NGO Affairs Bureau at times withheld 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 pandemic limited resources and strained the ability of NGOs to offer victim services. The PSHTA entitled victims to protection during judicial proceedings, including police security, and allowed 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 the protection provision caused the vast majority of trafficking victims not to participate. While the 2012 PSHTA mandated creation of a fund to assist victims in seeking compensation from their traffickers, the government had not yet created the fund. All trafficking victims could file civil suits seeking compensation. The government reportedly screened for trafficking among individuals before arresting them; 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 in the previous reporting period reported law enforcement raided brothels and arrested foreign women working in commercial sex for violating 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 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 but did not finalize SOPs to implement a 2015 memorandum of understanding (MOU) on trafficking victim identification and repatriation. The governments facilitated, and NGOs funded, repatriation of trafficking victims from India, but without a final, adopted SOP, 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 their labor wings had neither the staffing nor the resources to assist the large number of migrant workers, especially at embassies with large numbers of Bangladeshi workers 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 operated a desk at the airport providing up to 5,000 BDT (\$59) and information on available NGO services to returning female migrant workers, including trafficking victims.

While MEWOE confirmed approximately 21,230 Bangladeshi workers returned from Saudi Arabia during the reporting period, many likely domestic workers, the government did not report screening any of the returning workers for signs of trafficking. Additionally, at least 396 Bangladeshi migrant workers from other countries returned with substantial indicators of trafficking during the reporting period, some of whom the government penalized on ambiguous charges of "damaging the image of the nation" without appropriately screening for trafficking. In September 2020, the government arrested and charged 81 migrant workers recently returned from Vietnam under section 54 of the Code of Criminal Procedure, which allowed the government to detain, without a warrant, individuals suspected of committing or intending to commit cognizable offenses. Court documents included allegations the migrants damaged the country's image by protesting their payment of recruitment fees for jobs that never materialized in front of the Bangladesh embassy in Vietnam. While MEWOE closed six recruiting agencies associated with the Vietnam case, the government maintained the charges against the 81 migrant workers. Additionally, 219 Bangladeshi workers who had returned from Kuwait, Qatar, and Bahrain were arrested on July 5, 2020 for allegedly committing similar ambiguous offenses abroad. NGOs called for the migrant workers' release and treatment as trafficking victims. In November 2020, authorities released the



migrant workers on bail. In the previous 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 employers; many victims wanted to return home and thus could not pursue cases. The government did not file any trafficking cases in destination countries but did assist with investigations in Libya, Kuwait, and the UAE. 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, which often yielded minimal awards. At least one NGO reported the Bureau of Manpower and Employment Training (BMET), which facilitated the arbitration, prohibited NGO advocates from accompanying migrant workers, forcing workers to arbitrate claims alone against both powerful recruitment agencies and BMET. MEWOE reported it settled 424 complaints against 142 recruitment agents in 2020 which compelled them to pay 24.04 million BDT (\$282,820) total to migrant workers, compared with 214 recruitment agents compelled to pay 34.4 million BDT (\$404,710) in compensation to 352 workers in 2019; MEWOE did not report whether any complaints involved forced labor. Because the government did not consistently 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 (NAP). The government harmonized the NAP implementation with funded Sustainable Development Goals to cover costs associated with 95 percent of the plan. MHA continued to lead the inter-ministerial anti-trafficking committee, which met bi-monthly. During the reporting year, many MHA officials with responsibilities for coordinating anti-trafficking efforts transitioned to new government positions, leading to some loss of institutional knowledge and momentum in implementing the NAP. The government created the National Authority, an institution to serve as a government-wide supervisory body on combating trafficking, but civil society reported the National Authority was neither active, nor funded. The government also did not clarify the distinct roles of the National Authority versus the inter-ministerial committee. MHA did not make its annual reports on human trafficking public, and anti-trafficking law enforcement data was published online but did not always contain current statistics.

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 BDT and 262,000 BDT (\$1,000-\$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. The Bangladesh Association of International Recruiting Agencies (BAIRA) oversaw 1,186 licensed labor recruitment agencies. The government’s vigilance task force continued operations against corrupt recruitment agencies, travel agencies, and dalals—sub-agents who operated in rural locations and connected prospective migrant workers to licensed employment agencies. MEWOE suspended 32 recruitment agencies for operating in violation of the law, including breach of

employment contracts and recruitment regulations. Following the death of 26 Bangladeshi migrants in Libya, the government called for an investigation and punishment of perpetrators. The police arrested 19 people, including two labor recruiters. The government also approached INTERPOL for the first time to place six individuals on their red notice watchlist, which led to the arrest of two individuals at the close of the reporting period. NGOs and academics welcomed the quick arrests but questioned the government’s commitment to addressing vulnerabilities that led to trafficking in general. Authorities referred some of the recruitment agents to mobile courts, which convicted and sentenced two individuals to different terms of imprisonment and imposed fines of 1.46 million BDT (\$17,180) 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, the government granted MEWOE authority to register recruiting sub-agents (dalals) and required brokers to register sub-agents and representatives. MEWOE did not report how it was monitoring existing or new agents for compliance. NGOs stated the government needed to do more to bring all recruiting companies into compliance with this directive. MEWOE reported it was developing a scoring process to rank licensed recruiting agencies. BAIRA acknowledged migrant workers frequently paid dalals fees in addition to the legal amount BAIRA agents charged before the workers began the formal recruitment process. Dalals 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 skills or abilities, and migrant workers frequently paid as much as five times the government’s maximum fee level. The government maintained a number of bilateral labor agreements, in part intended to protect Bangladeshi workers abroad, although there was no evidence the government enforced the MOUs. As some countries closed their borders due to the pandemic, the government expanded labor markets beyond traditional locations and, for the first time, signed labor agreements with Uzbekistan and Albania in November 2020. Some NGOs expressed concerns with the labor conditions in these countries. At the beginning of the pandemic, the government took steps to prepare for the anticipated repatriation of Bangladeshi workers, including by providing a one-time payment for returning migrant workers, and encouraging destination countries to protect migrant worker jobs and provide financial support for workers who had been laid off. For some Bangladeshis still migrating during the pandemic, the government continued to require pre-departure training, including safe migration and anti-trafficking components, and 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 were not empowered to monitor the informal sector. NGOs estimated child labor increased by 30 to 40 percent in 2020, due to the pandemic. Staffing and resources to inspect for labor violations, including forced and child labor, remained severely inadequate, and inspectors regularly conducted announced inspections, which gave employers time to hide children or

exploitative conditions. Between July and December 2020, inspectors filed 20 cases against employers for the worst forms of child labor; they did not report whether 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 187 reports of trafficking.

The government continued to allow international organizations and NGOs to provide some assistance to refugees. In January 2020 the government endorsed an international organization's pilot program to introduce the Burmese national curriculum to some Rohingya ages 11 to 13 years old in refugee camps, allowing them access to some schooling. Due to pandemic-related lockdowns, schools remained closed during the reporting period and the pilot program could not be expanded. However, the government continued to bar Rohingya from formal schools and working legally and restricted their movement; in addition, it continued to suspend birth registration for Rohingya, 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. During the previous reporting period, 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 investigation remained ongoing. 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 through labor trafficking a substantial number of the hundreds of thousands of Bangladeshi female domestic workers. Officials report that approximately 200 domestic workers return to Bangladesh from Saudi Arabia each month with indicators of forced labor.

Traffickers exploit Bangladeshi women and girls in forced labor and sex trafficking abroad, including in India, Pakistan, and Gulf countries. Traffickers sold some women who migrated through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work into forced labor. Some Chinese traffickers force Bangladeshi women, specifically indigenous women from the Chittagong Hill Tracts, into sex trafficking and domestic servitude through arranged marriages. Some traffickers falsify identity documents to make children appear older than age 18 to send them abroad. Since 2016, 473 bodies of deceased Bangladeshi domestic workers have been repatriated from

the Middle East, including 63 between January and September 2020. This includes the body of a 13-year-old girl sent to Saudi Arabia through a labor recruiter with a falsified passport listing her age as 27. During 2020, NGOs reported traffickers used promises of employment in "COVID-19 free" locations to attract victims.

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 repay. Child sex trafficking remained widespread; experts estimate 20,000 children are both growing up in and are exploited in commercial sex in Bangladeshi brothels. Several women and girls reported traffickers preyed on them and sold them to brothels, after the women fled abusive child marriages. Other women reported they had grown up in brothels because their mothers were engaged in commercial sex, and brothel owners forced them into sex work 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, forego checking for required documentation that each individual is older than 18, and to procure fraudulent documentation for children 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. Sex traffickers exploit street children in exchange for food, shelter, protection, and money. NGOs describe increasingly widespread job losses, wage cuts, and poverty in rural areas and urban slums due to the pandemic, which forces some children into begging and commercial sex.

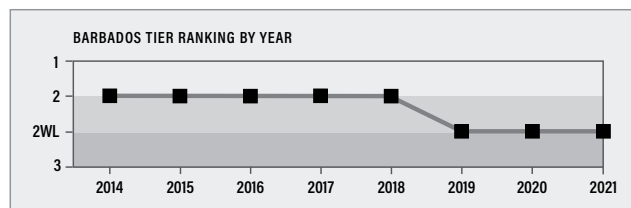
Traffickers often used debt-based coercion to compel workers into labor, exploiting an initial debt assumed by a worker as part of the employment terms. Traffickers force adults and children to work in the shrimp and fish processing industries, aluminum, tea, and garment factories, brick kilns, dry fish production, and shipbreaking. Traffickers force children younger than 14 into domestic work, including through torture and restricting their movement. 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, particularly *yaba*. Traffickers use coercive debts to force Bangladeshi families and Indian migrant workers to labor in brick kilns, shrimp farming, and on tea estates. NGOs allege some officials allow human traffickers to operate at India-Bangladesh border crossings and maritime embarkation points.

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. As reported in previous reporting periods, 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, fishers, rickshaw pullers, and domestic workers. Some Bangladeshi fishers use debt-based coercion to exploit Rohingya men if they place their shelter on the fisher'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 fishers for decades. In 2016, some traffickers sold into forced labor Rohingya and Bangladeshi migrants, who traveled by boat to Southeast Asian and could not pay ransoms. Multiple NGOs and humanitarian officials assess Rohingyas' statelessness and inability to receive formal schooling or to work legally has increased their vulnerability to traffickers. International organizations allege some Bangladeshi officials facilitate trafficking of Rohingya, including by accepting bribes from traffickers to gain access to camps. Tourists increase 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 investigating two trafficking cases, approving and funding a new national action plan, digitizing aspects of the criminal case management system, and creating mechanisms for victims and witnesses to testify virtually, if needed. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic. The government has not identified any trafficking victims in the past four reporting periods, has not initiated any prosecutions using the 2016 Trafficking in Persons Prevention Act (TIPPA) since its enactment, and has never secured a trafficking conviction under the TIPPA. The government's anti-trafficking law did not provide penalties that were commensurate with other serious crimes. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Barbados was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Barbados remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Institutionalize victim identification and referral training for law enforcement officials, prosecutors, and judges to recognize trafficking indicators, improve evidence-gathering, and implement the anti-trafficking law. • Proactively screen vulnerable groups, including children, migrants, and Cuban workers 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. • Implement the anti-trafficking manual and improve coordination with NGOs for victim referral. • Systematically monitor and assess national anti-trafficking efforts, share data with international partners, and ensure that information from the National Action Plan study is made public. • 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.

### PROSECUTION

The government maintained minimal prosecution efforts. The TIPPA

criminalized sex trafficking and labor trafficking. The penalties prescribed for adult trafficking were up to 25 years' imprisonment, a fine of up to 1 million Barbados dollars (BDS) (\$495,050), or both. The penalties prescribed for child trafficking were up to life imprisonment, a fine of up to 2 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. The government reported initiating a process with the assistance of a foreign government to revise the sentencing guidelines for human trafficking and other crimes in order to eliminate fines as an alternative to imprisonment; the process remained ongoing at the end of the reporting period.

The government reported two new investigations during the reporting period, one for suspected sex trafficking involving four foreign female suspects, and another for suspected labor trafficking involving one foreign male suspect. This compares to two investigations in 2019 and 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 a prosecution since 2013, and that prosecution remained pending. The government has never convicted a trafficker under the 2016 TIPPA, reflecting long lags between arrests and prosecutions across the justice system. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The Sex Crimes and Trafficking Unit of the Royal Barbados Police Force (RBPF) investigated all potential human trafficking cases, while the Department of the Director of Public Prosecutions (DPP) was responsible for prosecuting human trafficking cases. The government reported these entities had island-wide jurisdiction and their responsibilities extended beyond human trafficking. There were no courts solely dedicated to hearing human trafficking cases; any such cases could be heard in one of the five criminal courts. Law enforcement contacts reported that serious criminal cases, including trafficking cases, required in-person jury trials unless the defendant was pleading guilty or in rare instances where the case involved no witnesses. These jury trials by law could not take place remotely and therefore, no trafficking or other serious criminal cases were prosecuted during national lockdowns from March-July 2020 and January 2021 through the end of the reporting period due to the pandemic. The government reported this exacerbated an already substantial court backlog. The government reported the RBPF, the DPP, and the courts had dedicated budgets, with the Sex Crimes and Trafficking Unit funded through the RBPF budget. The government reported these entities had adequate financial resources during the reporting period. The government reported essential services, including the RBPF, worked throughout the pandemic but reported authorities had to forego some operational aspects, including raids. The government reported difficulties with evidence gathering, particularly data collection and analysis, that existed prior to the pandemic. The police began to replace paper-based records with a fully digitized case management system during the reporting period to comprehensively capture crime and violence data, including trafficking. The government reported sensitization to human trafficking crimes was part of recruitment training for police. The government reported that if a sex tourism case were associated with human trafficking, the suspect could be tried for crimes committed abroad.

### PROTECTION

The government maintained minimal efforts to protect victims. The government has not identified a victim since 2016, when the government identified eight victims. The government reported law enforcement screened for trafficking indicators when detaining or arresting individuals involved in commercial sex, migrants, or other vulnerable groups. The government reported it did not receive any victim referrals from NGOs or civil society organizations. Two local NGOs reported that in the course of their work supporting victims of sexual and gender-based violence, they sometimes discovered a



possible trafficking connection when the victim was an undocumented foreigner in irregular immigration status. These NGOs reported encountering approximately 20-30 potential trafficking victims during the reporting period, an increase from previous years, probably due to pandemic-driven economic hardship. However, the NGOs reported they did not formally document or report their findings to authorities, citing fear of retaliation from the traffickers against the potential victims.

During the reporting period, Cuban medical workers provided health services in response to the pandemic and Cuban athletic coaches worked in the country. The government reported that the Cuban medical workers were working under legal contract and were being treated in accordance with local labor laws but did not provide a copy of the contract. 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 used standard operating procedures (SOPs) to interview potential victims. The government reported it updated the SOPs during the previous reporting period to take into account changing trafficking modes; the government had not approved the revised SOPs at the end of the reporting period. A formal referral process for government authorities and NGOs existed for victim care, as required by law, but the government reported having only an informal process by which the Sex Crimes and Trafficking Unit would identify a potential victim and then refer them to other members of the National Task Force Against Trafficking in Persons (Task Force) for service provision. The Sex Crimes and Trafficking Unit also could place victims in protective care and refer them to an NGO-operated safe house, although it did not do so this reporting period. The government designated the Gender Affairs Bureau as the government coordinator for local NGO assistance to victims.

Under the TIPPA, all victims, including those with disabilities, had to be provided safe shelter, counseling, health care, and information regarding their rights. A foreign victim of trafficking and the victim's accompanying dependent children could receive, for the duration of their stay and at the relevant minister's discretion, support that included housing or safe shelter, education and training opportunities, psychological counseling, legal assistance, help with obtaining documents, living expenses, and medical assistance. Authorities could interview victims to ascertain their housing and general health care needs. The government had the capacity and financial resources to provide all services except housing but did not report doing so during the reporting period. There was no specialized shelter for trafficking victims. 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. Adult victims could leave shelters unchaperoned and could work while receiving assistance. The children's care board could provide care for any identified child 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. Authorities initiated new measures during the reporting period to enable trafficking victims and witnesses to provide testimony virtually, including from other countries, but did not report using these measures during the reporting period. The government could accommodate victims who wished to be repatriated in a safe place; they could return without unreasonable delay. 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. Government policy permitted victims to leave the country

and return for hearings, but the government did not report any such instances during the reporting period. The TIPPA allowed courts to order restitution from a trafficker after a conviction; however, no victims received restitution during the reporting period.

## PREVENTION

The government increased prevention efforts. The Attorney General headed the Task Force, which included representatives from the Office of the Attorney General, the Ministry of Foreign Affairs and Foreign Trade, the Ministry of Labour and Social Relations, the Ministry of People Empowerment and Elder Affairs, the Commissioner of Police of the RBPF, the Chief Immigration Officer, the Chief Labour Officer, the Chief Welfare Officer, the Bureau of Gender Affairs, and a professional women's association. In March 2021, the Cabinet approved an anti-trafficking national action plan developed with support from two foreign governments and delayed since 2016. The government announced the action plan through a March 2021 press release and allocated 125,000 BDS (\$61,880) to implement the plan for two years. As an action item, the plan included conducting a study to determine the nature and extent of trafficking in the country, which would subsequently guide the government's efforts to combat trafficking.

The government took significant measures to mitigate the economic and social effects of the pandemic, including through economic stimulus initiatives and expanded social support programs that involved all government ministries and consumed extensive human and financial resources, including those used for anti-trafficking efforts. Nearly the entire staff of the Attorney General's Office worked on enforcing the government's pandemic response. The government diverted anti-trafficking personnel to support pandemic-response efforts. However, the government reported the Task Force continued to meet and develop the action plan. The government reported the Labor Department conducted its inspection functions in a limited manner as a result of pandemic-related movement restrictions. 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. The government reported it was considering reviewing the Act. There were no labor recruiters or brokers operating in the country during the reporting period. The government reported it maintained two liaison offices overseas to recruit nationals for work in other countries, and this cooperation helped minimize the exploitation of workers. The government promulgated through mass media the Protocol to Address Migrant Labor Conditions, which described the legal framework governing employers, explained employees' rights, and served to sensitize employers, employees, and the public about possible labor violations. There were no reports of forced labor during the reporting period.

The government reported that in August 2020, an officer from the Sex Crimes and Trafficking Unit delivered an anti-trafficking awareness presentation to the staff of the Ministry of Labor and Social Partnership Relations (MLSP), including the Barbados Employment Career and Counseling Services. The government reported migrant workers could enter and leave the country if they wished as long as they observed all health protocols. The government reported it made no changes to these workers' immigration status and made pandemic-related benefits available to anyone residing in the country. 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 operated a police hotline number that could receive information on potential trafficking crimes; authorities did not report receiving any trafficking information from the hotline during the reporting period. An NGO operated a human trafficking hotline but did not receive any trafficking-related calls during the reporting period. The government began efforts to create a platform for a virtual library on human trafficking for the use of prosecutors and other authorities. The government adopted the National Identity Management Act, which created a national register of citizens and

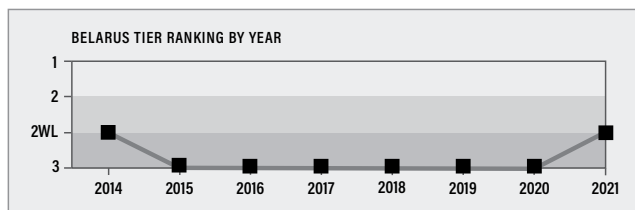
noncitizens and should enable the maintenance of an accurate database of citizens and residents. The act also required individuals to present their national identify card in order to receive certain government services. The government reported that in March 2021, two representatives from the Task Force briefed the country's newly appointed diplomats, as well as its staff from overseas missions, on human trafficking, including domestic servitude. Authorities reported that all diplomats received training, including on human trafficking, before taking up overseas postings. 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. A UN expert noted in 2017 that Barbados was a transit country for child trafficking at that time. Cuban nationals in the country may have been forced to work by the Cuban government. 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, which may have increased further due to the pandemic.

## BELARUS: TIER 2 WATCH LIST

The Government of Belarus 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Belarus was upgraded to Tier 2 Watch List. While the government continued the practice of national and regional level *subbotnik* days of service, contrary to previous years, observers reported approximately 500,000 fewer Belarusians decided to participate in the 2020 national *subbotnik*, and there were no reports of retaliation. Additional achievements included amending the national referral mechanism (NRM) to improve victim identification and assistance and requiring the recording of child victim and witness testimony during pre-trial investigation for later use in court to reduce possible re-traumatization. Finally, while the government did not report any convictions under its trafficking statute, it reported convicting two traffickers under other articles and sentencing them to significant prison terms. Despite these achievements, the government identified fewer victims and did not provide adequate protection services nor funding for NGOs that cared for victims. For the fourth consecutive year, the government did not report investigating or filing charges related to illegal recruitment of migrant workers.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute cases of forced labor and sex trafficking under Articles 181 and 181-1. • Implement a campaign to raise awareness about the voluntary nature of *subbotniks* and increase training to government officials at both the national and regional

level to ensure coercive measures are not used to elicit participation.

- Increase labor inspections to identify internal forced labor and investigate illegal recruitment practices.
- 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.
- Continue to expand trainings for all relevant officials on the national identification and referral mechanism and allocate sufficient resources for its full implementation.
- 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 proactively screen all vulnerable groups, including migrants and individuals in commercial sex, for indicators of trafficking.
- 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 and ensure that children are not subjected to compulsory labor as punishment.

### PROSECUTION

The government maintained law enforcement efforts. Article 181 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from three 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 it continued three trafficking investigations under Article 181, compared with four investigations in 2019. For the second year in a row, 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 also reported initiating investigations under a range of trafficking-related articles; prosecutors often brought several different criminal charges at once against suspected traffickers. In one case, authorities investigated a suspect under Article 182 (kidnapping) for abducting a person in May 2020 for forced labor in the agricultural sector. The government initiated one trafficking prosecution under Article 181, compared with four in 2019. The government did not convict any traffickers under Article 181 in 2020, compared with its conviction of three traffickers in 2019—the government's first convictions under Article 181 since 2012. The government reported 101 prosecutions and 30 convictions under other articles that contained elements of trafficking, but it only provided sufficient details in two cases to determine that they included exploitation for the purposes of forced labor or commercial sex. In those two cases, a sex trafficker was sentenced to five years' imprisonment and a fine for exploiting Belarusian women in Poland, and a child sex trafficker was sentenced to five years' imprisonment and a fine. Observers reported law enforcement efforts were hindered during the reporting period because some government agencies transitioned employees to remote work, and some officials were occasionally forced to isolate due to the pandemic. 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 continued to provide trafficking-specific training to law enforcement through an international training center in partnership with an international organization. As a result of the pandemic, the government canceled the majority of trainings, conferences, and forums during the reporting period. However, authorities participated in virtual anti-trafficking events with other Commonwealth of Independent States members, and some officials completed online training offered by a foreign government focused on investigating trafficking and related crimes. The government also prepared and published a collection of materials on combating cybercrimes.

## PROTECTION

The government modestly increased protection efforts. The government identified 109 confirmed trafficking victims, compared with 128 in 2019 and 142 in 2018. The government did not report how many potential victims applied for official status; in 2019, the government reported 251 potential victims applied for official victim status. Of the 109 confirmed victims, 107 were exploited in sex trafficking and two were victims of forced labor; 34 were children. Traffickers exploited 95 of the confirmed victims in sex trafficking or forced labor in Belarus and 14 abroad. NGOs assisted 44 trafficking victims in 2020, compared with 129 in 2019; 21 victims were female, 23 were male, 26 were exploited for forced labor, 11 were exploited in sex trafficking, and the remaining seven victims were uncategorized. The majority of the victims (22) were exploited in Russia, while 16 were exploited internally in Belarus. NGOs reported some victims were more reluctant to seek assistance and report cases during the pandemic because of the lack of COVID-19 preventative measures at many government facilities. NGOs reported a variance in the degree of cooperation with regional law enforcement. The government issued guidelines on victim identification in May 2020 to civil aviation organizations.

In July 2020, the government amended the NRM, simplifying and improving the procedure for identifying and providing support to victims, including by increasing the amount of time allowed by law for the identification process, if needed, from 30 days to up to 90 days, during which the government could request additional information from other countries to aid in the identification process. An NGO reported border officials appropriately used the NRM and did not penalize victims for acts traffickers compelled them to commit. The government also continued to screen individuals arrested for commercial sex for trafficking indicators and exempt those identified as trafficking victims from any legal liability. The government reported referring 55 victims to NGOs and international organizations for reintegration services, compared with 48 in 2019. The government reported some victims declined services.

The government's victim assistance services, while free, continued to be underutilized and suffered from burdensome bureaucratic requirements, delays in service delivery, and inconsistent quality of service, sometimes leading victims to choose to pay for necessary services elsewhere or find support through NGOs. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 137 "crisis rooms" that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of trafficking, regardless of nationality; the government did not report if trafficking victims used these facilities in 2020. The government centers included accessible services for victims with disabilities and the government provided personal protective equipment to these centers to prevent COVID-19 infections. However, 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. Victims' access to services was not dependent on their willingness to participate in the criminal process. NGOs and an international organization provided the majority of victim assistance; however, the government did not provide direct financial support for NGOs.

The education ministry maintained 135 centers that could provide vulnerable children with shelter and basic provisions; children between the ages of three and 18 could stay at these centers for a maximum of six months, after which they were returned to their family, assigned to a foster family, or transferred to an orphanage or boarding institution. The government continued to run a program of child-friendly rooms for interviews, the provision of assistance, and reintegration services at 22 of these centers. Similar to past years, no child trafficking victims received services at these facilities; the government reported that there were no child victims requiring separate accommodation from parents or guardians. An NGO that

had previously assisted the government in running the child-friendly rooms issued a report in January 2020 with recommendations on how to improve the use of the rooms and interviewing techniques; the recommendations included updating technical equipment and drafting legislation to institutionalize and govern the use of the rooms. In January 2021, the government amended the criminal code to require the recording of testimony of victims and witnesses under the age of 14 during pre-trial investigation for later use in court. The government provided training to 79 social service center specialists on providing assistance to victims of domestic violence and trafficking. Victims were entitled to free legal assistance and victims could request protection measures to include the non-disclosure of information, exemption from attending hearings, delivering testimony remotely, and closed court sessions.

## 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 2020-2022 State Program on Combating 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 implemented a national action plan for the protection of children from sexual violence and exploitation. The activities in the action plan were also included in the 2020-2022 Program to Combat Crime and Corruption. In January 2021, the government adopted a 2021-2025 national gender equality plan that includes measures to combat domestic violence and human trafficking.

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. The government provided in-kind assistance to NGOs; however, NGOs drew on less assistance due, at least in part, to pandemic-related restrictions and NGOs' decisions to adapt or limit their activities. In collaboration with an international organization, the Ministry of Internal Affairs (MOI) carried out an advertising campaign and launched a website aimed at educating the public about sexual violence and exploitation of children, including child sex trafficking. During the annual health information campaign, the government organized educational campaigns to increase awareness about trafficking. MOI continued to operate a hotline for safe travel abroad to inform potential labor migrants, identify illegal recruitment practices, and route trafficking calls to specialized NGOs. For the fourth consecutive year, the government did not report investigating or filing charges related to illegal recruitment in 2020, compared with 50 companies charged in 2016. Labor inspectors conducted 525 inspections in 2019, the most recent year for which data was available; 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. The government signed a memorandum of understanding with the United Arab Emirates in July 2020 to strengthen cooperation on combating trafficking. The government made efforts to reduce the demand for commercial sex acts by upholding the prohibition on advertising commercial sex and criminalizing the purchase of sex with a child.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic



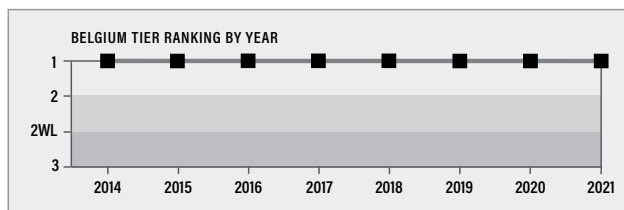
and foreign victims in Belarus, and traffickers exploit victims from Belarus abroad. Data collected by NGOs suggests the majority of trafficking victims are men subjected to forced labor, primarily in Russia. Belarusian victims are exploited primarily in Belarus and Russia, as well as in Poland, Turkey, and other countries in Europe, 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. The majority of traffickers are Belarusian citizens. Due to the pandemic, traffickers increasingly use online methods to coerce victims into forced labor and sex trafficking.

The government continued the practice of *subbotniks*—voluntary service days—which are announced through a government decree, holding one national-level and at least one regional-level *subbotnik* during the reporting period. As an alternative form of participation, participants can allocate a portion of a single day's salary toward government projects announced by the authorities prior to the *subbotnik*. Historically, individuals have been subjected to government reprisals for failure to participate in *subbotniks*. In the past, observers reported authorities threatened individuals who refused to work with fines or unpaid premium compensation. However, contrary to previous years, approximately 500,000 citizens abstained from participating in the national *subbotnik* in 2020, and observers did not report any retaliation for nonparticipation. A media report noted workers at a state-run hospital expressed fear of reprisals in the form of withholding of wages if they failed to participate. Government decrees announcing *subbotniks* are required to state their voluntary nature. The authorities have previously corrected *subbotnik* announcements that fell afoul of the law and rebuked implicated officials. In 2018, the UN Special Rapporteur on the Situation of Human Rights in Belarus 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. However, the UN Special Rapporteur did not report on *subbotniks* in the 2019 or 2020 reports to the Human Rights Council. Historically, sources alleged authorities sometimes required university and high school students to participate, without compensation, in public works projects, but no known cases were identified in the reporting period. In 2019, media reported some university students in a rural area in the Vitsebsk region claimed they were forced to participate in apple picking during the harvest season, but no similar cases were identified in the reporting period. In previous years, reports indicated some state university students who failed to participate in harvesting risked the loss of housing in subsidized dormitories or penalization during exams, but no known cases were identified in the reporting period. The UN Special Rapporteur noted in 2020 its continued concern over the practice of forced labor in places of detention, especially with regards to children and youth; the report generally does not provide time frames during which specific incidents of concern occurred. The ILO Committee of Experts noted its continued concern in 2018 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. There have been no known reported cases since the 2018 ILO report or in recent years.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Belgium remained on Tier 1. These efforts included updating the national action plan, centralizing

funding for shelters to ensure funding remains stable from year to year, and cooperating with international law enforcement authorities on trafficking cases. Although the government meets the minimum standards, authorities prosecuted fewer traffickers, courts suspended or partially suspended the majority of convicted traffickers' sentences, and authorities identified fewer victims. Identifying child victims and providing appropriate child-specific protection services remained persistent weaknesses, and funding for services decreased. The government continued to report inconsistent law enforcement data.



### PRIORITIZED RECOMMENDATIONS:

Train first responders on the child victim identification and referral protocol and ensure it is used effectively in practice. • Secure adequate funding for the provision of services for child trafficking victims and increase training for front-line personnel on identifying child trafficking victims. • Increase resources to assist unaccompanied child victims. • Vigorously prosecute and convict 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. • Ensure victims have access to the full range of services regardless of whether they choose to participate in judicial processes. • Coordinate and centralize the collection of timely trafficking data across the government to effectively analyze efforts. • Increase legal representation for victims and ensure victims exploited by means other than physical violence have full access to victim compensation. • 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 demonstrated uneven law enforcement efforts; while it continued to investigate cases and convict traffickers in similar proportion to the previous year, prosecutions decreased and the majority of convicted traffickers received fully or partially suspended sentences, which weakened deterrence. 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 (\$613 to \$61,350) for offenses involving adult victims, and 10 to 20 years' imprisonment and a fine of €1,000 to €100,000 (\$1,230 to \$122,700) 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, Belgian law also allowed the failure of an employer to meet the prevailing wage and working conditions to constitute "exploitation," and the government included these cases in its prosecution data. GRETA reported this 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. Despite recommendations from GRETA in both its 2013 and 2017 evaluation reports, the government lacked 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. Authorities investigated 372 cases in 2020, compared with 374 cases in 2019. The government prosecuted an unknown number of defendants in 38 cases in 2020, compared with an unknown number of defendants in 73 cases in 2019. Authorities reported 113 convictions in 2019, the most recent year for which data was available, compared with 127 convictions in 2018. The government reported it sentenced 101 convicted traffickers to prison terms in 2019 (118 in 2018), 57 of which were suspended or partially suspended (53 in 2018). Of the prison sentences issued, including those that were suspended or partially suspended, 19 were for less than one year, 39 were for one to three years, 36 were for three to five years, and seven were for five to 10 years. The failure to sentence the majority of traffickers to significant terms of imprisonment weakened deterrence, may have undercut broader efforts to hold traffickers accountable, and did not adequately address the nature of the crime. In March 2021, media reported an Antwerp-based cafe owner was convicted for trafficking and operating a brothel and sentenced to four years' imprisonment and a fine; the owner's son was reportedly sentenced to three years' imprisonment and a fine, two additional associates received 30 months' suspended sentences, one associate received a one-year suspended sentence, and one defendant was acquitted. The government issued pandemic-related restrictions and lockdowns that significantly limited court proceedings from March 2020 to May 2020 and from October 2020 to December 2020. Law enforcement activities were similarly limited by pandemic-related restrictions; media reported in October 2020 over 500 police officers were in quarantine, and almost 2,000 went into self-isolation between early September 2020 and mid-October 2020.

Each judicial district appointed a magistrate to specialize in trafficking and serve as a resource to the district. The government mandated trafficking trainings for judicial officials who were on the career track to become magistrates and who may eventually become judges. The government conducted a virtual training for magistrates in February 2021 on trafficking indicators and victim referral procedures. In 2020, the police completed a comprehensive review and revision of its training courses on trafficking. Police continued to participate in an ongoing labor trafficking investigation with the Government of Luxembourg involving five suspects in five companies. In September 2020, authorities participated in a EUROPOL operation focused on trafficking in labor-intensive sectors such as construction, logistics, and transport, as well as in nail salons; the operation led to the arrest of 193 suspects, the initiation of 606 investigations, and the identification of 535 potential victims throughout the 19 participating countries. Law enforcement also participated in a 12-country EUROPOL operation in October 2020 that led to 388 arrests and the identification of 249 potential victims. The government did not report how many, if any, arrests, investigations, or potential victims identified during these two operations occurred in Belgium or involved Belgian nationals. Media reported in October 2020 that law enforcement cooperated with French authorities to arrest 13 suspects and identify 15 child victims as part of an investigation into a criminal organization accused of forcing children to beg, among other crimes. Law enforcement authorities also participated with French authorities in an exchange of best practices on combating forced labor. Authorities cooperated with foreign authorities to extradite five suspected traffickers to Belgium, one each from Austria, Germany, Hungary, Italy, and the United Kingdom (UK). The government transferred two convicted traffickers, one to the Netherlands and one to the UK. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government demonstrated uneven efforts to protect victims; while it maintained services for trafficking victims and provided more residence permits for foreign victims, it identified significantly fewer victims and decreased funding for services. In 2020, the government formally identified and assisted 91 victims (including 49 victims of labor exploitation, 35 victims of sexual exploitation, and seven victims of other forms of exploitation), compared with 159 victims assisted in 2019. The three government-funded shelters received 820 referrals of victims and potential victims in 2020, compared with 859 referrals in 2019. The government reported pandemic-related restrictions hampered front-line responders' ability to identify victims; labor inspectors were limited in their ability to work because of a significant number of COVID-19 infections among inspectors. 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. Law enforcement identified the majority of victims, followed by NGOs and social services. There were also many cases of victims who self-identified. First responders followed a national victim referral protocol to identify victims and refer them to care, and the government organized outreach activities and awareness-raising campaigns targeting front-line professionals, including hospital and social workers. Social security inspectors received training on detecting, processing, and providing support for trafficking victims. The Ministry of Justice (MOJ) reported the accurate identification of victims remained a challenge, and experts have previously reported particular challenges in 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. The government did not report providing training to law enforcement on victim identification.

The government funded three specialized NGO-run shelters and allocated approximately €419,000 (\$514,110) for each shelter in 2020, compared with €427,000 (\$523,930) in 2019; the shelters also received funding from regional and local governments. The government centralized all funding for these shelters in 2020, a change that experts believed would make funding more stable year to year. 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 foreign unaccompanied children; children in these centers were assigned a mentor to protect their interests. The government did not report on the progress of a December 2019 government-approved NGO proposal to open a shelter specifically for female child sex trafficking victims. GRETA reported the government's child safety services lacked sufficient capacity to accommodate unaccompanied child victims. Shelters for unaccompanied children reported many children went missing from the shelters each year, some of whom may have been victims of trafficking; the agency responsible for these shelters reported 2,642 children went missing between 2018 and 2020, with 583 going missing in 2020 alone.

The government conditioned its victim assistance services on three criteria: victims had to break off all contact with the trafficker, agree to counseling at a specialized shelter, and assist in the prosecution of the trafficker. 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 were repatriated to their country of origin. Potential victims had access to social services during this reflection period. The government granted foreign victims who participated in investigations and prosecutions three-month residence and work 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 conviction and sentencing of traffickers; in the absence of a conviction, authorities could grant residence permits for indefinite lengths of time to non-EU victims if authorities were able to bring formal charges against the trafficker. 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 issued 174 residence permits for trafficking victims in 2020, compared with 154 in 2019, 248 in 2018, and 235 in 2017.

During criminal proceedings, witness protection laws provided only those victims under physical threat of violence or living abroad options to testify via video. The law had a specific provision for child victims that allowed courts to permit video testimony. Prosecutors could seize assets of suspected traffickers during an investigation and could request restitution for victims in court through the confiscation of these assets; the government did not report if courts granted restitution in 2020, nor in 2019. Victims could claim compensation in local courts but often had to prove their case involved the intentional act of physical violence in order to receive compensation. Victims could also seek compensation through the Commission for Financial Assistance to Victims of Intentional Acts of Violence; in 2020, the commission awarded €12,500 (\$15,340) to trafficking victims in each of two cases. 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. While the Netherlands held the presidency of the Benelux Union in 2020, the Belgian government worked with it and Luxembourg to improve cooperation on victim protection, including by publishing an updated brochure to raise awareness amongst the public and potential victims about anti-trafficking laws and referral and assistance programs in each of the three countries. The government, along with Hungary, also contributed to a Dutch project to provide resources for social workers, legal experts, and law enforcement authorities, among others, to increase knowledge of victim referral and assistance mechanisms, particularly for Hungarian victims in Belgium and the Netherlands.

## PREVENTION

The government modestly increased efforts to prevent trafficking. The Interdepartmental Coordination Unit coordinated government-wide anti-trafficking efforts and monitored the implementation of the national action plan (NAP); the government updated the 2015-2019 NAP for action through March 2021, which they finalized and released in June 2020. Further updates beyond March 2021 were pending at the end of the reporting period. The MOJ 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 government anti-trafficking efforts. The government held several awareness-raising events as part of a UN campaign in July 2020. The Labor Inspectorate conducted inspections throughout the reporting period, but the government did not report the number of inspections or if authorities identified any trafficking victims. The government maintained an online toolbox to provide information for businesses on how to prevent forced labor in their organizations and supply chains. The government continued a widely-used program that subsidized the wages of maids and domestic workers

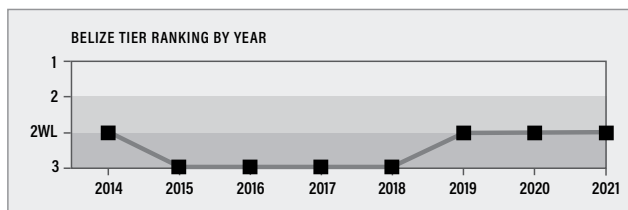
and criminalized exploitative practices such as the confiscation of passports and contract switching. The government maintained a system to prevent the exploitation of domestic employees of foreign diplomats by placing awareness-raising flyers in the consular sections of Belgian embassies and consulates abroad. The government did not make efforts to reduce the demand for commercial sex acts or for participation in international sex tourism by its citizens, however, the law permitted the prosecution of Belgian 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 women and girls, some of whom are recruited by local traffickers. Sex traffickers exploit foreign children, including Roma and Nigerian girls; the latter are recruited through extensive trafficking networks in Nigeria. Thai criminal organizations exploit Thai women for sex in massage establishments that are frequently managed by Belgian citizens. 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 UK 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 designating judges to preside over trafficking trials, providing for shelter for male victims for the first time, including anti-trafficking training in police academy training for the first time, sentencing a trafficker to a significant sentence, and opening an investigation against a police officer accused of complicity in a trafficking case. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government initiated fewer trafficking investigations, did not convict any traffickers, and identified fewer victims of trafficking. Reports of official complicity in trafficking crimes were common. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Belize was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Belize remained on Tier 2 Watch List for the third consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law by vigorously investigating and



prosecuting traffickers, child sex tourists, and officials complicit in trafficking crimes and imposing strong prison sentences upon those convicted. • Consistently apply formal procedures to identify victims of sex and labor trafficking among vulnerable groups, including workers from China and Cuban medical personnel, and refer identified victims to services. • Strengthen monitoring of alleged traffickers out on bail, reduce court delays, and enable victim video testimony. • Provide adequate funding, including to NGOs, for specialized victim services for all victims, including men and children. • Ensure labor and liquor license inspectors comply with their obligations to conduct inspections and identify victims. • Increase efforts to identify forced labor through recruiter participation in the national labor recruiter registry and prevention programs with migrant workers. • Continue to ensure victims are not penalized for unlawful acts, including immigration violations, traffickers compelled them to commit. • Implement the national anti-trafficking plan in accordance with its agreed timeline and disburse resources for its implementation. • Continue to enforce the prohibition on off-duty police officers providing security for bars and restaurants where commercial sex acts occur.

## PROSECUTION

The government maintained 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) (CSEC) Act criminalized various offenses relating to the prostitution of anyone younger than 18.

The government opened five new investigations during the reporting period. These included one labor trafficking case of a Belizean girl, three sex trafficking cases involving the trafficking of Belizean and Guatemalan girls, and one case of sex and labor trafficking of a female victim. The government additionally reported one investigation of a police officer for potential corruption and complicity in hiding evidence of trafficking; the government was still considering whether to investigate the case under the Trafficking in Persons Act at the end of the reporting period. This is compared to 10 new investigations in 2019 and three in 2018. The government reported continuing nine investigations—three from 2019, four from 2018, and two from 2017. Authorities initiated one new prosecution of one suspect for sex and labor trafficking crimes during the reporting period and continued prosecution of two cases involving five defendants initiated in previous reporting periods; the government did not initiate any prosecutions in the previous reporting period. The government did not report convicting any traffickers during the reporting period, compared to convicting one trafficker for sex and labor trafficking in the previous reporting period. During the current reporting period, courts sentenced the convicted trafficker to six years' imprisonment for sex trafficking and six years' imprisonment for labor trafficking. The convicted trafficker escaped prison and was believed to have fled to Guatemala.

The Police Anti-Trafficking Unit (A-TIP) was the police's dedicated unit of five officers for conducting trafficking investigations and operations. The unit coordinated its trafficking investigations with officials from the Department of Immigration; the Ministry of Human Development, Families, and Indigenous Affairs and its associated departments; the Social Security Board; and the Office of the Director of Public Prosecutions. The police unit referred cases to an office of the Director of Public Prosecutions for prosecution. The law required all officials to report suspected trafficking cases to the Police A-TIP Unit for investigation. The Police A-TIP Unit had an ongoing partnership with an NGO to provide office space, a dedicated vehicle, and ongoing technical investigative assistance in trafficking cases. The NGO reported the office space provided a secure, private,

and nonthreatening location for interviewing trafficking victims and witnesses, collecting evidence, and planning operations. However, law enforcement authorities lacked equipment and personnel to conduct large-scale trafficking investigations effectively. In addition, the police force was spread across a large geographical area, leaving most stations and substations understaffed and unable to pursue trafficking investigations adequately.

The Police A-TIP Unit conducted two raids during the reporting period, one organized by the Immigration Department and one by the Labor Department. Bars, discos, and clubs were closed through most of the reporting period due to the pandemic, resulting in authorities receiving fewer reports of suspected sex trafficking from NGOs. Civil society organizations also reported some illegal brothels reopened in 2021 but moved out of restaurants and bars and into private residences, moving sex trafficking further underground and making reporting cases more difficult.

The judiciary designated one Supreme Court Justice out of five and Magistrate judges to specialize in trafficking cases; these judicial officials, as well as other justices and judges, received anti-trafficking training from a foreign NGO. The courts were closed for most of 2020 for all activity except murder cases and administrative hearings due to the pandemic. The pandemic delayed consideration of cases that had been docketed for trial and sentencing of convicted traffickers, which resulted in one convict absconding before sentencing. Courts remained unable to handle trafficking cases effectively and efficiently due to the scarcity of human and fiscal resources; the government decreased the 2020-2021 judiciary annual budget by 15 percent.

Limited intelligence gathering and inconsistent application of formal victim identification procedures hampered the identification of trafficking crimes. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. During the reporting period, civil society organizations reported some police officers took bribes to ignore incidents of trafficking, to facilitate illegal border crossings, to not report suspected victims and perpetrators, to alert establishments where trafficking was likely to occur of pending law enforcement action, and to stonewall or sabotage investigations of reported cases within their jurisdiction. Observers decried the slow official response to reports of potential trafficking and complicity.

## PROTECTION

The government maintained efforts to protect victims. Authorities identified 20 potential victims in 2020, compared to 24 potential victims in 2019 and 17 potential victims in 2018. The victims included two men, three women, three boys, and twelve girls. The government did not report how many were victims of sex trafficking and how many of labor trafficking. The government referred two victims to shelters and reported providing other care to all 20, although it did not specify which services the victims received. The government reported assisting all the foreign victims with repatriation. The government reported the Police A-TIP Unit screened prison inmates during the reporting period to identify potential trafficking victims who may have been mistakenly penalized due to insufficient screening; authorities identified one female who was a potential trafficking victim in the prison population. In the previous reporting period, authorities identified seven potential trafficking victims who were later found not to have been victims of trafficking, one of whom chose to remain in Belize and received services during the current reporting period.

The government reported the Police A-TIP Unit conducted screening for trafficking indicators and responded to referrals while adhering to the guidelines set out by the National Oversight Committee. The government incorporated training on screening procedures into the police academy syllabus for the first time during the reporting period. The government reported Immigration and Labor Department officials trained in victim identification and referral also routinely screened for human trafficking during each investigation. The government reported

that when Immigration Department officials conducted immigration enforcement operations, they coordinated with the Police A-TIP Unit, which assisted with screening detainees and identifying victims of trafficking. The government reported the Department of Social Services officers were available to provide victim services if needed. The government reported the Police A-TIP Unit had trained female officers to conduct screenings for female victims. The government reported screening could occur in Spanish or English. The government reported the screening process emphasized that trafficked victims could not be penalized for unlawful acts they were compelled to commit, including immigration violations. However, due to gaps in identification procedures, authorities may have punished mis- or unidentified victims for unlawful acts traffickers compelled them to commit, and victims' fear of detention or deportation may have contributed to their reluctance to report trafficking to law enforcement officers. Civil society reported that the liquor licensing department routinely failed to conduct inspections of bars and restaurants where commercial sex was known to be offered, largely to avoid investigations into possible human trafficking; these allegations became less frequent after the closure of bars, clubs, and discos due to the pandemic. The Anti-Trafficking in Persons (A-TIP) Council and an NGO continued to review and update standard operating procedures (SOPs) for victim identification. The government reported law enforcement, immigration, and social services officials used the SOPs while conducting interviews and screening potential victims for trafficking indicators. The government reported that for foreign victims, authorities contacted the relevant embassies for potential consular services. Victims identified during the screening process could also apply for refugee status. The government reported adapting several victim protection procedures due to the pandemic, including social distancing, quarantining victims, and providing health screenings. Observers reported more consistency in victim identification than in previous years but stated gaps still existed, such as authorities failing to respond to credible reports of potential trafficking victims by NGOs, possibly leading to fewer victim identifications and weak victim protection. Media reported Chinese workers at a Chinese government-funded construction project may have been victims of forced labor. The number of Cuban medical professionals in Belize grew to 59 in March 2020 due to the pandemic. The government did not report screening the Cuban workers for trafficking indicators.

DHS lacked resources to aid victims as required by the law. While the law stipulated the government should provide psychosocial counseling, housing, food, education, and refugee and worker status to victims and potential victims of trafficking, the government had a limited ability to consistently support victims during criminal proceedings and reintegration. NGOs often provided the necessary services and shared their costs with the government. The government reported assigning two Spanish-speaking social workers to all trafficking cases to ensure victim safety and support, but that they were not sufficient for the number of victims.

The government coordinated and funded shelter, medical, 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 lacked sufficient public shelter space for all victims and partnered with domestic violence NGOs to provide shelter and services to adult female trafficking victims. During the reporting period the Ministry of Human Development, Families, and Indigenous Affairs made arrangements with an NGO to shelter male victims for the first time; the government did not report any male victims using the shelter during the reporting period. Government and NGO service providers developed victim care plans with victim participation with the goal of encouraging independence, and these plans allowed adult victims to stay in shelters or safe houses, and placed children in the child protection system or in family care and independent living upon reaching adulthood. Per the SOPs, DHS procured subsidized services for disabled trafficking victims, including sign language interpretation; all social workers were trained in basic

sign language. DHS reported it improved and adjusted programs and care provided to trafficking victims based on victim feedback.

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. Experts expressed concerns about the lack of education on trafficking for some foster parents, uneven coordination and communication between government agencies and foster parents, and limited availability of psychosocial care in general, including for trafficking victims. Child victims could access the educational system until age 14.

The government did not allocate a specific amount within the anti-trafficking budget for victim services; it reported actual spending of 35,000 Belizean dollars (\$17,500) during the reporting period, compared to 109,000 Belizean dollars (\$54,500) in 2019, which included food, clothing, medical expenses, counseling, stipends, and repatriation expenses, among other services.

The government reported it did not place conditions or time limits on the services provided to victims cooperating with law enforcement or prosecutors. The government reported victims could stay in separate chambers from their accused traffickers during court proceedings. The government allowed victims to provide testimony through video but lacked the equipment necessary to do so during the reporting period. As an interim measure, victims had the option of testifying from behind a screen in the court, protecting the victim's identity. The law also allowed for written statements to be provided as evidence in cases where repatriated foreign victims did not wish to return. The government reported counseling was available during testimony. During the reporting period, the government did not report any cases of victims assisting with an active prosecution. The government reported it encouraged victims to participate but did not compel them; court delays 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. Even those who wished to assist in prosecution were sometimes unavailable to do so, having chosen repatriation or onward migration in the years between. The government reported it provided foreign victims of human trafficking with the same victim services as domestic victims. Authorities did not deport foreign victims identified in potential trafficking cases, and they could grant temporary residency status and work permits regardless of victims' cooperation with investigations or prosecutions. A court could order restitution upon a trafficker's conviction but did not do so in 2020.

The police unit acted as the primary provider for counter-trafficking training throughout the country, training prison officials, immigration officers, customs agents, and any other officials who might encounter potential victims. The police unit conducted training sessions year-round for immigration officers, customs agents, regular police units and the police academy, special branch officers, prison guards and officials, and truancy officers on screening procedures to identify victims and the requirement of all officials to immediately report suspected trafficked cases. Authorities reported some of the training during the reporting period moved to virtual platforms due to the pandemic, and a few trainings were postponed. The government funded these trainings, including transportation, facilitators, and venues. In April 2020, the National Organization for the Prevention of Child Abuse and Neglect, a government entity, funded training for 58 teachers and education officials from eight public and private shelters on identifying trafficking victims. In May and June 2020, the A-TIP Council and an international organization held a workshop with 118 tourism sector workers to create awareness of human trafficking, victim identification, and referral procedures. In July 2020, the government provided support for participants in an NGO-led and foreign government-funded workshop for 170 members of the Belize Defense Force, customs officers, police officers, Coast Guard officers, teachers, and staff from the Ministry of Human Development, Families, and Indigenous Affairs on Protection and

Enabling Environment for Victims of Commercial Sexual Exploitation of Children and Human Trafficking and Domestic Violence.

## PREVENTION

The government slightly increased its prevention efforts. The government enacted and funded a national action plan for 2021-2023 in March 2021. The government's main national coordinating body for counter-trafficking efforts in addition to the police unit was the A-TIP Council. The Council developed and implemented an anti-trafficking policy, including identification and screening of potential victims, victim services, investigation supervision, and public outreach and awareness campaigns. The head of the Ministry of Human Development, Families, and Indigenous Peoples' Affairs was the designated chair of the A-TIP Council. The A-TIP Council was composed of representatives of the Ministry of Human Development, Families, and Indigenous Peoples' Affairs; the Ministry of Foreign Affairs, Foreign Trade, and Immigration; the Office of the Director of Public Prosecution; the Belize Police Department; the Department of Labor; the Department of Customs; the Health Department; the Belize Tourism Board; the National Committee for Families and Children; and two NGOs. The A-TIP Council met quarterly during the reporting period and three subcommittees (Operations; Information, Education, and Communication; and Monitoring and Evaluation) met more regularly. The A-TIP Council chair also served simultaneously in several other official positions, including Chair of the COVID-19 task force, due to personnel and resource limitations. The government allocated 200,000 Belizean dollars (\$100,000) for anti-trafficking activities during the reporting period, the same as for the past three years; the government maintained this level of funding in the budget for the next reporting period, despite budgeting less for other priorities for the upcoming year.

During the reporting period, the government implemented its national action plan, although the pandemic caused some activities to be included in the new 2021-2023 national action plan. Specifically, pandemic-related travel restrictions and border closures delayed implementation of a foreign university project to conduct a baseline study of sex trafficking in the country. The A-TIP Council reported it analyzed victim profiles, trafficking routes, and trafficker profiles to inform workplans and improve anti-trafficking efforts. The A-TIP Council systematically documented the government's efforts on human trafficking in the areas of prevention, prosecution, protection, and partnerships and maintained an associated database. The quarterly A-TIP Council meetings also monitored efforts to evaluate the implementation of the national action plan. During the reporting period, the government participated in a regional human trafficking study led by CARIFORUM, a subgroup of the African, Caribbean, and Pacific Group of States.

The government reported using social media, press releases, media appearances, billboards, and signage to raise awareness of trafficking for migrants, other vulnerable groups, and the general public. An NGO operated the 24/7 "crime stoppers" hotline; it did not report receiving any trafficking-related calls and the police reported no investigations resulted from the hotline during the reporting period. Printed materials for the awareness campaign included the hotline number. The police also could be contacted at the 24/7 national emergency number.

The Department of Labor reported strengthening regulations related to labor recruitment and the Ministries of Immigration and Agriculture led discussions with employers to implement the new regulations. The labor code required labor recruiters to register with the national labor recruiter registry, but the government reported that none did so during the reporting period. The government reported the pandemic precluded many outreach efforts to labor recruiters to encourage participation in the registry, but authorities and civil society partners conducted outreach in English, Spanish, and Kriol to migrant workers to advise these workers of their rights. Authorities reported that Belize Trade and Investment Development Services,

a government entity, also offered sessions on labor rights that included information on trafficking and conducted quarterly labor rights workshops with entrepreneurs and small businesses with the Department of Labor. The regulations required foreign workers to obtain a work permit from the Employment Permit Committee before they engaged in any form of paid work; this body included a social service officer responsible for identifying vulnerable groups or individuals. The government did not have defined guidelines for foreign worker recruitment, but an international organization assisted in developing a migrant worker recruitment policy that remained under review at the end of the reporting period. A separate draft temporary employment policy excluded foreign workers from certain job positions that were especially attractive to traffickers, including bar and nightclub waitresses, cooks, common laborers, small business clerks and managerial staff, waitresses in other establishments, supervisors, security guards, domestic workers, caregivers, and construction helpers. Authorities also reported undertaking a review of immigration regulations, including guidance for issuing of work permits for immigrants. Labor inspectors reported a shortage of qualified personnel, vehicles, fuel, and operating funds to conduct adequate inspections for labor violations. The government reported the 23 labor inspectors who had an annual requirement to inspect every business, farm, and industry in the country were insufficient to perform thorough inspections.

In December 2020, the A-TIP Council and an international organization supported and conducted training for tourism sector officials, including 23 tourism police officers and 11 community police and other officers. The government did not make efforts to reduce the demand for commercial sex acts. The law allowed for Belizean citizens to be tried for trafficking and child sex tourism crimes committed abroad. In March 2020, the government closed the international airport, sealed the land and sea borders, and denied entry to cruise ships, though the airport reopened in October 2020. The government reported no cases of child sex tourism inside the country or involving Belizeans elsewhere, possibly due to the low number of tourists because of the pandemic. The government reported sponsoring billboards to combat child sex tourism at the international airport and at border crossing points. The government did not train diplomats on trafficking during the reporting period. The government participated in a multicountry program to identify and deny tourist entry to registered sex offenders.

## TRAFFICKING PROFILE

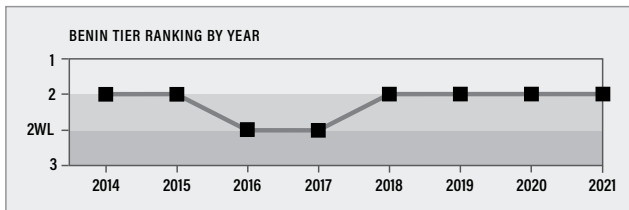
As reported over the past five years, human traffickers exploit domestic and foreign victims in Belize, and traffickers exploit victims from Belize abroad. Groups considered most at risk for trafficking in Belize include adults, children, LGBTQI+ persons, migrants, and groups that faced greater vulnerability due to pandemic-related unemployment. Sex traffickers exploit Belizean and foreign adults and girls and LGBTQI+ persons, primarily from Central America, in bars, nightclubs, hotels, and brothels. Due to the pandemic, sex trafficking during the reporting period moved more frequently to more tightly controlled illegal brothels rather than bars and clubs. Tourism-related industries lure laborers through the offer of legitimate service jobs and exploit them in sex trafficking. These illicit operations are typically small in scale and unconnected to organized transnational trafficking rings. Family members facilitate the sex trafficking of Belizean women and girls, including through an arrangement where a wealthy male will offer payment or gifts to a family in exchange for sex from a young, usually female, family member. Foreign adults 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. The law did not provide refugees and irregular migrants with work permits, placing them at constant threat of deportation that could increase their vulnerability to trafficking. Labor trafficking likely decreased in 2020 as a result of pandemic-related border closures. Chinese and Indian nationals



may be exploited in Belize in domestic service. Chinese workers in Belize may have been forced to work in construction by Chinese employers. Cuban workers in Belize may have been forced to work by the Cuban government. In tourist regions, foreign child sex tourists, primarily from the United States, exploit child sex trafficking victims. 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. Despite the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore Benin remained on Tier 2. These efforts included prosecuting more suspected traffickers, identifying more potential child trafficking victims, and expanding proactive child victim identification and labor inspections at markets. The government also increased training for judicial officials and coordinated with the Governments of the Republic of the Congo and the United States on trafficking investigations. The government's child protection hotline—launched in the prior reporting period—reported more than 500 actionable tips related to child trafficking or abuse. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking cases, did not report clear statistics on convictions, and failed to sanction perpetrators with sentences corresponding to the designated penalties under the country's penal code. Additionally, officials reported identifying fewer adult victims and did not report initiating law enforcement action targeting the trafficking of adults.



### 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 investigate, prosecute, and convict perpetrators of sex and labor trafficking of adults and children, including fraudulent labor recruiters.

- Sanction convicted traffickers with sentences in accordance with penal code articles 499-504 or the 2006 child trafficking law, while respecting due process and the rights of the accused.
- 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.
- Expand implementation of the 2011 bilateral anti-trafficking agreement with the Republic of the Congo as well as 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 investigations.
- Develop an information management system for the Ministries of Justice, Interior, Labor, and other relevant government agencies—in coordination with international organizations—to improve access and utilization of law enforcement and judicial statistics.

### PROSECUTION

The government maintained its overall law enforcement efforts, although judges continued to sentence traffickers to penalties less stringent than designated by Benin's penal code. 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 2006-04) 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.

The government shared preliminary statistics indicating officials investigated at least 49 cases of sex and labor trafficking of children in 2020, compared with 117 cases involving 117 suspects in 2019. Authorities reported prosecuting 72 cases under child trafficking and illegal transport of minors laws and 323 other cases that may have contained exploitative aspects under related statutes (240 cases of abduction of minors and 83 cases of illegal confinement of minors) during the reporting period. In 2019, officials reported prosecuting 42 cases of child trafficking and one case of adult trafficking. The government reported authorities referred 86 suspected child traffickers to the Court of Cotonou under a variety of laws during the reporting period, although officials did not disclose the outcomes of the cases. In 2019, judicial officials reported convicting 140 traffickers under a variety of laws. Courts reportedly sentenced the majority of the traffickers to prison terms substantially shorter than the 10-20 years' imprisonment required by Benin's Penal Code for trafficking; some judicial officials asserted that more stringent prison terms may exacerbate the vulnerability of some child victims when the perpetrators are relatives. The majority of arrests occurred along Benin's southern corridor in the cities of Abomey-Calavi, Port Novo, and Cotonou. The government did not report initiating law enforcement action targeting the trafficking of adults.

The Ministry of Justice noted the lack of an effective data collection system resulted in the need for officials to contact individual courts to obtain case details. Apart from the Central Office for the Protection of Minors, Families, and the Prevention of Human Trafficking (French acronym OCPM), many police stations lacked the computers and reliable electricity 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.

Authorities did not take action against informal employment agents who facilitated trafficking, and some illicit recruiters continued to lure Beninese victims abroad with fraudulent employment promises during the reporting period. The government did not report prosecuting or convicting government officials complicit in human trafficking offenses, although some civil servants may have exploited children through the traditional practice of *vidomegon*. Additionally, there were specific allegations of customs official facilitated human trafficking during the reporting period; according to observers, the official continued in their role and the government's investigation was ongoing at the end of the reporting period.

In 2020, the Ministry of Justice trained 75 magistrates on human rights and the United Nations Convention against Transnational Organized Crime, including the UN Trafficking in Persons Protocol (Palermo Protocol). Additionally, the government partnered with international organizations to train an unknown number of judges, prosecutors, social workers, and police on standard operating procedures for adjudicating human trafficking cases as well as how to provide trauma-informed care to victims. During the previous reporting period, the government coordinated with international organizations to train

on combatting human trafficking 70 police officers, prosecutors, and juvenile court judges in key trafficking cities of Parakou, Dassa, and Bohicon.

During the reporting period, Beninese honorary consuls in Brazzaville and Pointe Noire in the Republic of the Congo assisted with a trafficking investigation into a cross-border case of domestic servitude in Brazzaville involving eight Beninese children. The Congolese judiciary convicted four of the traffickers during the reporting period and sentenced them to 10 years imprisonment each. Additionally, the Ministry of Interior provided documentation integral to a trafficking investigation involving Beninese children in the United States, resulting in the indictment of three suspects in August. The government did not finalize its trilateral cooperation agreement with Togo and Nigeria to increase law enforcement coordination on transnational trafficking cases during the reporting period.

## PROTECTION

The government increased overall efforts to identify and protect child trafficking victims, although its efforts to identify adult victims remained inadequate. In 2020, OCPM officials reported identifying and providing services to 363 potential victims, compared with identifying 309 potential victims in 2019. OCPM officers continued to patrol borders, bus stations, and large markets to proactively detect child trafficking victims, identifying and referring an unknown number of potential victims to temporary shelter and services in 2020, compared with identifying and referring 1,387 potential victims to care in 2019. The government reported NGOs identified 539 child trafficking victims (271 girls and 268 boys) and 63 adult victims (59 women and four men) and referred them to government social services in 2020; officials did not disclose similar statistics in 2019.

The Ministry of Labor and Civil Service General Directorate of Labor reported conducting 2,070 inspections in 2020 at the primary markets in Dantokpa (Cotonou), Ouando (Porto-Novo), and Arzeke (Parakou), as well as in workshops, bars, restaurants, and other areas with high risks of child exploitation. An international organization reported the government identified 2,643 at-risk children through these inspections, and the Ministry of Labor stated it identified 1,273 violations related to child labor during the reporting period. In 2019, authorities conducted 746 inspections and identified approximately 1,040 vulnerable children. Without providing statistics, the government reported law enforcement officers identified victims of sexual exploitation among commercial sex workers through undercover operations during the reporting period. 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 sex trafficking victim. 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 child trafficking victims. 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). Following 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 and access to justice 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, with additional Social Promotion Centers in more populated communes such as Parakou, Cotonou, and Porto Novo. Each commune had a service center staffed with a local representative and a social protection committee that 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 children, before repatriating them to their home countries. The government repatriated 155 children (63 girls and 92 boys from Nigeria and the Republic of the Congo, as well as other countries) and two adult victims (women) of trafficking in 2020, compared with 50 victims in 2019. Separately, the Beninese honorary consuls in Brazzaville and Pointe Noire in the Republic of the Congo facilitated the repatriation of eight Beninese child victims of domestic servitude from Brazzaville.

An official reported the government increased OCPM funding for the third consecutive year despite the country's resource constraints. 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 victims for crimes their traffickers compelled them to commit, some adult victims may have remained unidentified in the law enforcement system due to authorities' limited awareness 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. The government reported it continued to implement the country's 2020-2024 anti-trafficking national action plan, although it did not fund the plan fully due to broad resource constraints exacerbated by the pandemic.

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 2020 in the communes of Malanville, Parakou, Bohicon, and Cotonou. In January 2021, the police's vice squad disseminated letters to landowners with suspected brothels on their property, notifying them that operating brothels is illegal and emphasizing that child sex trafficking is a criminal offense under Benin's laws. The Ministry of Labor did not conduct inspections in some sectors known to employ forced child labor, such as quarries and agriculture.

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 since 2019 in a country with a population of approximately 12.3 million. In 2020, the government registered 1,679 births via SMS through an initiative developed in partnership with an international organization in 2018. 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. In 2020, the National Institute of Statistics and Economic Analysis and the Ministry of Justice compiled incomplete 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.

In coordination with an international organization, the Ministry of Social Affairs launched a child protection hotline in March 2020, which received 546 actionable tips regarding child abuse—including exploitation—as of March 2021. The government ensured the hotline remained operational 24 hours a day throughout the reporting period despite the pandemic and staffed it with French and local language speakers. The hotline is available domestically and internationally. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Benin, and traffickers exploit victims from Benin abroad. Trafficking in the country is predominantly internal and involves Beninese children from low-income families exploited in forced labor or sex trafficking. Vulnerable populations most at risk of trafficking frequently lack formal education or basic identity documents, including birth certificates and national identification; officials reported parent illiteracy and single-parent households also increase children's risk of exploitation. 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, as "apprentices" engaged in various trades, and in handicraft manufacturing. Beninese traffickers include farmers, traders, artisans, small factory owners, and civil servants; some belong to criminal networks and others may have been former trafficking victims.

Authorities stated COVID-19-related border closures as well as cancelled flights likely decreased cross-border exploitation but may have complicated victim repatriation efforts. Poverty resulting from the pandemic's economic impacts and school closures to prevent the disease's spread increased the population's risk of exploitation, according to officials. Further, experts state migrant workers are especially vulnerable to COVID-19-related shocks due to their propensity for employment in markets, restaurants, hotels, retail, wholesale trade, tourism, and transportation sectors, which are industries disproportionately impacted by the pandemic.

The government reported traffickers exploit children living in the lakeside areas of Benin—including the commune of So Ava in southeast Benin—into 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 them in domestic servitude. Some parents follow a traditional practice known as *vidomegon*, 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; in the Adja region and in Lobogo in the southwest; and Pobe and Sakete in the southeast; traffickers exploit these groups in labor and sex trafficking.

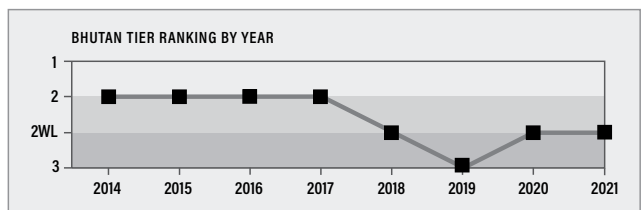
Cross-border criminal groups subject Beninese children to domestic servitude and other forms of forced labor in Nigeria, Gabon, the Republic of the Congo, and other West and Central African countries. Benin has been the largest source country for trafficking victims in the Republic of the Congo, with 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 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; however, travel restrictions related to the pandemic likely decreased this phenomenon during the reporting period. 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 primarily in Togo—but also in neighboring countries Burkina Faso and Nigeria—to circumvent 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 Royal Government of Bhutan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included amending Section 154 of the penal code to further align the definition of trafficking with the definition under international law, finalizing a national prevention strategy (NPS) on trafficking, expanding funding to NGOs for shelter services, and funding the repatriation and support services for 160 Bhutanese women who were victims of trafficking in the Gulf. In addition, the government continued to work with an international organization on anti-trafficking trainings and public awareness events. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Bhutan's trafficking laws do not criminalize all forms of child sex trafficking. Officials did not initiate any new trafficking cases, convict any traffickers, or identify any new trafficking victims during the reporting period. Therefore Bhutan remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Amend anti-trafficking laws to ensure that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense, consistent with international law. • Vigorously investigate, prosecute, and convict traffickers with significant terms of imprisonment. • Increase proactive trafficking victim identification, including by training officials on, and implementing, existing standard operating procedures (SOPs). • Draft and finalize a national action plan to combat trafficking. Disseminate information and train officials on the amended Penal Code Section 154 and the implementation of anti-trafficking laws. • Train and instruct labor inspectors to screen cases of labor violations for indicators of forced labor, including nonpayment of wages, and refer to police for criminal investigation. • Finalize and implement guidelines to oversee *drayangs*, including ensuring workers have access to contracts. • Take steps to eliminate



all recruitment fees charged to workers by recruitment agents, and investigate claims of nonpayment of wages, contract switching, and illegal fees charged by agents. • 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 all forms of labor trafficking and some forms of sex trafficking. During the reporting period, the government amended Section 154 of the penal code, which criminalized “trafficking in persons,” to further align the definition of trafficking with the definition under international law. Specifically, the amended legislation defined trafficking as incorporating any form of exploitation and removed a previous provision that required prosecutors to prove that trafficking was conducted for an “illegal purpose.” Under the current provision, all forms of adult sex trafficking, adult labor trafficking, and child labor trafficking are criminalized. However, the law defined trafficking to require a demonstration of force, fraud, or coercion, which is inconsistent with international law for child sex trafficking, thereby failing to criminalize all forms of child sex trafficking. Similarly, Section 224 of The Child Care and Protection Act (CCPA) criminalized child trafficking but, inconsistent with international law, also 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 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 154 of the Penal Code prescribed punishment ranging from three to five years’ imprisonment; Section 379 from five years’ to life imprisonment; and Section 224 of the CCPA from five to nine years. These punishments were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as abduction.

The government did not initiate any new investigations but did reinvestigate one case and made new arrests in existing cases during the reporting period, compared with two investigations in the previous reporting period. In 2020, the Office of the Attorney General (OAG) prosecuted three suspects for labor trafficking of three Bhutanese women in a case stemming from 2018 and continued two previous prosecution cases, compared with three prosecutions the previous year. Authorities arrested 12 individuals in ongoing forced labor cases during the reporting period, including nine in relation to a 2019 case in which 160 Bhutanese women were exploited for domestic service in Iraq, Oman, and the United Arab Emirates (UAE). Investigation of the employment agencies involved in the case remained ongoing. Three additional individuals were charged in a 2018 case of three Bhutanese women rescued in India who were en route to Iraq, where investigators believed they would be forced into domestic service. In 2019, Bhutanese law enforcement arrested two suspects in this case. A Bhutanese request for the extradition from India of a third alleged Bhutanese trafficker was unsuccessful. In 2020, the government reinvestigated the case, which led to the arrests. At the end of the reporting period, the trial remained ongoing. An ongoing OAG appeal of the dismissal of trafficking charges in a 2018 case, in which a suspect was charged with child trafficking for forced domestic labor of an 8-year-old girl, sought to reimpose trafficking charges on the defendant. Despite indicators of trafficking, including severe physical abuse that required hospitalization and amputations, in 2018 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) (\$136) fine and 180,000 Nu (\$2,470) in victim compensation. The OAG appeal was ongoing at the end of the reporting period. The government did not convict any traffickers during the reporting period.

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 by 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 the 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. For the second year, the prosecution of both cases was ongoing at the close of the reporting period.

Some officials continued to lack an understanding of human trafficking, especially internal and transnational forced labor, although recent high-profile cases have helped increased awareness. Limited police resources often hindered thorough investigations, and a lack of training for law enforcement on victim-centered questioning impeded formation of strong cases. In some cases, persistent individual officers 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.

## PROTECTION

The government demonstrated mixed protection efforts; the government did not identify any victims during the reporting period but did expand funding to NGOs for shelter services and repatriated and provided short-term services to 160 women identified by an international organization as victims of domestic servitude in Iraq, Oman, and the UAE in the previous reporting period. The government did not identify any trafficking victims during the reporting period. During the previous reporting period, the government—with help from an international organization—identified 160 women as victims of domestic servitude in Iraq, Oman, and the UAE. The government had SOPs on trafficking victim identification and referral. In partnership with an international organization, the government conducted five trainings for officials on the SOPs, including three that were conducted online due to pandemic-related restrictions. The government also finalized a training manual on trafficking for the judiciary and held a two-day training for judges in March 2021. RBP maintained Women and Child Protection Units 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, including at worksites, businesses, and border areas, but did not identify any trafficking victims. Due to the pandemic, the entertainment sector, including *drayangs* (karaoke bars), were closed during the reporting period.

When it 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 two NGO-run facilities 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, one child trafficking victim identified in 2018 remained at a shelter. Starting at the end of the previous reporting period and continuing throughout the current reporting period, the Ministry of Foreign Affairs assisted an international organization and coordinated with the Iraqi government in screening the 160 Bhutanese women identified in domestic servitude in Iraq, Oman, and UAE for trafficking indicators in the previous reporting period. The government funded the repatriation of all the women, including in some cases paying fees to break contracts

in Iraq. During the required 21-day pandemic quarantine period upon return to Bhutan, the government provided the women with medical care, counseling, assistance in reuniting with their families, and temporary financial support. NCWC developed a reintegration program for each of the women and continued to provide support once they returned home. This included providing livelihood skills training for 63 of the women. Shelter services in Thimphu were provided to 21 women.

There were no shelters for crime victims outside of the capital area. In 2020, the government expanded funding to include a second shelter in the capital and allocated an additional 100,000 Nu (\$1,370) to NGOs providing shelter services. One shelter had case management officers in five districts and the other had the ability to assign counselors to visit crime victims outside the capital on an ad hoc basis. Ministries did not have dedicated budgets to support trafficking victims, which created gaps in services in some reported cases. NCWC maintained a budget to assist women in difficult circumstances, which was available to support female and child trafficking victims. NCWC could also provide case management assistance and legal aid. The pandemic-related government lockdown and movement restrictions hampered NCWC and NGO efforts to provide some services. NCWC and NGOs provided counseling and psychological support services virtually as well as in-person services.

During the previous reporting period, some Bhutanese students who went to Japan through a placement program contracted serious illnesses due to the squalid living conditions, resulting in several deaths. At the close of the reporting period, the Bhutanese government had repatriated most of the participants. The government did not report on the status of any students remaining in Japan or on assistance to these potential victims but maintained its intent to repatriate any additional participants wishing to return to Bhutan. The immigration department mandated that authorities report suspected foreign trafficking victims identified within Bhutan to NCWC before initiating deportation for immigration violations. 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 led the government's anti-trafficking task force, composed of government and civil society; however, during the reporting period, task force meetings were suspended due to a need to shift focus and resources to the COVID-19 mitigation task force. In partnership with an international organization, DLO finalized its national prevention strategy (NPS) in collaboration with civil society and other relevant stakeholders; at the close of the reporting period, it was awaiting full government endorsement. The NPS was based on an assessment conducted in the previous reporting period with the assistance of an international organization and a parliamentary study on national trafficking trends and will serve as the foundation of the future national action plan. During the reporting period, the government delayed meetings to begin drafting the national action plan because of the pandemic. Insufficient application of SOPs, and a lack of a dedicated anti-trafficking budget continued to hamper 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, local government officials, and the general public.

All entertainment venues, including *drayangs*, were closed in March 2020 due to the pandemic and had not reopened at the end of the reporting period. In the past, the government and media reported cases of children working in *drayangs*, a violation of the minimum age requirement of 18. The Ministry of Economic Affairs continued for a second year to work on new guidelines to review and oversee *drayangs*, including mandating investigations into potentially exploitative working conditions. The Ministry of Labor and Human Resources (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, had a total of 35 labor inspectors, but inspectors lacked adequate anti-trafficking training. The July 2018-June 2019 DOL annual report documented 147 complaints of nonpayment of wages, compared to 211 in the previous reporting period; the 2019-2020 report had yet to be published by the end of the reporting period. As in the previous reporting period, the government did not report the disposition of these complaints, including whether it levied civil or criminal penalties. DOL generally mediated claims of nonpayment 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 the RBP to report or 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 along with a limited number of recruitment expenses, except for costs associated with a visa or work permit. Recruitment fees are not charged to Bhutanese workers who travel overseas through direct placement programs or by Bhutanese companies who bring foreign workers to Bhutan. Foreign workers are required to pay fees for a work permit and medical check-up, which amounts to about 20 percent of one month's wages. MOLHR requires all Bhutanese traveling overseas for employment to participate in a predeparture orientation on human trafficking and the risks of overseas employment. 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 continued to monitor five licensed agencies and one agency it had suspended in the previous reporting period. During the previous reporting period, the government suspended registration of all new labor recruitment agencies and agents; the government did not report if it had reinstated new registrations. 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

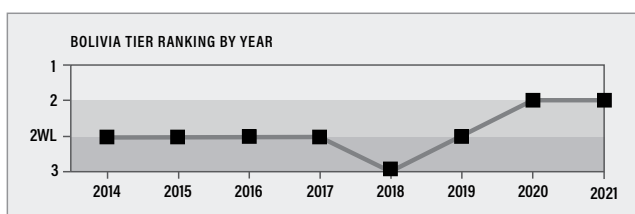
As reported over the past five years, human traffickers exploit domestic victims in Bhutan, Bhutanese abroad, and foreigners in Bhutan. Unregistered and unscrupulous foreign employment recruitment agencies and sub-agents increasingly operate through social media. Some traffickers posing as recruiters 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 with indicators of forced labor, including fraudulent contracts, nonpayment 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 nonpayment of wages. Media outlets reported traffickers have exploited Bhutanese women in sex trafficking in India. In recent years, traffickers sent approximately 160 Bhutanese women to Iraq for forced labor in domestic work.

Traffickers have exploited Bhutanese women and girls in sex and labor trafficking, including in forced domestic labor and caregiving, 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 *drayang*s 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. Prior to the pandemic, the expanding construction sector increased 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 nonpayment 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 rendered 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Bolivia remained on Tier 2. These efforts included sentencing two complicit officials to seven years' imprisonment for their active role in a trafficking case initiated in 2016, prosecuting more traffickers, establishing specialized prosecutor offices in all nine departments, and working with international and civil society organizations to conduct anti-trafficking prevention campaigns. However, the government did not meet minimum standards in several key areas. Authorities reported a decrease in the number of investigations, convictions, and victims identified; it did not report the number of victims referred to services. In addition, the Ministry of Labor (MOL) reduced the number of labor inspectors and did not conduct any investigations into cases of forced labor.



### PRIORITIZED RECOMMENDATIONS:

Investigate, prosecute, and convict traffickers, including perpetrators of labor trafficking. • Identify victims of trafficking, including victims of forced labor and criminality, and refer them to services. • Fund and collaborate with civil society organizations to provide specialized services for trafficking victims and increase the availability of services nationwide. • 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. • Finalize, approve, and fund the 2021-2025 National Action Plan. • Increase the number of specialized labor inspectors and train all labor inspectors on victim identification and criminal referral of forced labor cases. • Develop and implement a centralized data collection system on trafficking to reconcile duplicative data stored across different systems. • Screen displaced Venezuelan migrants for trafficking indicators, including individuals in commercial sex and those working in high-risk sectors. • 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. • Direct Ministry of Health staff to screen vulnerable populations for trafficking indicators when conducting medical screenings. • Provide interpreters to assist law enforcement officials investigating child sex tourism cases in popular tourist locations. • Increase the time law enforcement officials serve in anti-trafficking units to preserve institutional knowledge. • 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. • Apply the anti-trafficking law apolitically and non-discriminatorily.

### PROSECUTION

The government maintained law enforcement efforts. Law 263 of 2012—the Comprehensive Law against Trafficking and Smuggling of Persons—criminalized labor trafficking and some forms of sex trafficking through amendments to Bolivia's Criminal Code 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 281-bis 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 281-bis defined trafficking broadly to include illegal adoption without the purpose of exploitation, the sale of organs, and unlawful biomedical research. Article 321 of the Criminal Code criminalized pimping using force, fraud, or coercion and was used to prosecute sex trafficking crimes. The law prescribed penalties of 10 to 15 years' imprisonment for offenses involving adults, 12 to 18 years' imprisonment for offenses involving children ages 14 to 18, and 15 to 20 years' imprisonment for offenses involving children under 14, which were sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. Article 321 did not require a showing of force, fraud, or coercion for victims under 14 years of age but did require a demonstration of such means for offenses involving children ages 14 to 17. Additionally, Article 322 criminalized the purchase of sex with a minor and prescribed penalties of eight to 12 years' imprisonment for offenses involving victims 14 to 17 years of age. Penalties increased by one-third for offenses involving children younger than 14. While the Criminal Code included separate criminal offenses for trafficking in persons and migrant smuggling, one government agency was responsible for both crimes, and that agency often conflated the two crimes in its collection of data and response to perpetrators and potential victims of trafficking.

In November 2020, a new administration took office, and massive turnover across government institutions led to gaps of information and efforts, including human trafficking. Government authorities reported new detailed information on law enforcement efforts not provided in previous years, making it difficult to draw an adequate comparison to the last reporting period. Data available was likely duplicative or contradictory, as no single agency was responsible for maintaining comprehensive protection or law enforcement data. Pandemic-related mitigating measures slowed trafficking investigations due to several week court closures and the reassignment of some law enforcement personnel to non-trafficking activities. The national police investigated 39 new cases of trafficking (14 for sex trafficking and 25 for forced labor), and department authorities arrested 48 suspects for trafficking and trafficking related crimes (28 in La Paz and 20 in Santa Cruz). The Public Ministry (MP) referred 83 potential cases of trafficking (33 for sex trafficking and 50 for forced labor) to the Ministry of Justice and reported 32 prosecutions (14 for sex trafficking, 17 for labor trafficking, and four for other forms of servitude), compared with 55 cases prosecuted in 2018, the last year data was available. Authorities indicated there were 115 traffickers imprisoned in 2020 for trafficking or trafficking related crimes, of which two received a



final sentence. In addition, authorities reported to an international organization it convicted 11 traffickers (compared with five in 2019 and two in 2018), but authorities did not provide information on sentences prescribed to traffickers in 2020. Observers continued to note the vast majority of arrested suspects, including traffickers, served time in pre-trial detention without ever receiving a final sentence and often avoided justice by paying bribes to corrupt officials to avoid prosecution. General backlogs in the judiciary, insufficient resources and personnel, and inadequate training of law enforcement officials impeded law enforcement efforts. Officials reported that by the end of 2020, the courts had received 600 cases of trafficking and rejected 524 of the cases received. Misunderstanding of human trafficking by judicial authorities likely led to the premature dismissal of cases. In September 2020, the attorney general announced the establishment of department-level specialized prosecutor offices focused on human trafficking and human smuggling cases. The new offices provided training and specialized courses for public prosecutors and civil servants engaged in the fight against trafficking. In coordination with an international organization, authorities trained 48 new specialized prosecutors on trafficking crimes.

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 August 2020, the interim government opened an investigation of the former president for trafficking crimes; however, the allegations may not be considered trafficking according to international law. Authorities abused law enforcement resources to prosecute individuals for politically motivated trafficking charges, bringing into question the veracity of the anti-trafficking data reported by the government. In 2020, courts sentenced two low-ranking police officers to seven years' imprisonment for their active role in a 2016 case of sex trafficking involving several women and girls at two nightclubs in La Paz.

In coordination with an international organization, the government led a series of virtual training sessions for more than 290 department and national level officials on prosecution of traffickers, including specialized investigative techniques, awareness of emerging trends in online trafficking crimes, and victim identification; the training sessions also included prevention efforts and protection of victims. In coordination with civil society, authorities also trained 83 police investigators and officials from the human trafficking division of each department on victim-centered investigations, victim identification, intervention skills, and recruitment tactics used by traffickers. The La Paz police department's anti-trafficking unit maintained 18 police investigators, and other departments' anti-trafficking units had 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 investigation of trafficking crimes. Civil society organizations indicated government authorities coordinated with the governments of Paraguay and Peru on cases involving victims from those countries identified in Bolivia.

## PROTECTION

The government maintained protection efforts. In 2020, law enforcement officials reported identifying 300 victims (292 Bolivians, four Haitians, one Colombian, one Chinese, and one Venezuelan), compared with 422 victims identified in 2019. Authorities had a victim identification handbook for law enforcement and a victim identification referral mechanism. However, according to officials, pandemic-related restrictions severely impacted their ability to identify victims proactively. The government's overlapping legal framework and understanding of human trafficking and related crimes limited victim identification efforts. Authorities confused human trafficking with other crimes, such as child pornography, general labor exploitation, sexual abuse, and migrant smuggling, hindering their ability to identify trafficking victims. Authorities from the Ministry of Health did not receive training on victim identification and did not screen for trafficking indicators despite

periodically administering medical tests to individuals in commercial sex, a population vulnerable to sex trafficking.

The government did not report how many victims it referred to services during the reporting period. There were six multi-use shelters for victims of domestic violence and other crimes that could accept child and female trafficking victims, each reportedly underfunded. Law enforcement officials were often unable to secure safe accommodation for trafficking victims, particularly in departments without multi-use facilities. The government 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 victims could seek greater support from local government authorities or get back in touch with family members. The government did not provide any specialized services to adult male victims but could provide basic assistance at migrant shelters. Authorities could refer 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 could not 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 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 2020, authorities reported repatriating and providing consular assistance to two victims, compared with 22 victims in 2019 and 20 in 2018. The government allowed the use of Gesell chambers in every department, 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. Authorities did not report penalizing victims for crimes their traffickers compelled to commit.

## PREVENTION

The government maintained prevention efforts. The Plurinational Council against Human Trafficking and Smuggling, chaired by the MOJ, was responsible for coordinating antitrafficking 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. Authorities used the 2016-2020 national action plan (NAP) and—with the support of an international organization—began developing the 2021-2025 NAP; the new NAP was incomplete at the end of the reporting period. Authorities did not report making any progress in 2020 on the development of a consolidated database of trafficking cases that began in 2018 with the support of an international organization.

The government had a federal registry requiring all employment agencies to register and provide the MOL with all recruitment and job placement records. Authorities did not report how many applications the MOL reviewed or flagged for trafficking concerns, compared with 42 applications reviewed in 2019, when authorities granted five permits and denied 37 requests. While authorities did not deny all applications due to trafficking concerns, they reported one of the main considerations when making a final decision for approval was limiting employment opportunities that increased vulnerability to trafficking. MOL officials reported pandemic mitigation measures severely impacted their ability to conduct labor inspections. By

October 2020, labor inspectors reported an average of 20 general inspections per week. Budget cuts also reduced the number of inspectors to 71, compared with 102 inspectors in 2019. Officials indicated all 71 inspectors were trained to identify cases of forced labor but did not report identifying victims during the reporting period. The government did not report providing additional training on forced labor during the reporting period. Authorities did not report conducting any inspections into forced labor, compared with 145 inspections in areas with a high prevalence of trafficking conducted in 2019. Authorities in the La Paz metropolitan area launched a new hotline for citizens and victims to report trafficking crimes. However, authorities did not report identifying any victims or starting any investigations as a result of calls to the hotline.

According to government officials and international organizations, the pandemic, political instability surrounding the general election, and a government transition decreased the frequency of government-funded awareness and education campaigns. Authorities reportedly adapted ongoing prevention campaigns to online platforms and partnered with international organizations to expand the reach of these campaigns. In 2020, authorities joined the Blue Heart campaign and launched an effort to raise public awareness of trafficking crimes using digital platforms and social network accounts of government institutions, civil society, and telecommunication, radio, and television companies. As part of this campaign, authorities placed awareness banners in transit terminals and offered training to adolescents and school aged children on ways to recognize recruitment tactics used by traffickers in online platforms. The government conducted a trafficking awareness orientation campaign that reached 7,300 students in 11 schools in Santa Cruz, and—with the support of an international organization—department anti-trafficking offices offered a public forum on awareness reaching approximately 300 people. Government officials worked with an NGO to distribute short videos targeting young audiences focused on preventing recruitment into trafficking, receiving 10,000 views. 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 2020.

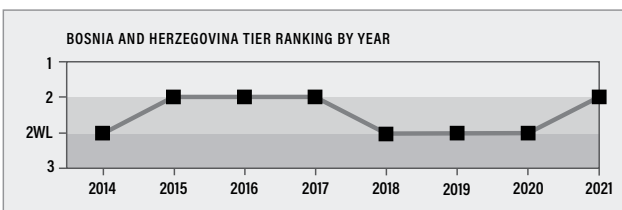
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bolivia, and traffickers exploit victims from Bolivia abroad. Traffickers exploit Bolivian adults 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 exploit an increasing 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 rural indigenous communities in the north of the La Paz department, in and around the city of Rurrenabaque, and in tourist areas 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 LGBTQI+ 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 adults and children in forced labor in domestic work, mining, ranching, and agriculture. Forced criminality continues to be a problem; media outlets reported 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 many 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 and then exploiting 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

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. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Bosnia and Herzegovina was upgraded to Tier 2. These efforts included strengthening the anti-trafficking strike force by allocating resources for honoraria and operational costs, expanding membership of the strike force, and creating a network of prosecutors and investigators to facilitate coordination. The Republika Srpska (RS) amended their law to increase the minimum sentence of child trafficking from five to 20 years and expanded the definition of trafficking. A judge from Tuzla Canton issued the highest sentence to date for forced child begging, and the State Investigation and Protection Agency (SIPA) established an operational team across four regional offices. The government increased overall victim protection efforts by identifying more victims, combining the domestic and foreign victim funds and disbursing funds to anti-trafficking NGOs, and drafting guidelines to standardize victim assistance, particularly for children. The government created a new database to standardize data collection on trafficking victims, established 18 regional monitoring teams (RMT) to coordinate anti-trafficking efforts, and helped recruit and train 25 Romani activists to join RMTs. However, the government did not meet the minimum standards in several key areas. The state, RS, and Brcko District (BD) did not convict any traffickers, while the Federation of Bosnia and Herzegovina (Federation) convicted fewer traffickers than the year before. Law enforcement continued to regularly investigate trafficking under lesser offenses, while Federation judges continued to issue sentences below minimum penalties. Law enforcement lacked capacity, resources, and technical knowledge, which hindered their ability to conduct effective and victim-centered investigations and prosecutions. Authorities 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. Additionally, the government lacked proactive identification efforts and, as a result, often penalized victims for unlawful acts traffickers compelled them to commit, particularly with misdemeanor charges for petty crimes.



## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers and impose adequate penalties, which should involve significant prison terms. • 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, particularly for migrants, refugees, asylum seekers, and Roma. • Institutionalize and implement screening procedures for migrant flows. • Establish and implement policies to formally disconnect identification procedures and official victim status from cooperation on investigations and prosecutions. • Increase resources, personnel, and training for law enforcement to investigate complex trafficking 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. • Establish procedures to ensure trafficking cases are handled by trained prosecutors. • Improve cooperation and coordination among state and sub-state actors, including allocating adequate resources and enhancing participation in the anti-trafficking strike force. • 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 advocates into decision-making processes regarding victim protection. • Train judges on restitution in criminal cases, establish procedures to seize assets from traffickers, and create effective methods to allocate restitution to ensure victims receive restitution in a timely manner.

## PROSECUTION

The government increased law enforcement efforts. Bosnia and Herzegovina (BiH) consisted of two entities within the state – the Federation and RS. Each entity has political, legislative, and judicial authority. 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. RS amended Article 146 to increase the minimum sentence of child trafficking from five to 20 years. 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.

State Prosecutor's Office (SPO) initiated two investigations on two suspects (one investigation on one suspect in 2019) and indicted one defendant (none in 2019). State courts did not convict any traffickers in 2019 and 2020. Federation authorities investigated three suspects (16 in 2019). Federation prosecutors indicted three defendants (none in 2019) and courts convicted 10 traffickers (12 in 2019). Federation judges issued sentences ranging from one year and 10 months' imprisonment to 10 years' imprisonment for six traffickers, which included a judge from Tuzla Canton issuing 10 years' imprisonment, the highest sentence to date for forced child begging. Federation courts did not provide sentencing information for the other four traffickers (five traffickers with no sentencing information in 2019). RS authorities investigated four suspects (seven in 2019) and indicted three defendants (two in 2019). RS lower courts did not convict any traffickers (one in 2019) but the RS Supreme Court upheld a conviction and sentenced the child trafficker to five years' imprisonment. BD authorities initiated three investigations on three suspects (none in 2019) and prosecutors indicted two defendants (none in 2019). BD courts did not convict any traffickers in 2019 or 2020. The government reported law enforcement personnel suffered from COVID-19 infections, lockdown measures halted operations from March to May 2020, and many courts suspended hearings with three or more defendants due to the pandemic. Court proceedings lasted many years and judges continued to issue sentences below

minimum penalties, 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 a day (\$63).

SIPA established an operational team with 20 officers across four regional offices and Tuzla Canton in the Federation maintained 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 continued to report that the lack of capacity, resources, 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 crimes, such as "enticement to prostitution," "child negligence," and "enticement to child prostitution." Prosecutors reported they were evaluated on monthly quotas, which incentivized pursuing trafficking offenses as lesser offenses that are easier and faster to prosecute, while police experienced obstacles in investigating trafficking crimes 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. In previous years, the strike force was largely ineffective due to a lack of participation and the state failing to disburse operational funds, which the government worked to address in 2020. The government approved and allocated 80,000 convertible marks (\$50,190) for honoraria and operational expenses in December 2020. Additionally, the government assigned another prosecutor from SPO, a second Federation prosecutor, a Federation Ministry of Interior (MOI) investigator, and two border police representatives to the strike force. The strike force, in cooperation with a foreign government during the reporting period, established a network of prosecutors and investigators to facilitate coordination across BiH; as a result, most prosecutors' offices, except in RS, appointed a point of contact for trafficking cases to participate in the network.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. SPO established a joint investigative team with Swedish authorities to investigate a forced labor case and cooperated with Austrian authorities on a forced criminality case. The government continued its joint investigation with French authorities initiated in 2015 of a Bosnian and Croatian married couple alleged to have forced six Romani 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 in the construction industry in Azerbaijan in 2009; judges acquitted all defendants involved in the case in December 2019, but SPO prosecutors appealed the decision and presented arguments in January 2021. 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 increased victim protection efforts. The government identified 80 potential trafficking victims during the reporting period, an increase compared with 61 in 2019. Of these, 17 were victims of sex trafficking, 48 of forced begging, and 15 of multiple types of



exploitation; 55 were female and 25 were male; 45 were children; and seven were foreign victims. The government implemented a new database to standardize data collection and expand access to information on identified trafficking victims. Two bylaws provided standard operating procedures (SOPs) for identifying and referring victims to services, including a list of general indicators, but observers continued to report that 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 165 (160 street children in 2019) and drop-in centers provided 373 children with academic tutoring, hot meals, and laundry services (163 in 2019). 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 these allegations. 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, and Service for Foreigners' Affairs, lacked standard guidelines and trafficking indicators for migration flows, interview questions and interpreters, as well as 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 authorities often required victims to cooperate with investigations and prosecutions to receive assistance and support.

The government partly funded five NGO-run shelters and authorities referred 51 victims to them in 2020. The Ministry of Human Rights and Refugees allocated 60,000 convertible marks (\$37,640) to four NGOs assisting domestic trafficking victims in 2020 and the Ministry of Security allocated 70,000 convertible marks (\$43,910) to two NGOs assisting foreign victims in 2020. In 2019, the government did not disburse funds to NGOs due to the absence of a state government and budget. The government merged the internal and foreign victim funds into one victim protection fund with 130,000 convertible marks (\$81,560) administered by the State Coordinator. This provided a more effective use of victim assistance funds than in previous years when the government returned unused funds allocated to assist foreign victims to the state budget instead of reallocating those funds for internal victim assistance. The government, in cooperation with NGOs, provided accommodation, psycho-social support, medical assistance, legal assistance, and guardianship for child victims. While access to care was not standardized and was based on bylaws that were not legally binding, the government, in cooperation with an NGO, drafted guidelines and standards on providing assistance to victims, particularly children. 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 Bosnian citizens identified abroad and foreigners identified in Bosnia; no victims required repatriation assistance in 2019 and one victim required assistance in 2020. 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; one foreign victim received a humanitarian visa, compared with three in 2019.

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 (\$6,270 to \$9,410) 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; there were six prosecutions of enticement to prostitution in 2020. 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. 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; in 2019, a district court awarded a victim 7,500 convertible marks (\$4,710) but the victim has not received the restitution because seized properties and assets of the traffickers went toward the state budget rather than restitution. 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 2020-2023 national strategy and the state coordinator continued to produce annual reports and organized four virtual coordination meetings. The national strategy required the state, Federation, RS, BD, and cantonal governments to adopt their own action plans; the state, RS, Sarajevo, Tuzla, and Herzegovina-Neretva cantons adopted their action plans during the reporting period. In 2019, the state coordinator organized meetings to solicit feedback on RMTs and accordingly changed the structure from four to 18 RMTs: 10 in the Federation; six in the RS; one in BD; and one overarching team at the state level. The government formed all of the 18 RMTs during the reporting period. RMTs consisted of government and NGO representatives and an MOI official as the coordinator. The government, with financial and technical assistance from NGOs, trained RMT members, organized discussions with the Romani community on trafficking, and recruited and trained 25 Romani activists to join RMTs. The government, in partnership with civil society, conducted an awareness campaign targeting children and students. State-level institutions regulated recruitment agencies and required agencies to obtain a license and register, 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.

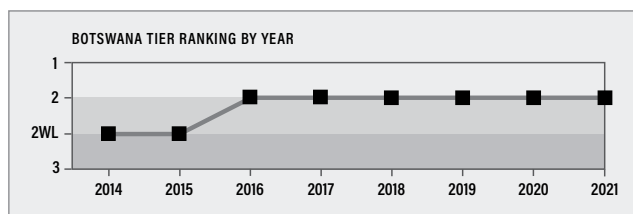
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in BiH, and traffickers exploit victims from BiH abroad. In 2020, traffickers exploited foreign victims from Afghanistan (1), Iran (2), Serbia (2), and Syria (2). In previous years, victims from Afghanistan, Cuba, The Gambia, Libya, and Serbia, Sri Lanka, and neighboring Balkan countries were exploited in BiH. Traffickers

exploit BiH women and girls in sex trafficking within the country in private residences and motels. 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 BiH 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, Pakistan, 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Botswana remained on Tier 2. These efforts included referring all identified victims to NGOs for care and providing some funding to the NGOs, funding and implementing the anti-trafficking national action plan, and providing additional services to victims who participated in trials against their traffickers. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers and identified significantly fewer victims than the previous reporting period. Despite officials' acknowledgement of forced and child labor among the San community on cattle farms, neither law enforcement nor labor inspectors made concerted efforts to investigate or address the issue. The government continued to lack formal procedures to identify and refer victims to care and devoted substantially less funding for victim care than in the previous reporting period.



### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment. • Conduct comprehensive trainings for prosecutors and judges on Botswana's 2014 anti-trafficking law so they can more effectively try and adjudicate cases. • Create procedures to identify trafficking victims and train stakeholders on them, including front-line law enforcement and immigration officials. • Routinely inspect cattle farms, including in Ghanzi, to ensure children are not engaged in forced labor. • Provide funding to the NGOs to which the government refers trafficking victims for shelter and services. • Formalize and implement procedures to refer trafficking victims to care. • Disallow suspended sentences for convicted traffickers. • Fund and implement the anti-trafficking national action plan. • Work with NGOs to increase freedom of movement and work opportunities for trafficking victims residing in shelters. • Screen for indicators of trafficking among vulnerable populations, including cattle farm workers, refugees, and Cuban medical workers. • Develop formal care procedures that incentivize victims to participate in trials against their traffickers. • Continue to conduct public awareness campaigns, particularly in rural areas.

### PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. 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 (\$46,300), 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. Section 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 or a fine of 50,000 pula (\$4,630), or both, penalties which were significantly lower than those prescribed under the 2014 anti-trafficking act. During the reporting period, the government and an international organization finalized drafting implementing regulations for the 2014 act to make it easier for judges and prosecutors to use and submitted them to the Anti-Human Trafficking Committee (AHTC) for approval.

The government initiated three trafficking investigations and continued 10 investigations initiated in prior years, compared to initiating one potential labor trafficking investigation in the previous reporting period. All three cases involved Zimbabwean traffickers who allegedly exploited Zimbabweans in labor and sex trafficking within Botswana. Officials prosecuted all three individuals for forced labor and continued prosecutions against 11 alleged traffickers from previous reporting periods, and all prosecutions remained ongoing at the close of the reporting period. This was compared to no new prosecutions but continuing the same 11 prosecutions in the previous reporting period. The government did not convict any traffickers. This was a decrease from convicting five traffickers in two cases in the previous reporting period. Due to the pandemic, courts did not operate for a significant part of the reporting period. Experts noted the slow pace of Botswana's judicial system and the lack of qualified interpreters hindered authorities' ability to prosecute trafficking crimes.

Law enforcement did not investigate reports of government officials allegedly complicit in human trafficking offenses. Neither labor inspectors nor law enforcement investigated the private farms in Ghanzi that officials acknowledged held San individuals in conditions indicative of forced labor. In addition, some local governments and labor inspectors provided advance notice to the farm owners before inspection. Botswana's laws were broad enough to allow for conviction of political prisoners, and the laws granted authorities the discretion to subject this population to unlawful prison labor, including to private contractors outside of prisons, with indicators of forced labor for private gain. Authorities acknowledged corruption as a general impediment to law enforcement efforts.

The Directorate of Public Prosecution (DPP) continued to support specialized anti-trafficking units and monitored the investigation and prosecution of trafficking cases. The Ministry of Defence, Justice, and Security (MDJS) funded and conducted a trafficking and smuggling training for 30 security and intelligence officers. Due to the restrictions on large gatherings during the pandemic, the government could not carry out any additional planned training for DPP and other officials. The police academy 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. The government did not report cooperating with any foreign governments, compared to collaboration on multiple cases in the previous reporting period.

### PROTECTION

The government decreased efforts to identify and protect trafficking victims. The government identified three foreign child victims of sex and labor trafficking. This was a substantial decrease from identifying 24 foreign trafficking victims within Botswana in the previous reporting period. NGOs identified an additional six trafficking victims

but did not report the type of exploitation. The government did not have formal procedures to proactively identify trafficking victims and did not fully operationalize the 2014 law's victim referral measures. Nevertheless, officials coordinated with NGOs to refer all identified victims to NGO-run facilities providing shelter, medical care, and other services. The government and NGOs also continued to care for 32 trafficking victims identified in previous reporting periods. The government did not operate any victim shelters. It generally referred female trafficking victims to government-supported NGO shelters for victims of crime or funded housing in hotels. NGO shelters did not permit adult trafficking victims to work or to leave without a chaperone. The government provided 650,000 pula (\$60,190) to NGOs that cared for trafficking victims. This was a significant decrease from spending 4.69 million pula (\$434,300) for victim care in the previous reporting period, but in line with overall decreases in government funding due to the pandemic. The government allocated COVID-19 tests to identified trafficking victims so they could be expeditiously transferred to shelters and receive services.

Six trafficking victims sought voluntary repatriation, but the government could not accommodate the requests due to border closures and travel restrictions stemming from the pandemic. Instead, the government referred the victims to NGO shelters and services. While the government did not have a formal policy of providing longer-term shelter or residency to foreign trafficking victims, it stayed deportation for three Zimbabwean victims as the cases against their traffickers continued. The government collaborated with INTERPOL and the Government of South Africa to identify and repatriate two Botswana sex trafficking victims in South Africa. To encourage victims to participate in trials against their traffickers, the government provided at least one victim witness with transportation to court and conducted all victim testimony in closed courtrooms. Botswana law provides for restitution for trafficking victims after conviction of their trafficker, but the government did not convict any traffickers. There were no reports officials penalized victims for unlawful acts their traffickers compelled them to commit; 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 AHTC, established under the MDJS, met twice, similar to prior reporting periods. The committee led implementation of the 2018-2022 anti-trafficking national action plan, and the government devoted the equivalent of approximately \$92,000 towards implementation, which was similar to the funding allocated in prior years. The government increased efforts to self-assess its trafficking problem and response. MDJS created and distributed a survey to ministries to assess the effectiveness of the government anti-trafficking efforts, and it produced the first of an expected bi-annual public report on trafficking in persons. As in previous years, MDJS held a public awareness-raising event on trafficking on World Day Against Trafficking in Persons in July 2020. With support from an international organization, the government contributed information to a centralized anti-trafficking database that collected national data on criminal cases and victims identified and shared it with countries in the region.

Labor inspectors did not adequately monitor for forced labor. Inspectors lacked funding and covered large swaths of territory that made routine inspections impossible. Labor inspectors reportedly did not visit Ghanzi province, where officials acknowledged private cattle farmers exploited San individuals in conditions indicative of forced labor since 2014. The government largely permitted child labor in agriculture, in some cases forced, to continue without oversight because of its cultural nature; the government did not identify any child labor victims in 2020. Enrollment in school required an identity document, usually a birth certificate or other national card known as an *omang*. Many San families did not have either document, which rendered their children unable to enroll in

school and more likely to work on farms, at times in exploitative conditions. The government did not have procedures to screen for trafficking in the labor recruitment process; it relied on recruitment agencies to proactively do so and self-report. Moreover, Botswana law did not prohibit labor recruitment practices that traffickers commonly exploit, including the charging of recruitment fees, confiscation of workers' passports, unilateral contract switching, and withholding of wages. The government began collaboration with an international organization to identify foreign recruitment agencies operating within the country. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Botswana, and traffickers exploit victims from Botswana abroad. Many trafficking victims in Botswana are Central African economic migrants intercepted by traffickers while transiting Botswana to South Africa. Traffickers transport some child sex trafficking victims through Botswana en route to exploitation in South Africa. Within Botswana, traffickers target unemployed women, the rural poor, agricultural workers, and children. Some relatives force their family members into domestic work, cattle herding, and commercial sex. 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. Extended family members may subject their young Botswana domestic workers to conditions indicative of forced labor, including denial of education and basic necessities; confinement; and verbal, physical, or sexual abuse. Criminals exploit some Botswana girls and women in commercial sex within the country, including in bars and along major highways. Officials acknowledged the forced labor of adults and children of the San ethnic minority group in private cattle farms in Botswana's rural west, particularly in Ghanzi district. Most cattle farm owners are white emigres from South Africa, whose relationships with local government officials allow them to avoid inspection. Restrictions on freedom of movement and systemic delays in obtaining refugee status and permission to work render the approximately 800 refugees, most located in Dukwi refugee camp, vulnerable to traffickers. There are reports child refugees from the camp are exploited in sex trafficking, including by South African truck drivers transiting Botswana. Botswana's laws allow for conviction of political prisoners, and the government may have subjected such prisoners to unlawful forced labor for private gain, including to private contractors outside of prisons.

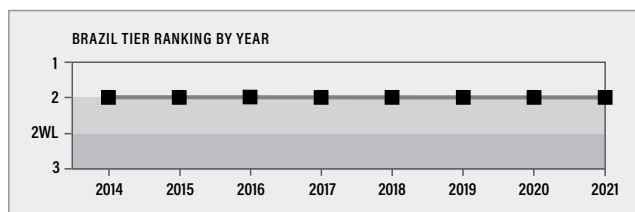
Traffickers transport Botswana individuals to Zimbabwe for forced labor. Organized trafficking rings subject some Botswana women to trafficking internally or transport women from neighboring areas, including South Africa, Zimbabwe, and East Africa, and subject them to sex trafficking in Botswana. Some traffickers entrap victims through social media, including through advertisements for fake employment opportunities. Traffickers exploit Zimbabwean and Namibian individuals in forced labor in agriculture in Botswana. Traffickers likely exploit some undocumented Zimbabwean children in commercial sex and forced labor in Botswana. Cuban medical personnel working in Botswana may have been forced to work by the Cuban government. Bangladeshi traffickers have brought Bangladeshi women to Botswana for sex trafficking.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Brazil remained on Tier 2. These efforts included obtaining final



convictions for three sex traffickers and initial convictions for six labor traffickers, as well as developing comprehensive new guidance for identifying and providing assistance to slave labor victims, including labor trafficking victims. However, the government did not meet the minimum standards in several key areas. It did not report initiating new prosecutions for forced labor, and officials continued to punish most labor traffickers with administrative penalties instead of prison, which neither served as an effective deterrent nor provided justice for victims. Victim identification and protection mechanisms, including shelter services, remained inadequate and varied substantially by state. The government investigated and prosecuted fewer traffickers and did not offer sufficient training for law enforcement, prosecutors, and judges to increase their capacity to respond to trafficking. 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 LGBTQI+ 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 punish traffickers with significant prison terms. • Train law enforcement officials on victim identification to prevent the penalization of victims for unlawful acts traffickers compelled them to commit. • Increase the number of specialized anti-trafficking offices, especially in Mato Grosso do Sul, Piauí, 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. • Develop a victim identification protocol for law enforcement officials on trafficking indicators and proactive identification of victims and train them on its use. • 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. • Increase and fund efforts to raise awareness of trafficking, including child sex tourism, on television, social media, and in print form, especially in communities along highways where human trafficking is prevalent. • Compile comprehensive data on victim identification; victim assistance; and 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. • Update the referral mechanism guidance to reflect the provisions of the 2016 trafficking law.

### PROSECUTION

The government decreased law enforcement efforts. Article 149a of the penal code 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 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. Additionally, Article 149 of the penal code 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 206 new slave labor investigations but did not report the number of new sex trafficking investigations in 2020, compared with 296 new investigations in 2019 (40 for sex trafficking and 256 for slave labor). There were 237 ongoing slave labor investigations initiated in previous years, some dating to 2003. The government prosecuted 14 new cases of suspected sex trafficking in lower courts in 2020, compared with 56 new prosecutions in 2019 (four for sex trafficking and 52 for slave labor). Authorities did not report any new criminal prosecutions for slave labor in 2020. The government reported 512 ongoing trafficking prosecutions (six for sex trafficking and 506 for slave labor) in courts of first and second instance. In 2020, the government reported three final trafficking convictions under a related statute criminalizing the facilitation of human trafficking; it did not confirm whether these were sex or labor trafficking convictions or provide details on the length of sentences the traffickers received. Courts convicted at least six labor traffickers in other cases in 2020, but these traffickers could appeal their verdicts and therefore the convictions were not final. In one case where convictions were subject to appeal, courts convicted three labor traffickers for exploiting a Venezuelan woman in forced labor. Brazil allowed successive appeals in criminal cases, including trafficking, before courts could issue a final conviction and sentence. Many convicted sex and labor traffickers appealed their convictions several times, in both lower and appeals courts. Media reports showed that adjudication of cases could take anywhere from four to 10 years. Traffickers sometimes served their sentence under house arrest or in prison work release programs, leaving to work during the day and returning to prison overnight, punishments that were not commensurate with the seriousness of the crime and did not effectively deter human trafficking. The government reported pandemic-related delays in the judicial system slowed the processing of prosecutions and appeals, including human trafficking and slave labor prosecutions.

In one notable case, officials arrested a suspected trafficker accused of falsely purporting to be a talent scout for professional soccer teams to exploit young athletes. The suspect allegedly recruited boys from Mato Grosso to travel to Paraná to play soccer, where he restricted their movement and forced them to pay a monthly fee, purportedly to maintain their recruitment eligibility. In another high-profile case, law enforcement officials arrested an executive in the beauty industry on slave labor charges after a hotline tip revealed she had exploited her 61-year-old domestic employee for 23 years, offering meager pay, regularly withholding wages and food, and providing inadequate housing. In a third case, officials arrested a Venezuelan couple on charges of human trafficking and extortion; the suspected traffickers made false job offers to Venezuelans with hearing impairments, offering to pay their travel expenses to Brazil to establish a debt. Once arrived, the couple confiscated the victims' passports and forced them to beg on the street to repay the debt. In 2020, law enforcement officials reported pandemic-related decreases in their interactions with the public, including potential trafficking victims, reduced staffing, and inadequate training on performing routine duties under such conditions; these factors may have limited the efficacy of law enforcement efforts to investigate trafficking crimes and identify trafficking victims.

The government treated forced labor as a distinct crime from human trafficking. Labor inspectors and labor prosecutors had primary authority over cases of slave labor and could apply civil penalties. The federal police and public ministry handled the investigation and prosecution of severe slave labor cases and had the authority to pursue criminal charges against labor traffickers. 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 of Rio de Janeiro 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, which inhibited law enforcement action against traffickers and likely led to authorities overlooking potential victims. When authorities identified exploitation of individuals in commercial sex, including potential 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.

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 some states, such as Rio de Janeiro, the PF and state and municipal entities generally did not cooperate or communicate. Observers reported police occasionally misclassified trafficking cases, suggesting such cases were under-reported. Law enforcement units at all levels had insufficient funding, expertise, and staff to investigate trafficking.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. 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 Paraná state after allegations 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, the government offered limited training opportunities; it did not report anti-trafficking training targeting prosecutors, judges, or law enforcement officials. Civil society observers reported law enforcement and judicial sector officials demonstrated a limited understanding of trafficking crimes; these observers also reported state and municipal officials were significantly less proficient than their federal counterparts. The government required new labor judges to receive training on slave labor and human trafficking, but it did not recruit new judges during the reporting period due to the pandemic; by contrast, 76 new judges completed the training in 2019. Authorities continued to coordinate with United States officials to prevent suspected child sex tourists from entering the country. The government hosted the headquarters for a large-scale, multicountry investigation into human trafficking and human smuggling, coordinated by an international law enforcement agency; through the investigation, PF forces contributed to the arrest of approximately 30 suspected traffickers and the identification of nearly 100 potential trafficking victims across 32 countries.

## PROTECTION

The government maintained protection efforts. In 2020, the government reported identifying and providing protection services to 494 potential trafficking victims. The government provided partial victim identification data from a subset of federal agency records; in past years, the government also reported partial victim identification statistics but collected this data from a subset of state-level protection agencies. Several government agencies at

various levels collected data on victim identification and assistance; for example, in 2020, the Ministry of Health reported its officials identified 61 adult and 36 child trafficking victims, more than half of whom were Afro-Brazilian or mixed race. However, the lack of a centralized database and inconsistent reporting made year-to-year comparisons difficult. Identification efforts varied greatly from state to state; select rural states, such as the state of Paraná, identified a large number of the reported victims, while more populous states, such as Rio de Janeiro, identified relatively few. In 2020, labor inspection authorities conducted inspections at 266 companies and identified 942 victims of labor exploitation; however, the government did not specify how many of these victims experienced forced or slave labor, as opposed to other forms of exploitation. The government did not report the total number of cases of forced labor as defined under international law. In comparison, authorities inspected 280 companies and identified 1,130 victims of labor exploitation in 2019. Labor inspectors at the federal level reportedly shared with victims of slave labor information on basic resources available to them. The government did not report how many slave labor victims received such information in 2020. However, all 942 identified victims had access to three months of unemployment insurance, compared with the 713 possible victims that received unemployment insurance in 2019. The government did not report what other services slave labor victims received. According to the Ministry of Justice and Public Security (MOJPS), authorities from all federal, state, and local governments continued to use victim identification guidance from 2013, which predated the 2016 anti-trafficking law, 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, child sex tourism, or forced labor, especially forced criminality. 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. According to some government officials, judges did not consistently identify 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 2020, the government produced new standard operating procedures (SOPs) for identifying and providing assistance to victims of slave labor; the new guidance did not include additional funding for victim assistance and the government did not report trainings related to the new SOPs. The MOJPS maintained eight "advanced posts" at locations, such as airports and bus stations, where authorities could screen for trafficking indicators, a decrease from nine advanced posts in 2020 and 12 in 2019.

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 had been identified by any means, including NGOs; however, most NETPs did not provide services to victims directly and were only open during the day. Most agencies with equities participated in the network, and NETPs could refer victims of adult sex trafficking to Specialized Social Service Centers (CREAS) serving vulnerable populations, victims of forced labor to the Secretariat of Labor Inspections (SIT), and child victims of trafficking to guardianship councils. In 2020, an unknown number of NETPs assisted 156 potential victims, compared with 10 NETPs assisting 129 possible victims in 2019. Adult victims referred to CREAS could receive assistance from non-specialized psychologists and social workers; the government reported all 494 potential trafficking victims received services from CREAS but did not disclose the forms of assistance provided. 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 comprised of police officers, prosecutors, labor inspectors,

labor prosecutors, and mental health professionals. In contrast, the government did not adequately fund or equip other NETPs to refer and assist victims. Many states did not have NETPs, including border states where trafficking was prevalent. Throughout 2020, the government maintained a partnership with a Brazilian LGBTQI+ organization to increase the protection of transgender trafficking victims, but it did not report any active projects involving the group.

Some NETPs and CREAS could provide limited short-term shelter; 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. 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; the other was an NGO-operated shelter that provided temporary assistance for refugees and trafficking victims. When space in these shelters was unavailable, Sao Paulo officials housed trafficking victims in other non-specialized shelters and, occasionally, hotels. 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. There were no specialized shelters for male victims of trafficking. The government had a network of non-specialized government and civil society shelters serving vulnerable populations, such as individuals experiencing homelessness, victims of domestic violence, and the elderly. Of these shelters, the government reported more than 3,700 could receive trafficking victims, although far fewer served trafficking victims in practice. In 2019, the most recent year for which data was available, 32 of these shelters reported providing services to at least one trafficking victims. The government did not report how many trafficking victims these shelters assisted 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. Officials from the MPT used assets forfeited from traffickers to provide care to victims of slave labor. To increase and expedite access to care for forced labor victims, state governments could participate in the Integrated Action Program through MPT, which coordinated vocational training, sought restitution from traffickers, and arranged job placements. Authorities did not report providing training to any guardianship council social workers on the worst forms of child labor, including trafficking, in 2020, compared with training 242 social workers in 2019.

Authorities penalized victims for unlawful acts traffickers forced them to commit. Due to inadequate application of formal identification and screening procedures, officials sometimes arrested 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 would lead to further exploitation, deportation, or other harm. The law entitled foreign trafficking victims to a residence permit; the government updated the permit application process to clarify required steps in March 2020. The government reported issuing 12 such residence permits in 2020 but did not report how many of these permits it issued to trafficking victims. The government could assist victims of trafficking with repatriation, but authorities have not reported assisting any victims since 2017.

## PREVENTION

The government decreased 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, and worked with an operational budget of 443,840 reais

(\$85,450), a decrease from 639,250 reais (\$123,070) in 2019. The MOJPS also funded the CONATRAP advisory committee, which included representatives from federal government agencies and NGOs. CONATRAP operated with a reduced membership of seven representatives, the result of a 2019 executive order; in 2020, CONATRAP met virtually to elect new civil society participants. Coordination between agencies at the national and state levels remained uneven and varied in efficacy. At the state government level, officials from different agencies in 16 states continued to convene and address trafficking independently from the federal government and in a decentralized manner through the state NETPs. The MPT continued its three-year technical cooperation agreement with the PF, initiated in 2019, focused on increasing information sharing on cases of child labor and slave labor, but it did not report specific activities related to the agreement in 2020. MPT established a working group to develop SOPs for government officials working with child victims of sexual exploitation, including sex trafficking.

Most awareness raising efforts focused on addressing child or slave labor more broadly; few campaigns attempted to raise awareness of sex trafficking and child sex tourism. Throughout the year and to commemorate World Day against Trafficking, municipal and state governments hosted workshops, training, art installations, performances, and roundtable discussions; however, many municipal entities canceled celebrations of the World Day against Trafficking due to pandemic-related complications or restrictions. The Federal Highway Police (PRF) distributed flyers in a January 2020 event to educate recipients on human trafficking and how to make a report via the hotline. A state-level anti-trafficking commission launched an awareness campaign featuring ads on 30 buses in the city of Florianopolis, where forced labor was common in the garment sector. The government reported partnering with NGOs to produce online seminars and a range of awareness materials, including a series of comic strip-style social media posts. There were overall fewer awareness-raising events and campaigns in 2020 than in 2019; the government attributed this decrease, at least in part, to pandemic-related restrictions. The government coordinated with a civil society organization to offer trafficking awareness training to approximately 100 state government officials in Para and Sao Paulo. PRF officials continued to operate a database to identify critical locations along highways where the commercial sexual exploitation of children was prevalent. In 2020, PRF partnered with MPT and the Brazilian Association for the Defense of Women, Children and Youth to include human trafficking in its mapping efforts. In the first half of 2020, government-operated human rights hotlines received 194 calls for human trafficking, 382 calls for slave labor of adults, and 1,915 calls for child labor, a significant increase from the first half of 2019, when hotlines reported 46 calls for human trafficking, 61 for slave labor of adults, 1,971 for child labor, and seven calls reporting child sex tourism. Hotline operators could refer victims to local resources including police, state prosecutor's offices, social workers, guardianship councils, CRAS, CREAS, and the labor inspectorate. Some states, such as Sao Paulo, operated their own human rights hotlines. The government did not indicate whether it initiated any investigations from calls to the hotlines, but media reporting suggested at least one investigation, involving a 61-year-old domestic worker exploited in slave labor, stemmed from a hotline call.

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 a "dirty list," or *lista suja*, which made public the names of individuals and businesses found guilty of using slave labor, twice annually. In its most recent iteration, released in October 2020, the list included 113 total employers, compared with 190 in October 2019. The SIT added 44 new employers to the list in 2020, compared with 69 new employers in 2019. The government attributed the decrease in new additions in the list's October edition to pandemic-related restrictions; officials stopped processing new names for inclusion for several months during the reporting period due to lockdowns, creating a backlog. The SIT had resumed the



adjudication process by the end of the reporting period but continued to operate at reduced capacity. Individuals and companies on the list were prohibited from accessing credit by public or private financial institutions; the government reported its civil lawsuits against seven banks that continued extending credit to businesses included on the dirty list, initiated in 2019, remained ongoing in 2020. 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 hindered efforts to combat labor trafficking. Officials issued administrative penalties to 266 employers guilty of slave labor in 2020, compared with 106 employers in 2019. From April 2020 until June 2020, labor inspectors ceased performing routine inspections due to pandemic-related lockdowns; mobile inspection teams continued to operate during this time. The government published guidance on conducting labor inspections during the pandemic and provided COVID-19 testing and personal protective equipment to labor inspectors. Observers indicated the government's staff of labor inspectors shrank for at least the fourth consecutive year. The government did make available to labor inspectors an online course on slave labor and human trafficking for labor inspectors, but it did not report how many inspectors participated in this programming. In 2019, the MPT committed to creating a new public list of employers convicted of slave labor; however, the government had not released the list by the end of the reporting period. Authorities did not report any new investigations, prosecutions, or convictions of child sex tourists in 2020.

### 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 women and children from Brazil and from other South American countries, especially Paraguay, in sex trafficking in Brazil. Gangs and organized criminal groups have subjected women and girls to sex trafficking in the states of Rio Grande do Sul and Santa Catarina. Traffickers also exploit Brazilian women in sex trafficking abroad, especially in Western Europe and China. Traffickers lure Brazilian women abroad with false promises to exploit them in sex trafficking; traffickers have feigned offers of successful music careers to entice Brazilian women to travel to South Korea, where they are forced into commercial sex. Traffickers have exploited Brazilian men and transgender Brazilians in sex trafficking in Spain and Italy. Transgender women are one of the most vulnerable populations in Brazil. 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 a situation at high risk for human trafficking. Traffickers often require transgender victims to pay them for protection and daily housing fees. When they are unable to pay, traffickers beat them, starve them, and force them into commercial sex. Traffickers deceive transgender Brazilian women with offers of gender reassignment surgery, planning to exploit them in sex trafficking when they are unable to repay the cost of the procedure. Traffickers exploit children in sex trafficking along Brazil's highways, including BR-386, BR-116, and BR-285. Child sex tourism remains a problem, particularly in resort and coastal areas; many child sex tourists are from Europe and the United States.

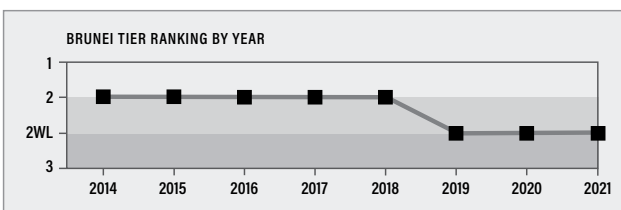
Migrants and people living near any of Brazil's border areas are vulnerable to trafficking. Traffickers have exploited Chinese women in sex trafficking in Rio de Janeiro. Venezuelan migrants within Brazil were highly vulnerable to sex trafficking and forced labor. Traffickers recruit Venezuelans—those 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.

Many identified trafficking victims are Afro-Brazilian or of African descent. Traffickers exploit Brazilian men—notably Afro-Brazilian men—and, to a lesser extent, women and children, in situations that could amount to labor trafficking in both rural areas (including in ranching, agriculture, charcoal production, salt industries, logging,

and mining) and cities (construction, factories, restaurants, and hospitality). Traffickers exploit adults 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. 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 exploit Brazilians in forced labor in other countries, including in Europe. Traffickers force Brazilian and foreign victims, especially from Bolivia, South Africa, and Venezuela, to engage in criminal activity, including drug trafficking, in Brazil and neighboring countries. 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. 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 standing up an interagency team to investigate all potential trafficking cases, devoting funding towards dedicated male and female trafficking shelters, establishing an interagency public relations task force to raise awareness of trafficking and labor rights, and working with an NGO to produce sample translated employment contracts in the workers' primary languages. The government created, finalized, and disseminated victim identification and protection standard operating procedures (SOPs) to all government anti-trafficking stakeholders. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. For the third consecutive year, the government did not formally identify any cases of trafficking, despite the significant number of migrant workers in Brunei who exhibit multiple trafficking indicators. For the fourth consecutive year, the government did not prosecute or convict any traffickers under its trafficking statute. 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. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Brunei was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Brunei remained on Tier 2 Watch List for the third 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 SOPs for victim identification,

and train all relevant officials on the procedures, emphasizing a focus on vulnerable populations such as individuals in commercial sex, domestic workers, and migrant workers, including Chinese nationals working on Chinese projects, some of which are managed by state owned enterprises. • Cease the arrest, deportation, and punishment of trafficking victims for unlawful acts their trafficker compelled them to commit. • Train judges on accurate and effective implementation of trafficking laws, including through understanding the many ways coercion can be applied. • Increase protective services to provide incentives for victims to participate in investigations and prosecutions, including by 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. • Implement the victims' fund to 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 maintained inadequate law enforcement efforts. The 2019 Anti-Trafficking in Persons Order criminalized sex trafficking and labor trafficking and prescribed penalties of four to 30 years' imprisonment and fines of between 10,000 and 1 million Brunei dollars (BND) (\$7,560 and \$756,430), 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 the 2019 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. The government may have also utilized Chapter 120 Section 5 of the Women and Girls Prosecution Act, which addresses "living on or trading in prostitution," to prosecute potential sex trafficking crimes. The act prescribed penalties of up to five years' imprisonment and a fine of up to \$20,000, which were significantly lower than those available under the trafficking law.

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 147 such cases in 2020 for trafficking indicators, an increase compared with 90 cases in 2019. However, of these, the government investigated only three as potential trafficking cases, two of which resulted in non-trafficking charges, and the third, involving Department of Labor (DOL) officials, was ongoing at the end of the reporting period. 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 fourth consecutive year, the AGC did not initiate any new trafficking prosecutions, and the courts did not convict any traffickers under its trafficking statute. The government's most recent trafficking convictions were of three traffickers in 2016. The government reported high evidentiary standards precluded authorities from prosecuting cases under the anti-trafficking legislation.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses but did investigate and prosecute officials for crimes that increased migrant workers' vulnerability to trafficking. The government continued to prosecute a Department of Immigration officer and two Bruneian labor recruiters under the Prevention of Corruption Act involved in a case stemming from the previous reporting period. The government charged the individuals with committing visa application fraud in an illegal operation to bring Bangladeshi workers to Brunei on false visa applications without existing jobs. In addition, authorities reported four government officials, including a senior DOL official, were under investigation for corruption related to visa fraud for migrant workers at the end of the reporting period. Law enforcement officials cooperated with a foreign government on an ongoing international trafficking case. The HTU continued to train RBPF, immigration, labor, and anti-vice officers on trafficking and victim identification. In March 2021, 29 law enforcement, labor, and immigration officials participated in a trafficking identification and investigation techniques training course facilitated by the prime minister's office.

## PROTECTION

The government maintained efforts to protect victims; while the government created and funded protection mechanisms, it did not report identifying any trafficking victims during the reporting period, compared with seven potential victims identified in 2019. In January 2021, the government finalized and disseminated national SOPs for trafficking victim identification, referral, and protection to all front-line agencies involved in anti-trafficking efforts; implementation was ongoing at the end of the reporting period. In some cases, authorities employed identification measures only after detaining victims following law enforcement operations, such as past reports of 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.

In its national action plan (NAP), the government allocated 331,000 BND (\$250,380) for trafficking victim protective services; 100,000 BND (\$75,640) to a trafficking victim assistance fund; and 231,000 BND (\$174,740) to two trafficking victim shelters to separately accommodate female and male victims, each housing up to 20 victims. The government had not previously reported allocating a budget to trafficking-specific expenses. The government reported construction of the shelters was ongoing at the end of the reporting period. In the interim, 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 indicated it would house adult male victims, if identified, in local hotels until the completion of the trafficking shelter. Shelter officials permitted victims to make calls home in the presence of an official from their embassy who could interpret the conversation for authorities. Unlike the previous reporting period, the government allowed victims to freely leave the shelter without a chaperone and stated it would assist victims to find alternative employment. 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 efforts to prevent trafficking. The government's interagency anti-trafficking committee met regularly to review government efforts during the reporting period. In November 2020, the committee finalized the NAP; the plan prioritized protecting victims, raising awareness, and strengthening interagency cooperation and investigation and prosecution efforts. The committee established a sub-committee, which included a dedicated public prosecutor, focused on identifying and investigating trafficking cases and a public relations task force to oversee awareness activities.

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, the labor department continued to not issue guidelines on this prohibition and authorities therefore had not implemented oversight of this provision. DOL required foreign workers to sign their contracts in the presence of a labor officer to prevent forgery, ensure compliance with the law, and enable the labor official to provide information to the worker on their rights and obligations. The public relations task force partnered with an NGO to produce translations of sample migrant worker contracts and employment rights pamphlets in the primary language of regional labor-source countries. 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. DOL hosted a series of labor rights workshops to train and raise awareness of the 2009 Employment Order among employment agencies.

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 government continued its public awareness campaign with printed materials in English and Malay. A government-owned media outlet published five articles on trafficking and labor rights to spread awareness and educate the public on the rights of foreign workers. DOL 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; officials fined 462 employers for not renewing expired workers' passports held by the employer but did not report taking administrative or legal action against employers for passport retention during the reporting period. Law enforcement officials conducted an inspection of a refinery worksite dormitory and found workers living in unsafe accommodations and without proper employment documents. Authorities issued a stop-work order to the employer and opened an investigation into the undocumented foreign workers; the investigation remained open at the end of the reporting period, allowing the workers to stay in the country with an agreement to conduct monthly check-ins with immigration authorities until all employment documentation was resolved. After two weeks, the refinery resumed operations, after it closed the unsafe living facility and met with the government to review workplace safety and foreign worker regulations. Authorities also reported fining five employers for labor rights violations as a result from worksite inspections. The government did not make efforts to reduce the demand for commercial sex acts.

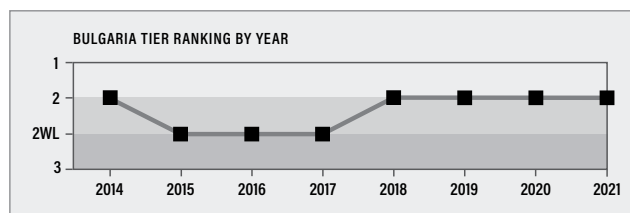
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Brunei. There are approximately 140,000 foreign workers in Brunei, mainly from Indonesia, Philippines, Bangladesh, and China. Men and women migrate to Brunei primarily for domestic service, retail, and construction work. Chinese nationals working in Brunei may have been forced to work by Chinese companies, including state-owned enterprises. 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 sex trafficking. 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Bulgaria remained on Tier 2. These efforts included allocating more funding per child accommodated in a crisis center, increasing funding for the national anti-trafficking strategy and annual national program, and cooperating with foreign governments on several outreach programs to stem labor trafficking, including developing a brochure informing Bulgarian workers abroad of their labor rights. However, the government did not meet the minimum standards in several key areas. Authorities investigated, prosecuted, and convicted fewer traffickers. Courts continued to issue suspended sentences for most convicted traffickers – only 29 percent received significant sentences – which weakened deterrence and may have undercut broader efforts to fight trafficking. Victim identification and assistance data remained unreliable, and uncoordinated child protection services persisted. The lack of resources, legal authority to pursue labor trafficking cases, and sufficient training impeded labor officials' ability to enforce laws effectively. Corruption in law enforcement and the judiciary continued to hinder progress, and alleged complicity in trafficking crimes persisted with impunity.



## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit government officials. • Sentence convicted traffickers to significant prison terms and ensure they serve those sentences in practice. • Establish and implement a comprehensive data system for collecting and collating victim identification and assistance data and provide comparable annual data that does not include duplications from previous years. • Ensure all child victims receive assistance by significantly increasing cooperation among the various authorities engaged in child protection and the referral of child victims. • Expand labor inspectors' legal authority to identify and pursue labor trafficking cases and provide training for inspectors on recognizing trafficking indicators. • Proactively identify and refer to assistance potential trafficking victims, especially among vulnerable populations, such as asylum-seekers, individuals in commercial sex, and children in residential care, and provide training for officials on victim identification. • Issue prosecutorial guidelines redirecting more trafficking cases to the National Investigative Service (NIS) to help institute specialization at the pre-trial level. • Introduce a sustainable financial mechanism for victim services and allocate adequate funding for the victim protection program. • Increase the number of



police officers and labor inspectors investigating trafficking crimes. • Establish a centralized database with disaggregated information on investigations, prosecutions, convictions, and sentencing. • 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. • Provide additional dedicated shelters for trafficking victims. • Provide qualified legal counsel and courtroom protections for victims assisting prosecutions. • Reform the victim compensation process to make it accessible to trafficking victims and increase the number of victims receiving compensation.

## PROSECUTION

The government decreased 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 (\$1,880 to \$7,530) for offenses involving adult victims, and three to 10 years' imprisonment and a fine of 10,000 to 20,000 lev (\$6,270 to \$12,550) 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. As a result of the pandemic, courts neither reviewed criminal cases, including trafficking cases, nor heard victim testimony from March to May 2020 and operated with limited capacity in November and December 2020. Authorities investigated 74 cases (58 sex trafficking, 16 labor trafficking), compared with 84 in 2019 and 59 cases in 2018. Authorities prosecuted 45 defendants (42 sex trafficking, three labor trafficking), a decrease compared with 73 in 2019 and 68 in 2018. Courts convicted 42 traffickers (41 sex trafficking, one labor trafficking), a decline from 61 in 2019 and 59 in 2018. Only 12 of 42 convicted traffickers (29 percent) received imprisonment; most convicted traffickers received suspended sentences, which did not serve to deter the crime or adequately reflect the nature of the offense. As in previous years, the government did not report the range of prison sentences imposed on convicted traffickers. In 2020, authorities investigated one case involving those allegedly knowingly patronizing or soliciting a trafficking victim for commercial sex acts and, in a separate case, prosecuted two traffickers. Both traffickers agreed to plea bargains and received suspended sentences. 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. Cases that did not involve organized crime were handled by regional police, prosecutors, and courts. The Specialized Criminal Court for organized crime and corruption and its prosecutors' office presided over and prosecuted trafficking cases involving organized crime. The General Directorate for Combating Organized Crime (GDBOP) maintained a specialized police unit for investigating trafficking cases involving organized crime, primarily international cases. In 2020, GDBOP participated in one new joint investigation team (one in 2019) with the assistance of Europol and Eurojust as well as other international cases. In one case, Bulgarian and French authorities cooperated on an investigation that led to the French prosecution of 18 Bulgarians for exploiting handicapped individuals in forced begging. Separately, Bulgarian and French authorities cooperated on a sex trafficking investigation that resulted in 15 convictions of Bulgarian traffickers by French courts. In 2020, authorities extradited eight suspected traffickers, compared with 18 in 2019 and 13 in 2018.

Corruption in law enforcement and the judiciary, lack of meaningful sentences or impunity for complicit officials, and selective prosecution impeded effective progress. NGOs reported alleged complicity in smaller towns by law enforcement officials who were reluctant to investigate trafficking cases because they either knew the traffickers or feared retaliation. Additionally, media outlets reported some police officers took payments to turn a blind eye toward women exploited in commercial sex. Nonetheless, the government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. At the end of the reporting period, a second and final appeal remained ongoing for a suspended sentence

issued to a police officer whom authorities charged for obstructing a 2016 trafficking investigation. Problems persisted within the judicial system, such as a bureaucratic judicial process that resulted in lengthy trials and the absence of specialized trafficking prosecutors. The random assignment of cases in prosecutors' offices inhibited specialization. The NIS, which employed trained and experienced lawyers, retained the resources for specialization, but had limited jurisdiction over trafficking cases. Practitioners reported guidelines from the Prosecutor General could redirect more trafficking cases to the NIS and help institute specialization. NGOs also reported overall prosecutors continued to lack knowledge in handling trafficking cases and sensitivity toward trafficking victims.

In 2020, the government conducted multiple trainings on trafficking to address knowledge gaps. The National Institute of Justice trained five judges, 11 prosecutors, five investigators, and eight clerks on different aspects of international legal assistance in criminal cases, including trafficking, and offered a module on trafficking investigations to 49 newly appointed judges and prosecutors. The National Commission for Combatting Trafficking in Human Beings, the agency that coordinated the government's anti-trafficking efforts, local anti-trafficking commissions, and other organizations conducted a total of 21 trainings for more than 590 practitioners, including eight specialized trainings for 220 investigators, prosecutors, and judges on investigating trafficking cases, confiscating trafficking proceeds, psychological aspects of victim interviews, and victim protection. Additional trainings focused on victim identification and referral for more than 370 social workers, teachers, and NGO experts.

## PROTECTION

The government maintained overall insufficient protection efforts. The prosecution service reported formally identifying 413 potential trafficking victims (336 sex trafficking, 77 labor trafficking), a significant increase from 340 in 2019 and 376 in 2018. Of the 413 identified victims, 30 were child victims (24 sex trafficking, six labor trafficking), compared with 33 in 2019 and 53 in 2018. Authorities identified three foreign victims—one Ukrainian sex trafficking victim and two Kyrgyz labor trafficking victims—compared with one in 2019 and none in 2018. Statistics included victims from investigations and prosecutions initiated in previous years, raising concerns that the data reported did not provide an accurate picture of the trafficking situation. The Commission maintained separate statistics on the number of victims identified and, in 2020, identified 60 potential victims, a striking difference compared with the prosecution service's statistic of 413. Furthermore, the Commission's statistic (60) reflected a multi-year decline from 94 in 2019 and 130 in 2018 and contradicted the multi-year increase indicated by the prosecution service's statistics. While stakeholders held discussions on establishing a single and unified register of victim statistics and as part of a regional project, an international organization developed an electronic register, the government made no progress on implementing a system. As a result, the number of reported victims identified remained unreliable. Moreover, the number of victims assisted remained unclear. In 2020, the Commission reported accommodating 26 adult and child victims, compared with 30 in 2019. The State Agency for Child Protection (SACP), which coordinated different protection measures than the Commission, reported assisting 31 children but did not differentiate how many were victims of sex and labor trafficking or abandoned by their parents, compared with 17 child trafficking victims in 2019.

According to the Commission, authorities did not identify as many victims because of pandemic-related movement restrictions as well as possible reluctance of victims to report exploitation if they anticipated doing so would result in no prospect of income. NGOs alleged some authorities could not effectively identify victims, especially among vulnerable groups such as asylum-seekers, migrants, individuals exploited in commercial sex, 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 officials

viewed Roma as people who chose a lifestyle that included sexual exploitation and either did not need support or could not be identified as trafficking victims.

Authorities, NGOs, and the Commission referred victims to services. The government provided counseling, shelter, and reintegration assistance to domestic and foreign victims. In 2020, the government paid 117,560 lev (\$73,750) to NGO service providers for victim health care and psychological and social assistance, compared with 117,400 lev (\$73,650) in 2019 and 234,000 lev (\$146,800) in 2018. Experts noted the victim protection program was chronically underfunded and hampered implementation of a fully-fledged victim-centered approach. The government continued contracting NGOs to operate crisis centers and shelters. The government provided 25 crisis centers for victims of violence and trafficking, but observers noted limited dedicated shelters for trafficking victims remained problematic with only three throughout the country (two in Burgas and one in Varna). In 2020, the Commission received an EU grant for 450,000 lev (\$282,310), 25 percent of which the government co-funded, to reopen an adult shelter that closed in 2019 due to lack of funding. However, concerns remained about the sustainability of the shelter beyond the duration of the EU-funded project. Observers noted an increased challenge finding accommodation for victims in Sofia that the pandemic exacerbated.

During the reporting period, the government temporarily closed the crisis center for child trafficking victims in Sofia after several incidents at the center, including attempted arson by a victim compelled by their trafficker. Child victims could stay in centers for up to six months at which point SACP could place them with relatives, a foster family, or another residential care institution. An underdeveloped foster care system often resulted in SACP placing children in shelters for victims of trafficking or domestic violence. SACP assisted child victims for 12 months with the option to extend. A 2020 UN Special Rapporteur report found child sex exploitation prevalent among children in residential care, particularly children from marginalized communities. The report acknowledged there was a lack of systematic and reliable data on the scope of the problem citing evidence from child protection stakeholders. The report also identified insufficient cooperation among the various authorities engaged in child protection inhibited provision of assistance to child victims. NGOs also reported challenges in the coordination and referral of child victims due to an overly bureaucratic approach of child protection officials who sometimes prioritized paperwork over children's needs. The government allocated 11,570 lev (\$7,260) annually per child accommodated in a crisis center and increased funding to 12,730 lev (\$7,980) during the middle of the reporting period, compared with 9,870 lev (\$6,190) in 2019. The increase in funding was due to new legislation on social services updating the minimum wage in the country; the law also allowed municipalities to co-fund services and seek co-funding from private entities. SACP operated the 24-hour hotline for children and, in 2020, added more operators and online services. The National Council on Child Protection maintained referral services and accommodation for unaccompanied children.

During the reporting period, a 2020 amendment to the law reduced the length of stay in registration centers for asylum-seekers from six months to two weeks. NGOs noted the new law decreased asylum-seekers' prospects for successful integration and increased their risk of exploitation. Bulgarian 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 investigations, the government provided a 40-day recovery period (70 days for foreign child victims) before repatriation. 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 law exempted trafficking victims from punishment for unlawful acts traffickers compelled them

to commit; however, practitioners noted this law did not provide full exemption as force was not always applied. Some experts said police generally did not understand that people in commercial sex were vulnerable to trafficking or that the non-punishment provision for crime victims could apply to them. The government provided repatriation assistance to Bulgarian citizens but had no designated funds, relying on an international organization or institutions in the destination countries to cover costs. While the law provided free legal assistance to victims, qualified legal aid was difficult to access, especially when victims were outside of the jurisdiction of the court reviewing the case. The process for seeking reparation from the government's victim fund remained overly bureaucratic and discouraged victims from making claims; as a result, no victims received restitution or compensation in 2020.

## PREVENTION

The government increased prevention efforts. The government continued to implement the 2017-2021 national anti-trafficking strategy and adopted the annual national program for combating trafficking and victim protection for implementing strategy activities with a budget of 440,400 lev (\$276,290), an increase from 401,000 lev (\$251,570) in 2019. The Commission published an annual report of the government's anti-trafficking efforts, monitored the activities of the 10 local anti-trafficking commissions, and assessed the quality of services provided at the specialized government-run shelters and crisis centers. NGOs expressed concerns about the lack of high-level government support and public commitment to combating trafficking and the future of the Commission. The Commission struggled with limited financial and human resources and uneven levels of cooperation from leadership. Nevertheless, in 2020, the Commission conducted multiple national awareness campaigns, including campaigns on labor trafficking involving information sessions and workshops with vulnerable groups and on sex trafficking targeting students and children. Local anti-trafficking commissions executed more than 50 prevention projects (70 in 2019), reaching more than 30,000 people, including vulnerable groups such as members of the Roma community. Additionally, GDBOP officers held trafficking awareness discussions with 80 school students in Sofia. The government continued to support an NGO-run hotline for victims of violence, including trafficking, allocating 65,000 lev (\$40,780), the same amount as in 2019 and 2018. Separately, the government supported a dedicated NGO-run hotline through burden sharing, such as transportation costs, and consultative services, including advise on assistance and identification. The hotline received 43 trafficking-related calls and referred 19 cases to police. The government did not make efforts to reduce the demand for commercial sex acts.

Experts noted systemic issues, such as the lack of resources, limited legal authority to identify and pursue labor trafficking cases, and insufficient training impeded labor officials' ability to enforce laws effectively. Bulgarian labor laws prohibited employers and labor agents from charging recruitment fees, withholding identity documents, unilaterally changing employment contracts, and delaying payment of workers' wages. NGOs criticized the government for failing to identify and prosecute cases of severe labor exploitation, alleging the government focused instead on labor law violations that carried administrative sanctions. In 2020, the General Labor Inspectorate (GLI) conducted 742 inspections of labor recruitment firms, temporary employment agencies, overseas companies, employers sending "posted workers" to EU countries, and cases involving foreign workers in Bulgaria; it identified 1,080 violations and imposed 371 fines. Additionally, the GLI investigated a potential labor trafficking case involving 80 Bulgarian seasonal workers hired to pick fruit in France and found numerous violations by the Bulgarian recruitment agency that recruited the workers. The GLI initiated a process to revoke the agency's license.

During the reporting period, the government continued outreach work on labor trafficking, including partnering with an NGO to

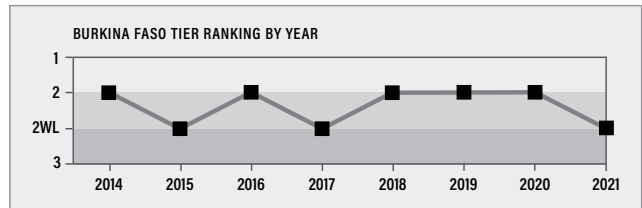
conduct an online discussion on ways to combat trafficking in supply chains. The GLI published information for seasonal workers on labor trafficking risks with a special focus on pandemic-related challenges. The Ministry of Labor and Social Policy maintained labor offices in EU countries with large Bulgarian communities and considered high-risk trafficking destinations; the offices provided information and advice to job seekers on trafficking and reported cases to the Commission for repatriation. The Bulgarian labor attaché located at the Bulgarian embassy in Austria reported a labor trafficking case involving two child victims and subsequently facilitated their repatriation. In 2020, media outlets reported a potential labor trafficking case involving Bulgarian workers in a meat processing plant in Germany, which led to the Bulgarian and German governments developing a program to increase cooperation on potential labor trafficking cases and provide workers with information about labor exploitation. Consequently, GLI and the Berlin Center for Migration and Decent Labor developed a brochure informing Bulgarian workers of their labor rights in Germany. In another international program, the government examined labor trafficking cases, particularly cases combining economic crime and illicit financial flows, and developed guidelines for authorities to use in identifying cases. Furthermore, Bulgaria and Moldova established a bilateral work agreement allowing Moldovan workers to be recruited under a government-sponsored framework to perform migrant labor.

### 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 an uptick in internal sex trafficking, which they attribute to international travel restrictions resulting from the pandemic. Also due to the pandemic, traffickers increasingly use the internet and social media to recruit victims. Traffickers typically recruit and exploit women and girls from poorer regions of the country. Family- or clan-based organizations and independent traffickers are overwhelmingly of Roma ethnicity and usually know the victims, who are also Roma. According to authorities, sex trafficking rings typically consist of Bulgarian traffickers who cooperate with foreign nationals in destination countries but have no direct ties to foreign organized crime groups. Reports indicate a rise in the number of cases of women and girls from marginalized communities forced to marry third-country nationals. Reports also indicate a growing number of international labor trafficking cases. Traffickers exploit Bulgarian men and boys in forced labor across Europe, predominantly in agriculture, construction, and the service sector. Traffickers exploit Romani children in forced labor, particularly begging and pickpocketing in Austria, France, and Sweden. The majority of labor trafficking victims are of Roma origin or come from poor regions of the country with high levels of unemployment. Traffickers force Bulgarian men with disabilities into street begging abroad. Reports indicate an increase in child trafficking cases. NGOs report the exploitation of children in small family-owned shops, textile production, restaurants, and construction businesses. A UN special rapporteur report found child sex exploitation prevalent among children living in government-run institutions, particularly children from marginalized communities. Asylum-seekers and migrants from Afghanistan, Syria, and Iraq, some of whom may be or may become trafficking victims, transit Bulgaria en route to Western Europe. 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 WATCH LIST

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. These efforts included the Ministry of Women coordinating the third phase of its program to remove vulnerable children from the streets, including forced begging victims. The government repatriated domestic and foreign victims with the assistance of NGOs and international organizations and implemented a humanitarian response plan to assist vulnerable people in conflict-affected areas, including potential trafficking victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government did not prosecute or convict any traffickers for the second consecutive year, identified fewer trafficking victims, and did not effectively screen vulnerable populations for trafficking indicators. Shelter and services, especially for adult victims, remained insufficient. The anti-trafficking committee did not meet or conduct any activities for the second consecutive year. Therefore Burkina Faso was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers, including those who exploit children in forced begging, and complicit officials, while respecting due process, and sentence convicted traffickers to significant prison terms, as prescribed in the 2008 anti-trafficking law. • Collaborate with international organizations and foreign donors to adopt and implement a handover protocol for children associated with non-state armed groups and establish a reintegration program for those children. • Increase the availability of shelter and services for all victims, including adults. • Train law enforcement and military officials on the standard operating procedures to identify victims among vulnerable populations, including women in commercial sex, children associated with non-state armed groups, and Cuban medical professionals, and refer them to protective services. • Train law enforcement, prosecutors, and judicial officials on investigating and prosecuting trafficking cases, including cases that do not involve movement. • Increase nationwide trafficking data collection on law enforcement and victim identification efforts. • Investigate and prosecute 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 maintained insufficient law enforcement efforts. 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 1 million to 5 million West African CFA francs (FCFA) (\$1,890-\$9,450) for offenses involving a victim over the age of 15, and 11 to 20 years' imprisonment and a fine of 2 million to 10 million FCFA (\$3,780-\$18,900) for those involving a victim 15 years old or younger. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

Insecurity across the country hindered the government's collection of law enforcement statistics. The government reported initiating one investigation in which police dismantled a child sex trafficking network during the reporting period; police arrested 15 alleged traffickers, including six Senegalese citizens. This compared to reporting zero investigations during the previous reporting period. For the second consecutive year, the government did not report any prosecutions or convictions of traffickers. However, media reported the government continued prosecution of one alleged foreign child sex tourist during the reporting period who had been detained since October 2019. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In the past, authorities alleged some officials exerted pressure over police and the 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 appears to remain unpaid and the government did not report taking any actions to hold the diplomat accountable for the second consecutive year.

The government did not provide specialized anti-trafficking training to law enforcement officials, in part due to the pandemic, compared to its training of 250 police officers and gendarmes in the previous reporting period. The government continued to implement the 2019 law enforcement cooperation agreement with Cote d'Ivoire and the 2019 tripartite agreement on transnational child trafficking with Togo and Benin. The government cooperated with the governments of Cote d'Ivoire and Togo to identify and repatriate victims to their countries of origin.

## PROTECTION

The government decreased efforts to identify and protect victims. During the reporting period, the government did not report identifying any trafficking victims, but did report identifying 380 potential trafficking victims. This compared to identifying 114 child forced labor victims and 1,628 potential victims during the previous reporting period. According to media and government reports, police in Central Burkina Faso identified 70 children ages 11 to 16 years old en route to potential exploitation in mining sites in Mali, Equatorial Guinea, Cote d'Ivoire, and Senegal. In August 2020, the Ministry of Women launched its third campaign to remove vulnerable children from the street, including *talibés* (Quranic students) exploited in forced begging. As a result of the campaign, the government identified and provided care to 275 vulnerable children and 35 women, including potential trafficking victims, compared to 1,578 vulnerable children identified and provided care as part of this campaign in the previous reporting period. As previously reported, the Ministry of Women did not involve law enforcement in the campaign, limiting subsequent investigations and prosecutions of traffickers. The government provided shelter and services including family reintegration, counseling, education, and medical services as needed to children identified during the campaign. Authorities and front-line responders effectively implemented standard victim

identification and referral procedures in the regions where training had occurred. 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, provided food and medical assistance, and could accommodate long-term stays for both adults and children. The government did not report the number of trafficking victims, if any, it referred to the shelters during the reporting period. Outside of the capital, the Ministry of Women operated 34 regional centers for victims of crime that provided psycho-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 operated during weekly business hours and when they had sufficient funding, although the centers could provide short-term shelter to some adults and children when necessary. The short-term centers relied heavily on local NGOs and international organizations for the majority of support. When trafficking victims outside of Ouagadougou required shelter, authorities nearly always placed victims with host families or an NGO. Outside of Ouagadougou, there were no shelters or services specifically for adults. 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 government did not report allocating funding for victim services for the second year in a row. However, the government allocated 233 billion FCFA (\$440.5 million) to its humanitarian response plan intended to provide shelter, food, essential household items, and sanitary supplies to 2.9 million vulnerable people, including potential trafficking victims, in conflict-affected areas. 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 government did not report how many victims it referred to this center or provided 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 and a regional human rights office. The 2008 anti-trafficking law and 2018 penal code revisions contained provisions to protect victims' identities and 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 facilitated repatriation of 42 Burkinabe trafficking victims identified in Cote d'Ivoire by providing financial assistance, travel documents, and reintegration support. The government coordinated with the Nigerian and Nigerien embassies in Ouagadougou and provided travel documentation to repatriate trafficking victims to Nigeria and more than 100 vulnerable people to Niger; the government provided shelter services and financial assistance to repatriate five child trafficking victims identified in 2019 to Togo. There were no reports the government penalized victims for crimes

their traffickers compelled them to commit; however, without uniform implementation of victim identification measures, including among vulnerable populations, authorities may have detained some unidentified victims. The government detained 10 children ages 12 to 14 years old for alleged association with violent extremist groups, some of whom may have been trafficking victims. Authorities held all 10 children in a high security prison separately from adult detainees and allowed international organizations and NGOs access to provide specialized care, including legal services. In many cases, authorities held detainees, including children allegedly associated with violent extremist groups, without charge or trial for longer periods than the maximum sentence for the alleged offense; this included terrorism cases. Detainees, including children allegedly associated with violent extremist groups, faced harsh conditions, including inadequate food and water, and poor sanitation, heating, ventilation, lighting, and medical care. Since 2019, security forces and prison authorities have transferred 14 boys detained for alleged association with armed groups ages 10 to 16 years old to the Ministry of Women for care; the government did not report how many boys it transferred to the ministry during the reporting period. The government, with the support of an international organization, drafted a handover protocol on children associated with non-state armed groups; however, the government did not finalize the protocol by the end of the reporting period. During the reporting period, the government released six children formerly associated with armed groups to an international organization; the organization provided family tracing, reunification, and family reintegration support.

## PREVENTION

The government maintained insufficient efforts to prevent trafficking. The Ministry of Women, also responsible for the government's response to the humanitarian crisis, nominally led the national anti-trafficking coordination committee established to coordinate government anti-trafficking efforts. However, the committee did not meet or conduct capacity building activities during the reporting period and continued to lack the resources to plan future initiatives or take proactive measures to combat trafficking. Due to the pandemic, the hybrid government-NGO working group for child protection, which the government previously used to coordinate and share information on child protection and child trafficking issues, did not operate during the reporting period. Sub-committees of the national anti-trafficking committee at the regional, provincial, and departmental levels coordinated local efforts and helped raise awareness of child protection issues, including trafficking; police, social workers, transit companies, NGOs, and other regional stakeholders participated in the sub-committees. However, the committees 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. Prior to its third annual operation to remove vulnerable children from the street in Bobo-Dioulasso in August 2020, the government increased engagement with stakeholders, including religious and traditional leaders and mayors, on the dangers of child forced begging. The Ministry of Women signed an agreement with 119 Quranic teachers to stop the practice of child forced begging; in exchange for the loss of income from street begging, the government donated 70 tons of food and supplies, valued at 20 million FCFA (\$37,810). The government sensitized 5,395 people on children's rights during this operation. The government also consulted 400 Quranic teachers in Dori, Bobo-Dioulasso, and Ouagadougou in January 2021 on combating child forced begging.

The government continued to implement its 2019-2023 national strategy to end the worst forms of child labor, which included child trafficking, along with the 2020-2021 operational action plans and 2020-2024 national strategy for child protection. During the reporting period, the government established a national committee responsible for coordinating the government's efforts to combat the worst forms of child labor, including potential cases of child trafficking; the committee met twice during the reporting period. The

government conducted labor inspections but could not access all regions of the country due to insecurity; the government did not report identifying any potential trafficking victims during the inspections. The government issued approximately two million identity cards in 2020 to local populations, including rural communities and IDPs. The Ministry of Women continued to operate a hotline to report cases of violence against children, including trafficking. The hotline operated every day from 7:00 a.m. to 10:00 p.m. in French and five other languages. The government reported identifying 78 vulnerable children, including potential trafficking victims, as a result of calls to the hotline. The government did not report any policies to prevent the fraudulent recruitment or exploitation of Burkinabes abroad. 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.

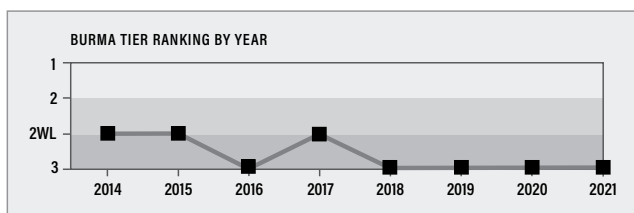
## TRAFFICKING PROFILE

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 fraudulently recruit Burkinabe children under the pretext of educational opportunities and instead force them 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. Traffickers exploit girls in sex trafficking in Ouagadougou and in mining towns. Traffickers transport Burkinabe children—including orphan street children—to Cote d'Ivoire, Mali, Senegal, and Niger for forced labor—including in artisanal mining, forced begging, and cocoa production—or sex trafficking. Traffickers recruit women for ostensibly legitimate employment in Lebanon, Qatar, Saudi Arabia, and—to a lesser extent—Europe, and subsequently force them into commercial sex. Traffickers also exploit Burkinabe women 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.

Between September 2019 and December 2020, the number of IDPs in Burkina Faso grew from nearly 300,000 people to more than one million people, an increase of more than 200 percent. Violent extremist groups continue to exploit women and children, 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 reported violent extremist groups recruited and used child soldiers during the reporting period. School closures, regional instability, and economic vulnerability increase children's susceptibility to trafficking and recruitment by armed groups. 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 country 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. Cuban medical professionals working in Burkina Faso may have been forced to work by the Cuban government. In past years, authorities have identified 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, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Burma remained on Tier 3. During the reporting period, there was a government policy or pattern of use of children for forced labor by the military. The international monitor-verified use of children in labor and support roles by certain military battalions increased in conflict zones, predominantly in Rakhine and Kachin States. Additionally, 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 ethnic armed organizations (EAOs) in several areas in the country and the February 1, 2021, military coup that deposed the democratically elected government continued to dislocate hundreds of thousands of people, most of them from ethnic minority communities, and political dissidents, many of whom were at risk of human trafficking in Burma and elsewhere in the region as a result of their displacement. Despite the lack of significant efforts, the government took some steps to address trafficking. It continued to investigate, prosecute, and convict traffickers, including complicit officials, and achieved a significant number of convictions; formally adopted national standard operating procedures (SOPs) for the return, reintegration, and rehabilitation of trafficking victims; and continued to identify and improve some protection services to trafficking victims. The government also issued military directives against the recruitment and use of children for combat and non-combat roles, and it continued to grant formal permission to the UN to enter into child soldier demobilization agreements with EAOs. The government also created policies and practices to increase and streamline the demobilization of child soldiers from the military, but some soldiers were reportedly discharged without following agreed upon procedures with the UN. However, investigations and prosecutions of traffickers decreased substantially during the reporting period due to pandemic-related limitations and in the wake of the military initiated coup, leading police to identify fewer trafficking victims.



### PRIORITIZED RECOMMENDATIONS:

Cease official involvement in compelling civilians to perform any type of forced labor for the military by fully implementing associated military command orders against all forms of forced labor, and by prosecuting, convicting, and imprisoning any 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 recruitment and use of children by the military and EAOs. • 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. • 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. • 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 fishing and agricultural sectors, using the new national referral mechanism. • Widely distribute to relevant authorities at the national and local levels SOPs on victim return, reintegration, and rehabilitation, and adequately train field officers, local administrators, and service providers on their implementation. • Grant UN agencies and humanitarian organizations immediate, safe, and unhindered access, including humanitarian access across the country, especially to Rakhine, Chin, Kachin, and Shan States as well as throughout southeast Burma. • 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 all populations in Burma, including internally displaced members of ethnic minority groups. • 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 crime. • 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. • Increase training of police and border, judicial, social service personnel on anti-trafficking laws and victim identification, referral, and assistance best practices. • Continue work toward establishing a comprehensive criminal justice record-keeping system to track data on anti-trafficking investigations, prosecutions, convictions, and sentencing. • 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.

### PROSECUTION

The government largely maintained law enforcement efforts. 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 crime 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 law prescribed penalties of one to 10 years' imprisonment and a fine of 1 million to 2 million kyat (\$754-\$1,510), 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 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 remained pending at the end of the reporting period.

To curb the spread of the pandemic, the Supreme Court of the Union suspended all civil and criminal cases, including trafficking cases, for several months during the reporting period, which led to delayed trials for all cases, including human trafficking cases. Some law enforcement actions—including investigations—criminal justice procedures, and trials were also delayed or hindered as police, prosecutors, and court personnel were placed on stay-at-home orders, and facilities were



temporarily closed; some witnesses were unable to appear in court due to pandemic-related restrictions and lockdowns. Nevertheless, the government continued to use a database maintained by the Anti-Trafficking in Persons Division (ATIPD) to track trafficking cases, but the database was not comprehensive and did not include trafficking cases recorded by all justice sector actors. In 2020, the government reported it initiated investigations into 93 trafficking cases, a substantial decrease from 207 trafficking cases it investigated in 2019. According to ATIPD, these investigations included 68 cases of forced marriage with indicators of labor or sex trafficking, four of forced labor, seven of “forced prostitution,” and one of “forced surrogacy” involving indicators of sexual exploitation. From January to December 2020, the government also reported initiating prosecutions of 96 cases under the anti-trafficking law, 82 of which were pending trial as of the end of December 2020. There were 297 suspects associated to these cases and this compared with 624 suspects prosecuted in 2019. For the second consecutive year, the government provided comprehensive conviction and sentencing data. During the reporting period, the government convicted 201 traffickers, who received sentences ranging from one year and eight months to 20 years in prison. Additionally, the government acquitted 22 perpetrators, discharged 11, and found 130 guilty in absentia. The number of traffickers convicted in 2020 increased from the 163 total convicted traffickers in 2019. Like in previous years, the government reported it continued to prosecute brokers for crimes involving illegal recruitment practices under the Overseas Employment Act, but it did not report specific statistics on convictions of brokers under this law.

The Union Attorney General’s Office (UAGO) continued to maintain anti-trafficking coordinators in 70 prosecutorial districts to collect and report data and provide advice to colleagues prosecuting trafficking cases in their districts. The ATIPD maintained 60 dedicated anti-trafficking task force (ATTF) police units throughout the country in 2020; there were 69 squads formed under the regional ATTF units, which included dedicated child-protection units and squads. Burma’s Central Body for the Suppression of Trafficking in Persons (CBTIP) coordinated the government’s anti-trafficking efforts, including training for government personnel. However, the government canceled nearly all in-person training programs during the reporting period due to the pandemic; the government lacked sufficient infrastructure, especially at the state and local levels, to conduct adequate virtual trainings for officials. Despite these challenges, ATIPD – with support from an international organization and an NGO – delivered five capacity building programs focused on victim support to 174 participants from the government and civil society organizations. The government also partnered with a foreign government to provide training to 43 prosecutors on techniques for interviewing victims and witnesses, including trafficking victims. The Ministry of Social Welfare, Relief, and Resettlement (MSWRR) held a video conference on human trafficking issues for 14 senior security officials in December 2020. Despite these trainings, interagency coordination remained a challenge. Limited training and capacity for non-specialized Myanmar Police Force (MPF) officers, coupled with regular law enforcement turnover and limited resources, 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 authorities turned away some victims of human trafficking when attempting to report their cases. Law enforcement and justice sector officials had limited or no ability to exercise their investigative mandates in geographic areas not controlled by the government. The government continued to cooperate with law enforcement agencies in China, Thailand, and Vietnam during the reporting period.

Some government and law enforcement officers reportedly participated in, facilitated, or profited from human trafficking, and the law enforcement response to official complicity was mixed. Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials accepting 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. There were credible allegations during the reporting period that police and other officials received kickbacks for allowing brothels and other locations that facilitated commercial sex, including potential sex trafficking, to operate. The government reported two criminal case investigations initiated during the reporting period in which government officials were allegedly complicit in trafficking crimes. In mid-2020, the government initiated the investigation and prosecution of a commissioned military officer – and his spouse – for facilitating the marriage of a Burmese girl to a Chinese man, which involved indicators of sex and labor trafficking; the government court-martialed the officer and charged him under the 2005 Anti-Trafficking in Persons law in civilian court. The prosecution was ongoing at the end of the reporting period. In September 2020, the ATIPD investigated a government official in Mandalay region for involvement in the trafficking and forced marriage of a 14-year-old girl to a Chinese national residing in Burma; the investigation was ongoing at the end of the reporting period. In December 2020, the government convicted a military officer and two co-conspirators for facilitating the forced marriage of and subjecting a girl in China to trafficking – a case that was initiated in 2019; the government sentenced the officer to 10 years in prison. In a separate case first initiated in June 2019, the government continued to pursue a case of a military captain and five other perpetrators for their alleged role in facilitating the forced labor of a Burmese woman in China; at the end of the reporting period, the military officer was pending trial in a civilian court for charges under the 2005 Anti-Trafficking in Persons Law.

Although the 2019 Child Rights Law strengthened penalties for any individual who, knowingly or through “failure to inspect,” engaged in child soldier recruitment or use, authorities did not report implementing the law during the reporting period. In the previous reporting period, some international observers expressed 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. During the reporting period, international observers reported that the military continued to forcibly use children in non-combat, support roles, such as camp maintenance, construction work, paddy harvest, and as guides, predominantly in one township in Rakhine state, as well as in—in limited reported instances—hostilities. The government reported only punishing one military warrant officer for committing these criminal acts in 2020, though no information on the punishment was made available. In 2019, the Ministry of Defense (MOD) reported taking disciplinary action against 18 military personnel for child soldier recruitment, penalties that included reprimands impacting promotion, service recognition, and pensions. As in the previous reporting period, 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. As in the previous reporting period, the government did not report if it prosecuted civilians involved in the recruitment of child soldiers.

## PROTECTION

The government demonstrated uneven victim protection efforts. During the reporting period, the CBTIP formally adopted national SOPs for the return, reintegration, and rehabilitation of trafficking victims and circulated them to all relevant ministries. CBTIP offered six virtual trainings on the SOPs for 183 government officials, along with the participation of anti-trafficking civil society organizations. During 2020, the police identified 118 trafficking victims, compared with 335 victims identified during the previous reporting period. The government’s national forced labor complaints mechanism, which went into effect in February 2020, received 58 complaints of suspected forced labor crimes; however, the government did not report

if any of these complaints resulted in the identification of victims or criminal investigations. After the coup, there was a notable decline in the population reporting potential trafficking cases to ATIPD, which likely reflected growing distrust between the public and Burmese law enforcement that were involved in violent crackdowns against pro-democracy demonstrators. Authorities at times penalized some victims for unlawful acts traffickers compelled them to commit—in part—due to a lack of awareness or implementation of victim screening procedures among some police and judicial officials. There was at least one reported instance in which the government penalized a victim during the reporting period; ATIPD reported that local police charged a trafficking victim with theft, but the state-level CBTIP chair ultimately suspended the criminal case once authorities officially identified the victim. In April 2020, the government released all Rohingya from detention centers who had previously been charged with immigration violations for traveling without proper identification. The government policy not to charge Rohingya with immigration violations continued through the end of January 2021, to the benefit of more than 200 Rohingya—a population highly vulnerable to trafficking—who were returned to their places of origin in December 2020 and January 2021 without facing charges. This policy changed after the military coup, as the military regime issued a directive for authorities to resume detention and legal actions against the Rohingya, including the threat of imprisonment on immigration-related charges.

The government continued to operate various services for trafficking victims through the CBTIP Central Fund for Trafficking Victim Support during the reporting period. Services in government facilities remained rudimentary, but authorities continued to allocate funding for trafficking victim protection services, psycho-social support, 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. The government also maintained labor attachés in Malaysia, South Korea, Thailand, and elsewhere whose responsibilities included assisting trafficking victims abroad. The government continued to operate five “temporary shelters” for women and children who were victims of violent crime; all five could shelter trafficking victims, and one was dedicated to female trafficking victims. An additional new temporary shelter for trafficking victims remained under construction at the end of the reporting period; the government also began preliminary coordination during the reporting period with the Kachin State Government to obtain land for a new temporary shelter in Bamaw Township. The Department of Rehabilitation (DOR) under MSWRR continued to operate four transit centers for repatriated trafficking victims called “women’s vocational training centers.” Longer-term support was limited to vocational training for women and some former child soldiers in major city centers and border areas; the lack of adequate protective measures for victims, particularly males, increased their risk of re-trafficking. During the reporting period, the MSWRR provided direct rehabilitation assistance, including vocational training, to 331 trafficking victims, which included 136 men and 195 women. However, civil society organizations reported that the small number of MSWRR case workers and overall low capacity limited MSWRR officials from following up with victims after providing them with vocational training and financial assistance. From April to December 2020, the DOR—in partnership with international, local, and civil society organizations and with some funding from foreign governments—also provided assistance to 313 trafficking victims, most of whom were repatriated from abroad. These victims included 195 female victims of sex or labor trafficking through forced marriages in China; five women exploited in Thailand; 106 male economic migrants exploited in Thailand; three women exploited in Mongolia; and four women exploited in Burma. The government also coordinated with authorities in Wa State, a non-government-controlled area, to assist eight Vietnamese sex trafficking victims in border towns along the Burma-China border during the reporting period.

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. Nevertheless, victims were not required to cooperate with law enforcement authorities in order to receive protection services. The government continued to implement a court program—initiated in 2019—allowing video testimony for victims, but only two courts utilized video interviews during the reporting period. Civil society organizations reported that courts lacked clear SOPs and alternative victim testimony options, which resulted in judicial officials requiring some underage victims to provide testimony in open court. 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.

The government did not adequately institute measures to protect children and adults from being recruited and used for forced labor by military and civilian brokers and recruiters. Prior to the military coup, credible reports of the military’s forcible recruitment and use of children increased, primarily in non-combat support roles, predominantly by one battalion in one township of Rakhine state. After the coup, credible allegations of military use of adults and children for forced labor surfaced in the media and on social media. International monitors confirmed more than 300 cases of child recruitment or use by the military, with nearly all of them attributed to two large-scale incidents of use of children in Rakhine State. Recruitment methods 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. In July 2020, the military released from its ranks 26 soldiers who were previously recruited as children and provided rehabilitation and reintegration services and 500,000 kyat (\$377) to each former soldier. The military also agreed to release an additional 22 soldiers who were previously recruited as children in November 2020, including three who were released under the military “benefit of the doubt” policy since their age could not be verified. This is compared with the military removing from its ranks at least 22 children and young men suspected of being recruited as minors during the previous reporting period (75 in 2018; 49 in 2017; and 112 in 2016). However, overall government support to demobilized child soldiers remained limited in absolute value, with most services provided by civil society partners. The government continued to implement the “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.

## PREVENTION

The government maintained prevention efforts. In January 2021, CBTIP finalized and dedicated resources to an anti-trafficking 2021 annual work plan that outlined preventative efforts, which accompanied the government’s 2017-2021 national plan of action to combat human trafficking. During the reporting period, CBTIP and ATIPD organized 417 awareness raising campaigns—many with the support of local and international organizations—through print media, television, billboards, distribution of pamphlets and educational materials, and in-person events for more than 36,000 people. The Ministry of Transportation and Telecommunications supported efforts by mobile telephone operators to send anti-trafficking awareness messages to subscribers in certain areas of the country. Authorities collaborated with an international organization to raise awareness on safe migration to decrease vulnerability to trafficking abroad. During the reporting period, the government participated in regional anti-trafficking forums, including the virtual Coordinate Mekong Ministerial Initiative against Trafficking (COMMIT) Regional Task Force and the 14th Senior Official Meetings (SOM14) hosted by the Government of Vietnam, as well as the Bali Process. The ATIPD maintained four anti-trafficking hotlines, established five new hotlines, and maintained a social media account

with information on trafficking during the reporting period; it reported that from April to December 2020, ATIPD received 1,326 calls through its hotlines, which led to one trafficking investigation.

A 2014 directive prohibiting the use of children by the military remained in place. In July 2020, the military ordered all regional commands to comply with this directive, prohibiting the recruitment of any child under the age of 18 or use of children for labor in military-owned shops, factories, or military facilities, as well as the use of schools and religious facilities as temporary military quarters. The military also issued a directive in August 2020 to meet Burma's obligations under the UN joint action plan on the recruitment and use of children. The military reported that it trained 177 military personnel on these directives. The MOD reported in February 2021 that the military took action against one warrant officer who violated the military directives, but it did not report if the officer was punished for this violation. In August 2020, the government approved a National Action Plan for 2020-2021 on the prevention of death, injury, and sexual harassment of children in armed conflict. In November 2020, the government formed the National Committee on Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The government continued to grant formal permission to the UN to enter into child soldier demobilization agreements with EAOs, which it did for the first time in the previous reporting period, addressing a longstanding recommendation from the international community; in November 2020, the UN virtually signed a joint action plan on grave violations against children with the EAO, Democratic Karen Benevolent Army.

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 maintained a memorandum of understanding (MOU) with Thailand 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. Furthermore, 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. The government also maintained an MOU with India, which was signed in February 2020, on anti-trafficking prevention initiatives and victim assistance, repatriation, and reintegration.

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. Since late 2019 and during this reporting period, the government provided documents, including birth certificates, to some undocumented Rohingya, and it began accelerating certain citizenship verification processes. Immigration authorities continued to operate 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.

The government reported opening investigations into 56 cases involving brokers or labor recruiters suspected of illegal recruitment practices under the Overseas Employment Act, prosecuting and convicting at least one case. Some civil society contacts characterized Burma 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. The government did not take steps to reduce the demand for commercial sex acts or child sex tourism. However, ATIPD continued to coordinate with the Ministry of Hotels and Tourism to raise awareness about child sex abuse in the tourism sector. The government postponed its regular anti-trafficking training to its diplomats and labor attaches during the reporting period because of the pandemic.

## 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. The pandemic, however, caused thousands of economic migrants to return to Burma from abroad in 2020; traditional cross-border migration to Thailand and China decreased because of travel restrictions and border closures, which limited instances of irregular migration. Additionally, the economic devastation caused by the February 2021 coup created new patterns of economic migration in the country and increased financial hardship for a wide swath of the country; economic distress combined with sharply deteriorating political stability also create the conditions for trafficking and exploitation. 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 Taiwanese 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 104,000 persons displaced by conflict in Kachin and northern Shan States, 16,000 persons displaced in southeast Burma, and at least 25,000 persons displaced in Rakhine and Chin States – are at increased risk of trafficking as of December 31, 2020. Since the February 1, 2021 coup, due to continued fighting in ethnic areas, an additional 42,000 people have been displaced internally in southeast Burma and 7,000 people have fled across the border to seek refuge in Thailand, most of whom were returned to Burma. In Kachin and northern Shan States 14,000 people have been displaced by fighting. An unverified number of thousands have been displaced due to fighting in Chin State, and between 4,000-6,000 refugees and asylum seekers have crossed to border to seek refuge in India's Mizoram and Manipur States. Years of violence and ethnic conflict in Rakhine State continues to result in the migration of Rohingya, where many of them are at high risk of sex and labor trafficking—especially via transport to other countries for the purpose of economic migration. Children in Kachin and northern Shan States are particularly vulnerable to sex traffickers operating near the Chinese border. Human smuggling and trafficking networks 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 EAO-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 EAOs 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 risks that disproportionately affect ethnic minority groups – particularly in Kachin, Shan, and Rakhine States. In Kachin, displaced women and girls are also vulnerable to sex and labor trafficking, including forced concubinage leading to forced childbearing, via forced or fraudulent marriages to Chinese men arranged by deceptive or coercive brokers who use fraudulent offers of employment or promises of a better life; traffickers recruit victims through in-person connections, digital platforms, and—increasingly due to the pandemic—social media. 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 EAOs 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 EAOs 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 Kayah 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 service. A small number of foreign child sex tourists exploit Burmese children.

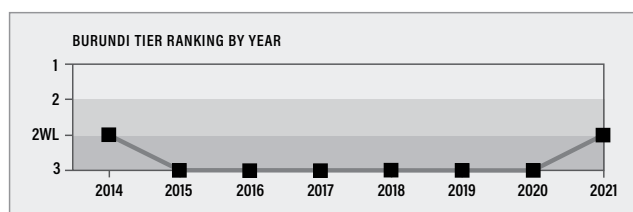
Some military personnel, civilian brokers, informal civilian intermediaries, border guard officials, and EAOs continue to recruit or use child soldiers, particularly in conflict-affected ethnic areas. Ethnic minority groups in Burma—particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities—continued to be at elevated risk of forced labor as a result of longstanding armed conflict between the military and EAOs. EAOs continued their recruitment and use of child soldiers during the reporting period amid ongoing violence in several areas of the country. Civilian recruiters in some cases coerce or offer incentives to children or their families through false promises about working conditions, salary, and promotion opportunities. EAOs 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 EAOs abduct or recruit children, including from IDP camps, to fight against the military. The military, informal civilian brokers, and some EAOs 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. Since the military coup in February 2021, similar tactics have been used across the country, including in majority Bamar regions.

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 previous 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-LGBTQI+ laws place some LGBTQI+ individuals at higher risk of extortion and psychological coercion by law enforcement. Discriminatory hiring practices complicate access to formal sector employment for LGBTQI+ 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 2 WATCH LIST

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Considering the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, the government made key achievements during the reporting period; therefore Burundi was upgraded to Tier 2 Watch List. These achievements included the government significantly increasing investigations and prosecutions of suspected trafficking offenses, convicting traffickers for the first time in six years, and referring victims to assistance for the first time in six years. The government institutionalized anti-trafficking training for law enforcement, prosecutors, and judicial officials. The government developed and implemented the country's first-ever national data collection system on law enforcement's efforts to combat human trafficking and trained prosecutors, judicial officials, and law enforcement on its use. Despite these achievements, the government decreased the number of victims identified. The government continued to lack standard operating procedures to identify and refer victims to services and did not have adequate protection services available for victims. The government failed to allocate resources to complete implementation of the 2019-2020 National Action Plan (NAP) through the anti-trafficking inter-ministerial committee.



### 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.

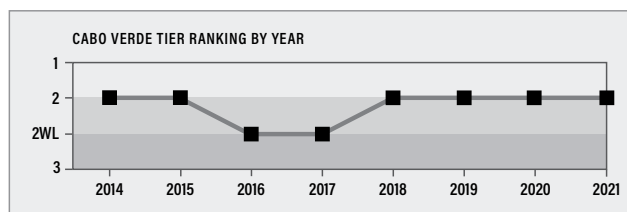
Both economic necessity and coercion push children and young adults into labor, including domestic service, forced labor on plantations or small farms throughout Burundi, in gold mines in several provinces around the country, in informal commerce in the streets of larger cities, in charcoal production, 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Cabo Verde remained on Tier 2. These efforts included drafting standard operating procedures for victim identification and referral to services. The government identified and referred to care potential child trafficking victims and continued ongoing prosecutions of alleged traffickers. 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), while intended to lead national efforts, in practice did not coordinate anti-trafficking activities adequately. Government agencies charged with combating trafficking continued to lack resources and training.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses and hold convicted traffickers, sex traffickers, and sex tourists accountable in accordance with the law. • Ensure all trafficking cases are prosecuted through the judicial system without political interference rather than resolved through non-judicial means. • Adopt, implement, and train law enforcement, labor inspectors, and other officials on the draft standardized procedures to proactively identify trafficking victims—including among vulnerable populations such as West African migrants, Chinese workers, and Cuban medical professionals—and refer them to care. • Train law enforcement and judicial 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. • Strengthen international law enforcement cooperation to prevent and investigate cases of child sex tourism. • Increase efforts to raise public awareness of human trafficking, including child sex trafficking and domestic servitude.

### 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 regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government initiated one investigation into an alleged trafficking case involving a foreign domestic worker, continued investigations of 12 cases, initiated prosecution of one defendant, and continued prosecutions of at least three defendants. This was compared with initiating one

investigation, continuing 11 investigations, and prosecuting at least three defendants during the previous reporting period. For the second consecutive year, courts did not convict any traffickers. Authorities concluded one investigation initiated during the previous reporting period into an alleged trafficker who sexually exploited her 14-year-old daughter; authorities charged the alleged trafficker with pimping and referred the case for prosecution. Three defendants charged with trafficking in persons and employment of undocumented foreign workers on the island of Sal were awaiting trial at the end of the reporting period. The government did not initiate any child sex tourism investigations during the reporting period, likely due to decreased opportunities for tourism, and by extension, child sex tourism, as a result of the pandemic. During a previous reporting period, the government initiated an investigation of one National Police (PN) officer as part of a broader forced labor investigation; the government reported investigators found insufficient evidence to bring charges against the officer, and the case was closed. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses during the reporting period. According to isolated reports during previous reporting periods, political intervention in ongoing investigations and prosecutions impeded some law enforcement and judicial efforts.

Law enforcement and justice system officials sometimes lacked adequate understanding of trafficking crimes and anti-trafficking laws, and the judicial system as a whole was overburdened, resulting in weak and inconsistent efforts to identify, investigate, and prosecute trafficking cases. The pandemic reduced court operations from March to June 2020 and exacerbated existing judicial backlogs, including for trafficking cases. Furthermore, a cyber-attack rendered the government's computer network largely inoperable for two months during the reporting period. The government did not provide specialized training on identifying, investigating, and prosecuting trafficking cases to law enforcement or judicial officials during the reporting period, in part due to pandemic gathering restrictions. This was a decrease compared with training 75 magistrates and child protection actors on child exploitation, including trafficking, during the previous reporting period. The government trained an unknown number of new police officers using a training module on trafficking victim identification previously developed by an international organization. Judicial Police (PJ) presence was limited to the four islands with international airports and the most significant tourism activity, affecting the government's ability to identify victims, investigate crimes, and collect comprehensive data on other islands; information sharing between agencies remained poor. Government social service providers often resolved intra-familial abuse cases, which could include child sex trafficking, through non-judicial means.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims. Case management and the ability to track victim-related statistics were relatively weak in Cabo Verde, and as in previous years, the government did not provide comprehensive statistics on the number of trafficking victims identified and referred to care. The government identified at least one forced labor victim during the reporting period, compared with identifying at least one child sex trafficking victim during the previous reporting period. Authorities identified one foreign woman exploited in domestic servitude and referred her to an international organization for care. The international organization repatriated the victim with the government's assistance. In addition, the government's Institute for Children and Adolescents (ICCA) identified and provided assistance to at least 196 vulnerable children, including potential trafficking victims, in 2020, compared with identifying 215 vulnerable children in the previous reporting period. The government did not have a formal mechanism to identify trafficking victims and refer them to care. Border police had written victim identification procedures but did not consistently receive training on the procedures. During the reporting period, the government drafted standard operating

procedures (SOPs) for victim identification and referral to services in partnership with an international organization and foreign donor; the SOPs were pending final approval at the end of the reporting period. The government and an international organization held webinars with over 20 government agencies and civil society organizations on the draft procedures.

There were no shelters or services specifically for trafficking victims, but government-funded agencies provided emergency services, shelter, and psycho-social care to at-risk populations and female and child victims of crime, including trafficking victims. ICCA operated a national network to assist child victims of sexual abuse, including referral to care and legal support. Law enforcement and first responders generally referred child victims to ICCA, victims requiring long-term care to the Public Ministry, women to the Cabo Verdean Institute for Gender Equality (ICIEG) or NGOs, and foreign victims to an international organization. Officials acknowledged the ad hoc, informal referral system was insufficient. ICCA did not report screening victims referred to its shelters for trafficking. ICCA operated three 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 reintegration centers, which provided services for children who experienced prolonged trauma, including trafficking. Two of the centers, located on the islands of Santiago and Sao Vicente, provided 24-hour emergency care, including to child victims from other islands. ICCA had staff on all nine islands. The government funded and provided police security to ICCA and ICIEG shelters.

Law enforcement maintained policies to interview sex trafficking victims in collaboration with psychologists and, in cases of child victims, the victims' parents, as appropriate, to provide a comfortable and safe environment; but, the government did not report providing these benefits to any victims during the reporting period. Authorities noted it was difficult to provide meaningful protection to victim-witnesses due to the small population and close-knit community. The government provided in-kind support to an NGO project aiming to enhance the justice system's capacity to support child victims of sexual abuse, including trafficking, and train judicial and child protection actors on victim-centered care. 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. The law provided for restitution, but the government did not report pursuing restitution in any cases during the reporting period. In addition, victims could 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 consisted of officials from the Ministry of Justice and Labor (MJT), PN, PJ, ICCA, ICIEG, Ministry of Education, Family, and Social Inclusion (MEFIS), other government institutions, NGOs, and civil society organizations. The Observatory met once during the reporting period due to pandemic gathering restrictions, compared with five times in the previous reporting period. The government continued implementing the 2018-2021 anti-trafficking national action plan. The MJT led the government's anti-trafficking efforts; the government allocated 7 million escudos (\$77,920) for anti-trafficking activities including the national action plan's implementation in 2020, the same amount provided in the previous year. Observers reported the Observatory lacked authority and struggled to ensure all members fully participated in Observatory meetings and met their reporting commitments. Due to pandemic-related gathering

restrictions, the government did not conduct public awareness events or trainings; however, ICCA conducted child protection campaigns using radio ads, television, posters, community engagement, and distributable materials. ICCA continued to support 20 municipal Committees for the Defense of Children's and Adolescents' Rights to prevent child abuse, including child trafficking. ICCA and the PN worked with maritime transportation services to prevent children from traveling alone to neighboring islands where they would be vulnerable to exploitation, including trafficking.

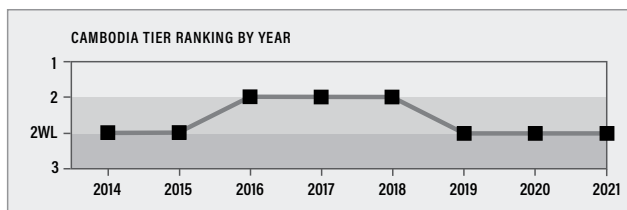
ICCA continued to operate three centers for street children through its *Nos Kaza* project and six day centers, all of which aimed to reduce the vulnerability of street children to forced labor and sexual abuse, including sex trafficking. MJT collaborated with an international organization to develop a child protection case management system for ICCA and MEFIS to identify and track child victims of exploitation, including child trafficking, but the system was not yet operational by the end of the reporting period. ICCA operated a hotline linked to the PN hotline to report cases of violence against children, including trafficking; although the hotline was always operational, ICCA did not report the number of calls it received in 2020. It was unclear if ICCA trained hotline workers to differentiate trafficking from similar crimes, such as child labor or sexual abuse. The government made efforts to reduce the demand for commercial sex that equated to child sex trafficking, but it did not make efforts to reduce demand for other forms of commercial sex. The Children and Adolescent Committee to Prevent and Combat Sexual Abuse and Exploitation coordinated the government's efforts combating child sexual abuse, including child sex tourism. The government continued enforcing 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, observers reported tourists perpetrated child sexual abuse on the islands of Sal, Boa Vista, Sao Vicente, Fogo, and Maio. In some cases, parents have encouraged their daughters to be exploited in commercial sex by tourists, especially Cabo-Verdean Americans, as potential marriage could result in immigrant visas to the United States or remittances to support the family. Authorities identify West African women victims, including Nigerians and Senegalese, of sex trafficking, including on Boa Vista and Sal Islands, and sometimes of sex tourism; in one instance, authorities identified a West African woman exploited in domestic servitude. On Sao Vicente, traffickers have coerced girls as young as 12 years old in sexual exploitation in exchange for drugs. Cabo Verdean children engaged in begging, domestic work, street vending, car washing, and agriculture are vulnerable to trafficking; children used in illicit activities, including drug trafficking, are also vulnerable to trafficking. Children living in impoverished neighborhoods with little state presence are also at risk of trafficking, especially sex trafficking. West African migrants may transit the archipelago en route to exploitive situations in Europe. Cuban medical professionals working in Cabo Verde may have been forced to work by the Cuban government, and Chinese nationals may have been forced to work, including by PRC state-owned enterprises. Some adult migrants from ECOWAS countries may receive low wages and work without contracts, 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 improving data collection and monitoring of prosecutions and convictions of traffickers, as well as victim identification data, throughout the entire country; continuing to investigate, prosecute, and convict traffickers; and continuing to implement a national action plan to combat trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Endemic corruption and lack of political will continued to severely limit progress in holding traffickers accountable; corruption continued to impede law enforcement operations, criminal proceedings, and victim service provision. Amid insufficient government oversight and accountability measures, authorities did not investigate the large majority of credible reports of official complicity, in particular with unscrupulous business owners who subjected thousands of men, women, and children throughout the country to human trafficking in entertainment establishments and brick kilns. The government's failure to establish and implement adequate judicial monitoring systems continued to enable suspected traffickers to abscond prior to their trials, culminating in some convictions in absentia. The government did not provide adequate protection services for victims domestically or overseas and relied heavily on foreign donors and NGOs to provide much-needed care. 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 hold sex traffickers fully accountable. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Cambodia was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Cambodia remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Respect due process, vigorously investigate and prosecute trafficking offenses, and convict and adequately penalize sex and labor traffickers, including complicit officials, with significant prison sentences. • 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 in all areas of the country 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 or start unannounced labor inspections in high-vulnerability professions, especially at brick kilns entertainment venues, construction sites, and plantations, with a focus on identifying debt bondage and holding business owners accountable to the law. • Increase the availability of services for male victims, especially men and boys exploited in commercial fishing abroad. • 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. • 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. • 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 modestly increased law enforcement efforts. 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. NGOs reported that, in practice, the government did not issue criminal penalties under the anti-trafficking law for labor trafficking offenders; instead, it utilized the labor law to issue fines and/or short jail sentences of six days to one month, which did not represent sufficient punishment to deter future crimes or provide justice for the victims.

The pandemic hindered government efforts to prosecute perpetrators and heighten awareness of trafficking among officials and vulnerable populations. Cambodian courts shut down for several months beginning in March 2020, temporarily halting all judicial activity including anti-trafficking investigations. Despite this challenge, for the first time since 2017, the Ministry of Justice (MOJ) reported data on trafficking prosecutions and convictions in all provinces throughout the country, although it did not provide comprehensive details on such cases. Judicial authorities may have included cases of rape and other crimes outside the standard definition of trafficking in their reported data; therefore the true number of trafficking investigations, prosecutions, or convictions was likely lower than reported. According to the Anti-Human Trafficking Juvenile Police (AHTJP), during the reporting period, authorities arrested 48 suspects in connection with 37 cases of "non-sexual human trafficking" (26 suspects in connection with 21 cases in 2019) and 46 suspects in connection with 21 cases of sex trafficking (27 suspects in connection with 14 cases in 2019); of these arrests, 14 were labor brokers. According to the MOJ, from January to December 2020, the government prosecuted a total of 348 cases of trafficking in all provinces in the country, of which they referred 233 for formal investigation; 190 cases remained active as of February 2021. Some of these cases, however, occurred outside of the reporting period and may have involved crimes other than trafficking. During the previous reporting period, the government reported incomplete data only from certain parts of the country, in which it prosecuted 199 cases and referred 134 for formal investigation. During the reporting period, the government convicted and sentenced 440 individuals in all provinces in the country, 234 of whom remained in detention, but the MOJ did not report the details of these cases and some may not have met the definition of human trafficking under international law. In previous years, courts

reportedly convicted suspects on lesser charges and concluded sex trafficking cases with monetary settlements in lieu of prison sentences. As also reported in previous years, victims whose families received out-of-court settlements from traffickers often withdrew from trials or changed their testimonies, further complicating prosecutions. During the previous reporting period, the government reported conviction data only from the Phnom Penh Municipal Court, which convicted 140 individuals. The government maintained memoranda 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 during the reporting period. During the reporting period, the government also entered into an agreement with Thailand to establish standard operating procedures on bilateral anti-trafficking law enforcement cooperation. The government continued to cooperate with the United States through a law enforcement task force dedicated to combating online child sexual exploitation and other child sex crimes, but it did not report if it conducted investigations on such cases during the reporting period.

Nationwide, law enforcement authorities often did not take appropriate action against suspected or convicted traffickers. Judicial police lacked the resources to monitor defendants released on "judicial supervision" pending trial, allowing some to flee prior to their trial dates, which left courts the only option to convict offenders in absentia. 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. 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.

Authorities continued to deliver donor-designed and -funded training to police, prosecutors, judges, and other government officials, including 192 training sessions on anti-trafficking laws, investigative techniques, and evidence collection for 7,491 law enforcement and judicial officers; it did not report how many provincial officials participated in these sessions. Despite these trainings, many police—particularly in rural areas—remained unaware of how to conduct anti-trafficking work, as most did not receive training on basic law enforcement techniques. Moreover, law enforcement and judicial officials lacked the necessary equipment to handle trafficking cases appropriately, including vehicles, computer and communications equipment, and forensic tools. Additionally, 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. Local organizations and some officials continued to stress an urgent need for more sophisticated evidence collection techniques, including more undercover investigations, to decrease reliance on witness testimony and improve efforts to detect and combat sex trafficking. MOJ officials reported their concern that revising the law or issuing new regulations to specifically authorize undercover investigation authority in trafficking cases could lead to abuse of power by the police.

Endemic corruption at many levels of government continued to severely limit the ability of individual officials to make progress in holding traffickers accountable. The Supreme Council of the Magistracy, which had the power to remove judges and prosecutors for corruption, did not do so during the reporting period; it also lacked the investigative resources to respond to such allegations. Furthermore, the government did not investigate the large majority

of the reports of government officials' complicity in trafficking crimes, nor did it prosecute and convict any government employees complicit in trafficking during the reporting period. The national police maintained a mechanism for NGO workers to report incidents of corruption among anti-trafficking police, but it did not report if it received or responded to any complaints during the reporting period. 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 police reportedly protected sex trafficking establishments in exchange for monthly payments from the business owners or sexual favors from the victims. In February 2021, authorities arrested an anti-trafficking police officer for physically assaulting a girl in a karaoke bar after she refused to have sex with him and for threatening to close the bar down; the case was under investigation at the end of the reporting period. Authorities often overlooked, denied, or downplayed labor abuses—including forced child labor—in factories and at brick kilns, and 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. During the reporting period, Cambodian labor inspectors made no progress accessing construction sites to inspect potential forced labor abuses because—as some NGOs reported—construction company owners with political connections refused labor inspectors entry to construction sites. Throughout the reporting period, AHTJP police leadership publicly warned entertainment business owners who had military connections that they would shut down their businesses for any violation of anti-trafficking laws; the government did not report, however, if it shut down or investigated any of these businesses for trafficking crimes. In February 2021, the government investigated and arrested a district police chief for allegedly releasing 14 labor brokers days after they were arrested for facilitating the illegal movement and alleged labor trafficking of migrant workers from Cambodia to Thailand. Despite consistent credible allegations of complicity, the government did not report prosecuting or convicting any government employees complicit in human trafficking crimes.

## PROTECTION

The government maintained insufficient protection efforts. Despite retaining victim identification guidelines developed by the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) in 2017, victim identification, referral, and repatriation efforts remained disparate and underdeveloped across law enforcement agencies. Due to improved data collection measures, the government reported victim identification data from all provinces in the country. While conducting arrests during the reporting period, police identified 322 potential victims of “non-sexual trafficking” (66 in 2019) and 95 potential victims of sex trafficking, including 26 children (76 victims in 2019). 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. MOSAVY continued to operate a migrant transit center in the border city of Poipet, where transit center officials reportedly continued to screen for and identify trafficking victims among adult and child migrants at the center. The government, however, did not report how many trafficking victims officials identified in the transit center during the reporting period. During the previous reporting period, the National Committee for Counter Trafficking (NCCT) launched an application-based victim identification manual and screening tool for use at the transit center to improve victim identification procedures; however, it did not report if transit center officials used this screening tool during the reporting period. Given the high vulnerability to trafficking among migrant populations and the lack of universal implementation of victim identification standards, many victims likely transited this

facility unidentified. 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 (MOI) for the formal identification needed to access protection services. Some anti-trafficking NGOs further reported a lack of cooperation with the authorities, which hindered the operations of key anti-trafficking NGOs.

The government did not have the capacity or resources available to provide adequate protection services, including shelter, to trafficking victims; it therefore continued to rely heavily on donor countries, international organizations, and NGOs to provide or support provision of such services to trafficking victims. The government did not have enough shelter capacity throughout the country dedicated to providing immediate or long-term assistance to trafficking victims, including Cambodian victims who were repatriated, or those vulnerable to trafficking. MOSAVY 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, however, did not facilitate formal transfer of the custody of child trafficking victims to NGOs, leaving NGOs that accepted child victims into their care 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. During the reporting period, the government established a national policy on migrants' health, which gave public health facilities the authority to provide free medical services to all migrant workers in Cambodia, including foreign trafficking victims; this policy relieved NGOs of the financial burden of providing medical care to this vulnerable population.

Despite the prominence of male labor trafficking victims, government assistance for this population remained limited. During the reporting period, the government acknowledged this population was underserved and requested help from NGOs to provide services to male victims. The government reportedly provided vocational training and other programs to identify job opportunities for male trafficking victims from the commercial fishing industry, but it did not report how many victims benefited from these programs. However, service provider NGOs noted that 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. Unlike in the previous reporting period when authorities did not provide complete statistics on the number of victims they assisted or referred, during this reporting period local police referred 371 international and domestic victims of trafficking and those vulnerable to trafficking to provincial social affairs offices. These offices generally referred victims to short- and long-term NGO shelters for care; NGOs reported that in most cases, the victim referral process was quick. Additionally, in 2020 MOSAVY referred to NGO services 220 Cambodian trafficking victims and “other vulnerable migrants” who were repatriated from foreign countries, including China, Indonesia, Malaysia, Singapore, Thailand, and Vietnam. Of the 220 returnees, 113 were victims of forced marriage, 54 of forced labor, and three of sex trafficking. MOSAVY reintegrated 104 Cambodian trafficking victims and persons vulnerable to trafficking to their home villages. In comparison in 2019, MOSAVY assisted in the repatriation of 290 Cambodian victims of trafficking and other vulnerable migrants and referred them to NGOs for care.

The government continued to rely on donor organizations to finance the repatriation of Cambodian victims who were exploited abroad. 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. According to an NGO, some victims were reportedly unable to secure assistance from Cambodian consular services overseas due to unattended hotlines and unresponsive staff. The government also maintained labor attachés at embassies in Malaysia, South Korea, 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. Victims identified in countries without Cambodian diplomatic representation had access to even less support. During the reporting period, the Ministry of Foreign Affairs and International Cooperation (MFAIC) facilitated the return of 10,574 Cambodian migrant workers from China, Indonesia, Laos, Malaysia, Singapore, Thailand, and Vietnam, a large increase over the prior year due to the pandemic. After MOSAVY conducted preliminary interviews of these returnees, it referred all of them to local NGOs for interviews to determine appropriate services: care, rehabilitation, or immediate return to their home villages. However, as in the previous reporting period, authorities did not specify if they implemented appropriate victim identification measures to screen for trafficking among the returnees or what portion of these returnees were 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.

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. 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. While awaiting repatriation, the government generally allowed foreign victims temporary residence at NGO shelters. In 2020, MOSAVY repatriated two Vietnamese trafficking victims to Vietnam (nine in 2019). Insufficient victim identification efforts left many potential foreign victims at risk of deportation or charged with immigration violations. However, an NGO reported that during the reporting period, anti-trafficking police and prosecutors willingly worked with social workers and employed child-friendly practices when encountering trafficking victims. Law enforcement often did not keep victims and perpetrators separated during interviews. During the reporting period, MOJ instructed provincial courts to 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; despite the instruction from MOJ, it did not report if courts universally implemented this program. During the reporting period, the government—in cooperation with an NGO—launched a pilot program in three provinces that trained social workers to offer psychological support to victims involved in court cases. Nevertheless, 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. NGOs reported victims preferred out-of-court settlements over court proceedings as the fastest way to obtain monetary compensation. Cambodian law outlined channels for victim restitution. However, 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 maintained some prevention efforts. The NCCT and its secretariat coordinated anti-trafficking activities and continued

to implement a 2019-2023 national anti-trafficking action plan, which was developed in collaboration with civil society and international donors. The government's anti-trafficking budget to fund the interagency committee was approximately 2.2 billion riels (\$543,080), compared with approximately 5.4 billion riels (\$1.33 million) during the previous reporting period; austerity measures due to the pandemic's economic impact caused the sharp reduction. Most ministries also maintained separate line items in their budgets for anti-trafficking activities. The secretariat of the NCCT maintained six working groups to monitor the efforts of the interagency committee, as well as those of its provincial subcommittees. Subsidiary provincial anti-trafficking committees, four of which continued to receive modest central government funds, coordinated efforts at the local level to mirror the activities of the national action plan. A Monitoring Working Group strengthened the work of the NCCT at the provincial level by meeting with provincial officials and assessing areas of improvement. 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, including comprehensive data on prosecutions and convictions. The Minister of Women's Affairs and the NCCT Vice Chair co-hosted two bilateral meetings on human trafficking with a foreign government in September 2020 and January 2021, which were attended by senior Cambodian government officials. NGOs and international organizations reported the NCCT was increasingly effective at coordinating with civil society in some anti-trafficking efforts during the reporting period.

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 that 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. The government reported investigating labor recruiters for illegal practices that may have contributed to or involved trafficking. In February 2021, authorities arrested 14 labor brokers for assisting Cambodian workers to illegally cross the Cambodian-Thai border; the government did not report if it investigated the brokers for potential trafficking crimes. Officials and NGO observers noted that 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-decree and regulations governing private recruitment agency licensure and contracting procedures did not include sufficient language outlining migrant worker protections or labor rights. The MOLVT established offices at the provincial level to monitor recruitment agencies and address complaints from workers, including potential incidents of trafficking; however, it did not report how many complaints these offices received during the reporting period. The government did not address recruitment firms that were allegedly involved in trafficking crimes. For example, in August 2020, the Ministry of Labor permitted six recruitment agencies previously suspected of involvement in trafficking to send Cambodian domestic workers abroad.

The government—in collaboration with various donors and NGOs—disseminated information about trafficking laws, safe migration, child labor, and strategies to combat trafficking to law enforcement and other government personnel and the general population. During the reporting period, the Ministry of Education, Youth, and Sports—in cooperation with NGOs—designed and approved a school curriculum to educate students about human trafficking. Despite these efforts, the government curtailed public outreach training sessions due to



the pandemic as of the end of the reporting period. The AHTJP and MOI operated a hotline for victims and witnesses to report human trafficking crimes; the government publicized the hotline on government websites and social media sites, required guesthouses and hotels in all 25 provinces to publicize the hotline, and it worked with an NGO focused on child sex trafficking to place placards of the hotline number in taxis and tuk-tuks throughout the country. The government reported the hotline received 21 calls related to trafficking, rape, and domestic violence, but it did not report if it referred any potential trafficking cases to police for further investigation. The AHTJP's social media site, however, received information on a potential trafficking case in 2020, which led to the arrest of two suspects. MOLVT also reported providing pre-departure orientation to 20,360 Cambodians migrating abroad for work (48,000 in 2019). 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 government maintained two labor recruitment agreements with Saudi Arabia, a domestic worker recruitment agreement with Hong Kong, and a bilateral cooperative agreement with India. 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.

Labor ministry officials continued to deny the existence of child labor—including forced child labor—and debt-based coercion within the brick industry. The Ministry of Labor visited 62 out of 486 brick kilns in 2020, but the purpose of these visits was to raise awareness about child and forced child labor; none of the visits resulted in issuance of penalties or other such punishments for violations of labor or anti-trafficking laws. NGOs claimed police were often unaware that detection of crimes at brick kilns fell under their investigative purview; the AHTJP confirmed that they viewed brick kiln inspections as under the MOLVT's purview and would only investigate kilns if the MOLVT referred a case to them. The AHTJP could not report any such referrals in 2020. Authorities often conducted inspections with advance notification to the kiln owners, potentially enabling them to conceal abuses. The government's inter-ministerial task force—established in the previous reporting period—to investigate alleged Chinese involvement in money laundering and human trafficking in Preah Sihanouk province did not report issuing its findings during the reporting period.

The Ministry of Tourism, in collaboration with the NCCT, made efforts to reduce the demand for commercial sex acts through workshops for staff in the tourism sector and government officials on child sexual exploitation in the tourism industry; it also continued to produce 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. Local experts continued to report concerns 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. Traffickers 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. NGOs and labor unions reported in 2020 that foreign labor brokers are fraudulently recruiting foreign migrants, including from Bangladesh, China, and Nepal, to work in Chinese-run and other construction sites in Cambodia where some are indebted to recruitment firms and experience passport confiscation. 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 service – 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 service and forced begging or street vending in Thailand and Vietnam. Undocumented Cambodian labor migrants working in Thailand—who constituted an estimated 30-40 percent of the 1.5 to two million Cambodians there before the pandemic—are at high risk of trafficking due to their immigration status, as are undocumented Cambodians working in 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 rights and protections. The pandemic affected established migration patterns and certain sectors in 2020, such as construction, which placed some vulnerable groups at greater risk of trafficking than in previous years. Between February 2020 to February 2021, more than 150,000 Cambodian labor migrants returned to Cambodia from other countries, primarily Thailand, due to industry closures caused by the pandemic.

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 Fiji, Indonesia, Malaysia, Mauritius, Papua New Guinea, Senegal, and South Africa. 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 women, and some girls, 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. Some parents reportedly receive between \$1,500 to \$3,000 from marriage brokers to send their daughters to China for marriage. 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 many of the more than 10,000 Cambodians living at such kilns, 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

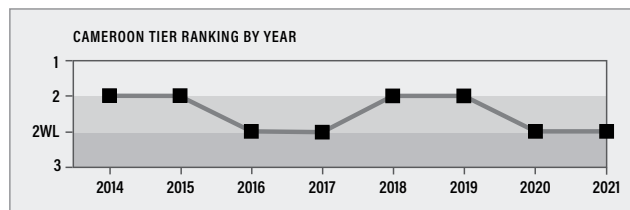
in 2017 found nearly all of brick kilns surveyed throughout the country featured indicators of forced labor via debt-based coercion. An extensive, largely unregulated network of predatory micro-finance organizations and private creditors contributes to this arrangement by proactively advertising loans 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. 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 in brothels 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 led to an increase of local sex trafficking and forced labor among Cambodian women and girls, although Cambodia's 2020 ban on online gambling and the subsequent shuttering of many Chinese-owned casinos and other entertainment establishments has reduced such trafficking. Cambodian men form the largest source of demand for children exploited in sex trafficking; however, men from elsewhere in Asia, Australia, Europe, South Africa, and the United States 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. The prevalence of child sex trafficking and child sex tourism reportedly declined in 2020 due to reduced international travel and pandemic-related quarantine requirements. However, NGOs and law enforcement officials reported the pandemic increased incidents of online child sexual exploitation in 2020. Vietnamese women and children, many of whom are victims of debt-based coercion, travel to Cambodia and are exploited in sex trafficking. NGOs report that 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 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 more trafficking cases as well as identifying significantly more potential victims than the previous reporting period. Cameroon's anti-trafficking inter-ministerial committee (IMC) met more frequently, and the government continued its awareness-raising activities. Further, the government developed and partially implemented a one-year national action plan to enhance the country's anti-trafficking efforts. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. Authorities did not report investigating allegations of security forces recruiting and using child soldiers in 2019, or during the reporting period, or allegations military officials sexually exploited women. Additionally, the government has not taken any action in response to multiple reports of diplomats exploiting individuals in forced labor. Officials did not widely disseminate 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 remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Investigate allegations of trafficking against complicit officials—including security forces and diplomats—and prosecute cases transparently while respecting due process. • Disseminate and train law enforcement and civil society on the National Referral System and Standard Operating Procedures (NRS/SOP) on victim identification and referral to increase first responders' ability to identify internal trafficking cases proactively, as well as cross-border trafficking as distinct from smuggling. • Amend the anti-trafficking law to remove the requirement of force, fraud, or coercion for child sex trafficking offenses and to make a clear distinction between trafficking and smuggling. • Expand training for law enforcement, judicial officials, and social workers on the anti-trafficking section of the penal code to increase the effectiveness of investigations and prosecutions while respecting the rule of law and human rights; and administer sufficiently stringent sentences to those convicted. • Increase formal collaboration with NGOs on proactively identifying and protecting victims. • Provide counseling, legal support, protection against intimidation, and other necessary assistance to victims to encourage and support their cooperation with law enforcement. • Provide financial and human resources to the IMC, and regularly convene the committee in coordination with NGOs and international organizations. • 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 maintained its overall 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 legal framework 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) (\$94-\$1,890), which were sufficiently stringent and, with respect to some forms of 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 (\$189 to \$18,890). 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 (\$19-\$945) 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 migrant 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 ninth consecutive year.

The government did not provide comprehensive law enforcement statistics, but officials reported investigating 205 potential human trafficking cases between January and August 2020; referring 62 cases (30 forced labor and 32 sexual exploitation) to courts for prosecution; and prosecuting four suspects potentially for forced labor. In the entirety of 2019, the government reported investigating nine potential trafficking cases and prosecuting seven suspected traffickers. Officials reported convicting at least two traffickers between April and August 2020 and sentencing them to life and 15 years' imprisonment, compared with convicting five traffickers in 2019. According to observers, courts likely prosecuted and convicted additional traffickers during the reporting period, despite the lack of government reporting.

Separate from the aforementioned potential cases, in February 2021, gendarmerie in the Southwest city of Limbe arrested seven suspects accused of exploiting 29 children between the ages of seven and 14 in domestic servitude after promising their parents to provide the children an education. Media reported the suspects were preparing to transfer the children to Nigeria before law enforcement officers intervened. Judicial officials charged all seven of the accused under the country's 2005 child trafficking law related to the fight against child trafficking and slavery, and the five suspected accomplices under penal code article 292 in addition to the child trafficking law. As of March 2021, the prosecution was ongoing.

Corruption and official complicity in trafficking crimes remained significant concerns. Officials did not report the outcome of an investigation into a complicit official that was opened in 2018. Authorities did not report investigating two allegations of child soldier recruitment and use from 2019 and 2020. Additionally, the government did not disclose efforts to investigate allegations of government security forces sexually exploiting women in the Southwest Region or soldiers from the 42nd Motorized Infantry Battalion who NGOs reported forcibly recruited community members in the Far North Region to stand watch against Boko Haram incursions during the rating period.

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 disclose implementing or widely disseminating its standard operating procedures on victim identification and referral to law enforcement or first responders. Over the course of the reporting period, the General Delegation for National Security reported conducting anti-trafficking training for an unknown number of police, compared with the government holding six seminars and sending two officers abroad for training in 2019. Additionally, officials coordinated with NGOs and a partner government to conduct a training on identifying and assisting trafficking victims in January 2021. Because many law enforcement and judicial officials lacked knowledge of the crime, they may have tried some trafficking crimes as child abuse or kidnapping, which carried lesser penalties.

## PROTECTION

The government increased efforts to identify victims and protect them. Although the government did not maintain comprehensive statistics, officials reported identifying at least 752 potential victims from January to August 2020, compared with identifying 77 potential victims over the course of the entire previous calendar year. Observers noted the increase in potential victims identified may be attributed to increased sensitization efforts by the government and NGOs but may include some cases of migrant smuggling. The Ministry of Social Affairs (MINAS) stated its officials provided basic assistance, psychological support, health care, as well as reintegration services for all 752 potential victims at five MINAS-run social centers in Yaoundé and Douala, with MINAS providing some individuals livelihoods training at the Betamba Childhood Institute in the country's Center region.

Additionally, between April and June 2020, MINAS reported identifying 162 homeless children vulnerable to trafficking and providing them shelter, food, and psychological support in government-supported social centers in Yaoundé. MINAS reported identifying 1,147 vulnerable homeless children throughout Cameroon in 2019; the pandemic's effects on government revenue and operations negatively impacted many anti-trafficking efforts related to protection. Of the 162 children, officials reunited 78 with their families, referred 40 to an education center to help them develop vocational skills to limit their future vulnerability, and continued to provide services to 27 as of June 2020. In February 2021, gendarmerie identified 29 child victims of forced labor (separate from the 752 potential victims previously referenced) in collaboration with civil society; the court directed authorities to return the children to their parents following a hearing in March.

NGOs reported thousands of Cameroonian workers remained in Middle Eastern countries, many of whom were at risk of exploitation in domestic servitude or sex trafficking. For the second consecutive year, officials did not share the number of trafficking victims Cameroon repatriated from the Maghreb and Middle East.

MINAS partnered with an international organization in July to update and disseminate the NRS/SOP to guide officials in proactive identification and referral of trafficking victims, initially developed in 2013. The National Gendarmerie reported it developed a strategy to detect trafficking victims and smuggled migrants proactively as a prerequisite to begin an investigation; however, observers stated authorities did not disseminate the NRS/SOPs widely during the reporting period.

MINAS had the authority to admit children subjected to abuse—including trafficking victims—to government institutions for vulnerable children, which offered shelter, food, medical as well as



psychological care, education, vocational training, and family tracing. Private centers funded by NGOs and regulated by MINAS provided care for an unknown number of child victims.

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 despite experts claiming trafficking networks threatened victims during their trials. While there were no reports the government penalized trafficking victims for unlawful acts traffickers compelled them to commit, authorities may have detained or deported some unidentified victims 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. Officials finalized a one-year national action plan in October focusing on six principles: prevention through awareness raising and capacity building; socio-economic reintegration of victims; punishment for traffickers; development of statistical capacity; inter-ministerial and multi-sectoral cooperation; and coordination of anti-trafficking efforts. The government implemented some aspects of the plan. The IMC convened at least four times in 2020 compared to twice in 2019 and underwent two leadership transitions during the reporting period. Cameroon dedicated human resources to joining the Alliance 8.7 initiative as a Pathfinder country, a global partnership aimed at ending human trafficking through multi-stakeholder collaboration.

During the reporting period, MINAS continued its public awareness campaign directed towards the general public and vulnerable children to inform Cameroonians on trafficking indicators. Officials did not report the number of individuals reached, compared with approximately 397,000 Cameroonians in 2019. The government partnered with an international organization in 2020 to implement awareness raising activities in four cities focused on informing vulnerable families on the risks of child exploitation; however, pandemic restrictions on in-person gatherings hindered many planned sensitization efforts. Authorities reported a hotline developed in 2020 and implemented under the NRS/SOP received approximately 10-15 trafficking-related calls every four months; however, officials did not disclose whether these calls led to investigations or victims identified.

NGOs stated police and immigration officials' screening efforts at Douala's international airport prevented some potential victims from traveling to the Middle East as a result of human trafficking schemes; however, the government's enforcement efforts diverted some vulnerable job seekers to Lagos, Nigeria where screening procedures were less stringent. The Ministry of Employment and Vocational Training (MINEFOP), in conjunction with the Ministry of Labor and Social Security, monitored formal labor recruiters but did not report the number of illicit labor recruitment offices it determined to be engaged in fraudulent recruitment and closed. During the previous year, officials 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 publishing a list of licensed recruitment agencies annually, although the scope of dissemination was limited. MINEFOP reported it does not have a system to prevent traffickers from exploiting workers once agencies placed them in overseas employment. Increasing their vulnerability to trafficking, Cameroonians frequently used unauthorized recruiters to seek employment abroad. Observers noted there was anecdotal evidence border officials began requiring parental authorization

for unaccompanied children in 2020; however, the government did not report whether it identified any children through these screening efforts.

The lack of birth certificates remained a factor increasing the vulnerability of individuals to exploitation, with only 40 percent of children registered in Cameroon. In November, National Assembly members and ministers convened to develop mitigating strategies to increase key communities' access to birth certificates. Officials highlighted the need for civil registrars to visit health facilities to register births proactively, as well as the need to increase computerization of birth records. At the end of the reporting period, the government did not report implementing these recommendations.

Ministry of External Relations officials stated they delivered training and sensitization programming to diplomats but did not report how many officials they reached. Between 2015 and 2017, a Cameroonian diplomat posted in the United States allegedly engaged in visa fraud related to a child 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. Additionally, between 2017 and 2019, a different Cameroonian diplomat posted in the United States engaged in alleged violations of the TVPA, as well as federal and state labor laws. 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 official left the United States in 2021. In November, the government coordinated with an international organization to obtain human rights training for 14 Rapid Intervention Battalion officers that included sessions on victim protection and sexual violence. The government did not report providing anti-trafficking training to its troops prior to their deployment as peacekeepers.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cameroon, and traffickers exploit victims from Cameroon abroad. Pandemic-related border closures likely reduced the scale of transnational exploitation, according to experts. However, the economic impacts of the pandemic combined with ongoing violence in the Northwest and Southwest regions contributed to a sharp increase in the number of victims exploited domestically. Government officials, NGO representatives, and media outlets stated the conflict increased the risk of human trafficking during the reporting period due to the more than one million displaced individuals, diminished police and judicial presence, as well as deteriorated economic and educational conditions. The four years of school closures stemming from the conflict have resulted in some parents sending their children to stay with intermediaries who, instead of providing education and safety, exploit the children in domestic servitude.

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; parents may play an active role early in the process due to their desire to remove their children from areas impacted by conflict. Criminals coerce women, IDPs, homeless children, and orphans into sex trafficking and forced labor throughout the country. Some labor recruiters lure children 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 and restaurants, as well as begging or vending on streets and highways. Additionally, criminal elements force Cameroonian children to work 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 to run errands, work, or provide security. Media reporting indicates exploitation in Cameroon's fishing sector is widespread.

Observers note pandemic travel restrictions likely decreased child sex tourism in 2020; past reports highlighted Kribi and Douala as two centers of the crime, primarily perpetrated by nationals of Belgium, Chad, France, Germany, Nigeria, Switzerland, and Uganda. Criminals exploited Cameroonians in forced labor and sex trafficking in the Bonaberi neighborhood in Douala – which hosts hundreds of IDPs, according to NGOs. In December 2020, observers alleged 30 cases of debt bondage in the Ndop subdivision of the Northwest Region.

Foreign business owners and herders force children from neighboring countries including Benin, Central African Republic, Chad, Equatorial Guinea, and Nigeria to labor in spare parts shops or cattle grazing in northern Cameroon; many traffickers share the nationality of their victims. The number of children traffickers exploit as they transit the country en route to Gabon and Equatorial Guinea decreased due to border closures related to the pandemic. 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 more than one million IDPs in Cameroon at the end of 2020, an increase from 977,000 in 2019. In addition to IDPs, there were approximately 435,000 refugees in the country as of November 30, 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.

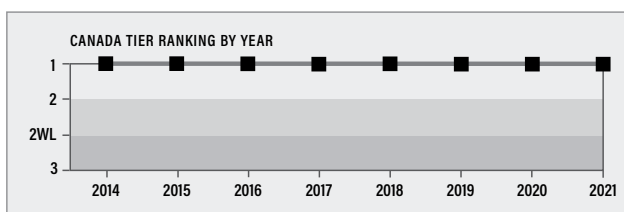
An NGO reported a 17-year-old boy claimed soldiers from the 42nd Motorized Infantry Battalion attempted to coerce him into guard duty in the Far North Region, and soldiers from the same unit forcibly recruited other community members in the city of Mozogo to stand watch against Boko Haram incursions. Additionally, observers reported government security forces engaged in commercial sex with women in the Southwest Region divisions of N’dian, Buea, Ekona, and Muyuka, using food insecurity and their authority as leverage. Some community neighborhood watch groups, known as vigilance committees, may also use and recruit children in operations against Boko Haram and separatists, 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 as well as sex slaves, and boys and girls as child soldiers. An international organization reported non-state armed groups abducted 26 children and forced seven to commit suicide bombings in July 2020. Anglophone separatists recruited and used child soldiers in the Southwest and Northwest Regions, both for fighting government forces and for gathering intelligence, according to observers.

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), Thailand, as well as in Europe (including Switzerland and Cyprus), the United States, and multiple African countries (including Benin and Nigeria). Most Cameroonians exploited abroad are between the ages of 20 and 38, and come from the Northwest, Southwest, Littoral, Center, South, and West Regions. Fraudulent labor brokers recruit some Cameroonian women for domestic work in the Middle East, where traffickers exploit them in sex trafficking or domestic servitude. Pandemic border closures reduced but did not eliminate the risk that criminals exploit some economic migrants in search of opportunity in Libya, or while in transit through Niger. NGOs reported Nigerians in the eastern states of that country 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 trafficking victims who have become perpetrators. These networks advertise jobs through the internet, as well as other media, and recruit and sell other Cameroonians directly to families in need of domestic workers. Advocates working on trafficking issues report the government’s awareness-raising activities targeting fraudulent recruitment have raised awareness among 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 sex trafficking.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Canada remained on Tier 1. These efforts included increasing funding for victim services; amending the Customs Tariff to prohibit the importation of goods produced by forced labor; and launching a five-year public awareness campaign informed by research on public awareness and attitudes on trafficking. Although the government meets the minimum standards, it did not provide comprehensive data on investigations, prosecutions, and convictions during the reporting period or on victims provided with services nationwide. The government’s efforts to identify victims, provide protections to all victims—particularly forced labor victims—and investigate and prosecute forced labor crimes, remained inadequate. The range, quality, and timely delivery of trafficking-specific services varied nationwide, and service providers reported a shortage of victim services, including emergency shelters and longer-term housing.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking crimes, including forced labor and child sex tourism, and impose adequately strong sentences on convicted traffickers. • Increase proactive identification of victims, particularly male victims and forced labor victims, through screening among vulnerable populations and proactive outreach and assistance to migrant workers. • Significantly increase trauma-informed specialized services and shelter available to all victims, including male victims and foreign national victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase nationwide trafficking data collection, including timely consolidation of investigations, prosecutions, and convictions and numbers of victims identified and assistance provided. • Increase coordination and communication among federal, provincial, and territorial actors and strengthen provincial interagency efforts. • Establish a survivor-led advocacy council to assist in policy development, and ensure members are duly compensated for their work. • Amend the criminal code and Immigration and Refugee Protection Act to include definitions of trafficking that are consistent with international law. • 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 maintained 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 for offenses involving adult victims and a mandatory minimum of two years' to a maximum of 14 years' imprisonment for offenses involving child victims. Section 279.03 criminalized withholding or destroying documents to facilitate trafficking and prescribed a maximum penalty of five years' imprisonment in cases involving adult victims and a mandatory minimum of one year to a maximum of 10 years' imprisonment in cases involving child victims. Section 286.1 criminalized purchasing commercial sex acts from an individual under 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 established a separate crime 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 investigated and prosecuted trafficking crimes, but the government did not report comprehensive law enforcement data at each of these levels. The federal government did not maintain a national database. It provided data from Canada's Uniform Crime Reporting (UCR) system, which included provincial and municipal data but did not disaggregate between sex and labor trafficking. The UCR data is available each July for the previous calendar year, and in 2019, the government reported a total of 511 trafficking incidents investigated leading to 270 individuals charged with trafficking crimes; this compared with a total of 340 trafficking incidents investigated and 236 individuals charged in 2018. Employment and Social Development Canada (ESDC) reported identifying and referring to law enforcement 45 suspected forced labor cases within the temporary foreign worker program between April 2020 and December 2020, compared with 32 forced labor investigations between April 2019 and October 2019. The government reported law enforcement officials investigated 573 trafficking cases in 2020. Immigration, Refugees and Citizenship Canada, which conducted administrative investigations of potential human trafficking cases among immigration and refugee cases, initiated 37 new large-scale investigations involving allegations of human trafficking in 2020, compared with 20 in 2019. Unlike previous years, the government did not report the number of suspected traffickers that authorities prosecuted in the most recent calendar year. Federal, provincial, and municipal authorities prosecuted and concluded cases against 185 suspected traffickers in 2019, compared with 197 suspects in 2018, and convicted 50 traffickers, compared with 51 traffickers convicted in 2018. Though the government did not report the number of individuals prosecuted or convicted in 2020, it reported that courts imposed sentences between seven years' and eight years six months' imprisonment for convicted traffickers in 2020. The government reported some traffickers may have been convicted under other sections of the criminal code. The government reported the majority of trafficking cases were prosecuted at the provincial level, though it did not provide complete data on provincial-level prosecutions and convictions. Some provinces and municipalities maintained

specialized anti-trafficking law enforcement units. In July 2020, the Government of Nova Scotia announced the appointment of its first Crown attorney dedicated to prosecuting trafficking cases in the province. Most provincial courts suspended trials for several months following the onset of the pandemic in March 2020, and some closed for a second time beginning in November 2020. Many courts continued to operate at a decreased capacity and struggled to manage the backlog of cases.

Several government agencies continued collaboration with financial institutions, technology companies, and NGOs to monitor financial transactions for indicators of possible money laundering linked to human trafficking; through this collaboration, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) received thousands of suspicious transaction reports and provided 232 disclosures of actionable financial intelligence to police in support of investigations. NGOs noted a continued imbalance in the government's anti-trafficking efforts, with limited attention to and understanding of forced labor. Coordination challenges among federal, provincial, territorial, and municipal authorities limited the effectiveness of anti-trafficking law enforcement efforts, particularly on cases that spanned multiple jurisdictions. The government's lack of a coordinated data collection system made it difficult for authorities to collect reliable, timely, and consolidated data to assess efforts and respond to trends.

The Canadian Police College provided a human trafficking investigators course that trained 17 police—a limited number due to pandemic-related restrictions—on understanding the scope of trafficking crimes, fostering trust between law enforcement and victims, and overcoming challenges in investigating and prosecuting trafficking cases. The Royal Canadian Mounted Police (RCMP) provided an online introduction to human trafficking course completed by 638 law enforcement officials. The government's training academy for new police recruits included trafficking awareness in its training curriculum. FINTRAC 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 RCMP updated its guidelines and procedures for investigating human trafficking cases in its operational manual. New border officials received training in human trafficking through their agency's People at Risk course; in 2020, 124 officials completed this course, while 201 additional agency employees completed an online training on trafficking. The Department of National Defense and Canadian Armed Forces continued providing online trafficking awareness training for all new Canadian Defense Attaché personnel. The government reported police cooperated with foreign law enforcement officials on several open investigations during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## PROTECTION

The government increased protection efforts. The government did not report complete data on the number of victims identified. RCMP officers identified 80 sex trafficking victims in 2020, compared with 119 victims in 2019, and 89 victims in 2018. Of these, 78 were female, two were male, 63 were adults, 13 were children, and four were unspecified. In addition, ESDC identified 45 suspected forced labor victims among temporary foreign workers. The government provided several handbooks, guidelines, and other resources for front-line officials—including police, justice practitioners, and border officials—to enable them to proactively identify indicators of trafficking among the populations they served.

Provinces and territories were primarily responsible for the delivery of victim services. The government did not report complete data on victims receiving government-funded services. The federal government allocated 930,200 Canadian dollars (\$729,570) to Justice Canada's Victims Fund to support trafficking victims and groups at high risk of exploitation, compared with 1 million Canadian dollars



(\$784,310) in 2019. Through this fund, the government provided funding to organizations implementing 11 projects to improve services for trafficking victims and develop and deliver training for law enforcement officers and service providers in the provinces and territories. One project ended during the reporting period, and 10 remained ongoing at the close of the reporting period. The government did not collect standardized data from these projects, but implementing organizations estimated providing services to approximately 220 victims and vulnerable individuals between April 2020 and December 2020 through government-funded projects. In December 2020, the government awarded an additional approximately 19 million Canadian dollars (\$14.9 million) over four years to 63 organizations working to identify and protect trafficking victims—including through housing assistance, mental health services, and employment and livelihood development and support—and prevent victimization among vulnerable groups.

Each province or territory provided some services for victims, often in collaboration with NGOs, though the government did not collect comprehensive data on the amount of funding or number of victims served at the provincial and territorial level. Services varied widely across the country—with some based in the criminal justice process and some providing more comprehensive individual support—though victims could typically access emergency shelter, food, medical services, psychological services, safety planning, and legal services. Assistance was available for both Canadian and foreign victims, as well as male and female victims, but service providers reported they primarily served Canadian female victims. Several provincial governments funded or implemented trafficking-specific programming. The Government of Alberta continued funding a coalition, which included survivors, to provide services to victims and coordinate a regional response to trafficking; the Government of British Columbia maintained an office to develop and coordinate the region's anti-trafficking strategy; and the Government of Quebec continued implementation of a strategy to prevent and combat sexual violence, including providing support for trafficking victims. In Manitoba, police and NGOs continued to assist victims through a collaborative response team. The Government of Ontario continued implementation of a five-year strategy to combat trafficking announced in March 2020, including 307 million Canadian dollars (\$240.78 million) in new funding. In February 2020, the Government of Nova Scotia launched a provincial approach to combat trafficking and sexual exploitation, including new funding of 1.4 million Canadian dollars (\$1.1 million) annually for five years; these funds were allocated to programs that included strengthening support for black and indigenous victims and re-opening a resource center for indigenous women who were vulnerable to exploitation. In July 2020, Nova Scotia opened a youth safe house with the capacity to provide specialized trafficking victim services and 24-hour support to two residents at a time for up to three months, as well as follow-up services after victims leave the shelter.

NGOs operated shelters for victims of violence nationwide, mostly women and their accompanying children; some shelters were government-funded, but only a few provided beds specifically for trafficking victims. Service providers reported there was an insufficient supply of emergency shelters, medium- to long-term housing, and specialized medical and psychological services to meet the needs of trafficking victims and that some available shelter options were not adequate for victims to receive appropriate, trauma-informed care. Through the Victims Fund, the government continued to provide an annual allocation of more than 3.3 million Canadian dollars (\$2.59 million) to support multidisciplinary, child-friendly advocacy centers to enhance trauma-informed assistance to child victims of abuse, including human trafficking, during the criminal justice process. In addition, the government provided supplemental funding to assist child advocacy centers to adapt their services and meet increased demand during the pandemic.

The onset of the pandemic hurt the availability of services for victims. An NGO that maintained a national directory of trafficking victim

service providers reported that in April and May 2020, 22 percent of non-governmental programs and services were suspended or not accepting new referrals and 71 percent operated in a modified capacity. The Government of Ontario implemented measures to facilitate sustained support for victims during the pandemic; it provided eligibility to trafficking victim service providers to receive emergency childcare, implemented a temporary pay increase for staff assisting trafficking victims in residential settings, provided personal protective equipment to anti-trafficking organizations, and increased funding to assist organizations in adapting operations and services during the pandemic. The federal government provided 100 million Canadian dollars (\$78.43 million) in emergency funding for organizations providing shelter and other services to victims of gender-based violence—including 20 million Canadian dollars (\$15.69 million) allocated to organizations assisting indigenous women and children—which likely benefited some trafficking victims.

Canadians who were victims of trafficking crimes that occurred outside Canada could be eligible to receive financial assistance for travel, psychological services, and other expenses through the Victims Fund, but the government did not report providing this assistance to any victims during the reporting period. The government provided alternatives to removal for foreign trafficking victims who faced danger or hardship in their home countries. Foreign trafficking victims could apply for a temporary resident permit (TRP) to remain in Canada under regularized immigration status, to receive access to healthcare, including psychological services, and to apply for a work permit. Officials issued short-term TRPs for up to 180 days or long-term TRPs for three years. Authorities did not require victims to participate in an investigation or prosecution to be eligible for a TRP, and victims could apply directly without a referral from law enforcement or service providers. The government reported authorities prioritized trafficking-related TRP applications, including throughout the pandemic. Between January 2020 and November 2020, the government issued 110 TRPs to foreign trafficking victims and their dependents; this compared with 228 TRPs issued to trafficking victims in 2019 and 40 issued in 2018. TRP holders could apply for fee-exempt work permits; the government reported providing permits to approximately 40 trafficking victims and their dependents between January 2020 and November 2020.

Canadian law provided various protections to victims and other witnesses participating in trials, many of which were mandatory for children and available to adults at a judge's discretion. These protections included video testimony, the presence of a support person during testimony, a ban on publishing names of or releasing identifying information about witnesses, and closing courtrooms to the public. Authorities did not report how frequently courts afforded these protections to trafficking victims during trials. NGOs reported some victims were re-traumatized during court proceedings due to the lack of victim-centered methods. Traffickers could be ordered to pay restitution to victims under Canadian law, and the provinces of Alberta, Manitoba, and Ontario had laws allowing trafficking victims to seek civil redress. Some provinces had compensation or financial benefits programs for crime victims. The government did not report whether any victims received restitution, sought civil redress, or were awarded compensation through provincial programs in 2020. There were no reports authorities penalized victims for unlawful acts traffickers compelled them to commit, although the government did not have a formal law or policy prohibiting this practice.

## PREVENTION

The government maintained prevention efforts. Public Safety Canada (PSC) continued to lead the government's federal interagency task force to combat trafficking, and it strengthened the task force's governance structure by establishing an annual Assistant Deputy Ministers meeting, a Directors-General Steering Committee, and five working groups on key topics. Federal agencies continued coordination to implement the government's National Strategy to Combat Human Trafficking 2019-2024, which included 57.22

million Canadian dollars (\$44.88 million) in funding over five years and 10.28 million Canadian dollars (\$8.06 million) annually after 2024. PSC was expected to publish an annual progress report on Canada's achievements under the National Strategy but did not publish the first annual report during the reporting period. The National Strategy called for the establishment of a survivor-led advisory committee, though this was not established during the year. The Government of Ontario continued to convene a roundtable to facilitate input from trafficking survivors to inform its approach. To facilitate coordination and collaboration among federal, provincial, and territorial governments, PSC chaired meetings of the Federal, Provincial, and Territorial (FPT) Trafficking in Persons Working Group and Justice Canada led the FPT Coordinating Committee of Senior Officials Working Group on Human Trafficking.

The government continued funding the Migrant Worker Support Center in British Columbia, a pilot program to strengthen protections for migrant workers through providing funding to NGOs and facilitating quarterly multi-stakeholder meetings to address worker protection issues. In April 2020, network-supported projects were refocused to respond to migrant workers' immediate needs during the pandemic, and in July 2020, the government announced an additional 6 million Canadian dollars (\$4.71 million) in emergency funding to support migrant workers during the pandemic. The government implemented an initiative allowing migrant workers in an abusive employment situation to apply for an open work permit, which would allow them to change employers without losing their status to work in Canada; however, the government did not provide statistics on the number of trafficking victims or vulnerable migrants that applied for or received open work permits. The government temporarily extended the program to agricultural workers from Trinidad and Tobago who were stranded in Canada during the pandemic. The government implemented a policy during the pandemic to allow additional time for foreign nationals to renew their temporary immigration status and to permit some work permit applicants to work legally while their applications were pending; these measures may have mitigated trafficking risks among some foreign nationals who would have lost their immigration status during the pandemic.

In March 2020, the Canadian parliament passed implementing legislation for a trade agreement that requires the parties to prohibit the importation of goods produced by forced labor; the agreement entered into force in July 2020, and in the same month, Canada amended its Customs Tariff to include the forced labor prohibition. Trade analysts reported the implementation of these measures was slow as the government coordinated internally. Public Services and Procurement Canada maintained a team focused on ethical sourcing in federal procurement supply chains. Officials implemented an apparel sector initiative requiring suppliers to certify their products were free from forced labor, and the government added an ethical employment clause that included a forced labor prohibition to its contracts for personal protective equipment beginning in July 2020. Officials drafted revisions to Canada's Code of Conduct for Procurement to include labor and human rights standards, including a prohibition on forced labor for all suppliers and launched a consultative process with suppliers, NGOs, and experts to validate and finalize these changes.

In February 2021, the government launched the first phase of a five-year national awareness campaign with digital advertising aiming to raise awareness of human trafficking, address common misperceptions of the crime, educate the public on warning signs, and provide information for reporting suspected cases; the government designed the campaign using results from a survey measuring public attitudes and awareness of trafficking. The government provided an NGO 25,000 Canadian dollars (\$19,610) to implement an ongoing campaign raising awareness and providing support to potential victims of trafficking and sexual exploitation in the context of the Formula 1 Grand Prix in Quebec, although the Grand Prix was not held in 2020 due to the pandemic.

The government allocated foreign assistance funds to anti-trafficking programming in other countries in the Americas and around the world; these projects included combatting trafficking within indigenous communities in Mexico, developing a permanent specialized training program for anti-trafficking officials in Honduras, and strengthening the capacity of criminal justice officials to prosecute cross-border trafficking crimes in El Salvador, Guatemala, and Honduras. The government also funded programming to improve trafficking victim protection in Ukraine, to provide alternatives to irregular migration for youth in Central America, and to investigate violations of international law—including trafficking and enslavement—in Iraq and Syria. The government funded small-scale anti-trafficking projects tailored to local needs in Belarus, Bolivia, Iraq, Lebanon, Micronesia, Senegal, and Tajikistan.

The government made efforts to reduce the demand for participation in international sex tourism by its citizens, including by distributing publications warning Canadians traveling abroad about penalties under Canadian law and directing personnel in its overseas diplomatic missions to report suspected cases to local law enforcement and INTERPOL. The government, however, did not collect data on child sex tourism investigations, prosecutions, or convictions. The government made efforts to reduce the demand for commercial sex acts through public messaging and awareness-raising activities.

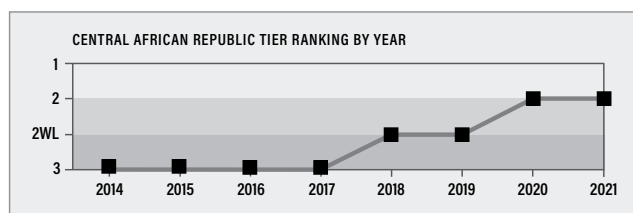
### TRAFFICKING PROFILE

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, new immigrants, LGBTQI+ persons, persons with disabilities, at-risk youth, runaway youth, and youth in the child welfare system are at high risk for trafficking. Traffickers lure girls and young women, including some who are not socially or economically disadvantaged, into deceptive romantic relationships and exploit them in sex trafficking. Traffickers exploit Canadian victims within and across the country, and sometimes 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, the Caribbean, and Africa in forced labor in a variety of sectors, including agriculture, construction, food processing, restaurants, and hospitality, or as domestic workers, including isolated reports of incidents in diplomatic households. Migrant workers in the caregiving and agricultural sectors were at the highest risk of forced labor due to language barriers, isolated worksites, and limited access to protections. Media reports indicated some employers confined migrant workers to employer premises during the pandemic, including through the use of armed guards to restrict workers from departing farm grounds, and some imposed wage deductions to obtain food and supplies on workers' behalf at high rates. Some foreign nationals are exploited by traffickers with ties to organized crime networks in victims' home countries. Canadians travel abroad to purchase sex acts from child victims in other countries, and foreign nationals purchase sex acts from child victims in Canada. Traffickers in Canada operate individually and via family-based connections; some are affiliated with street gangs and transnational organized crime.

## 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore CAR remained on Tier 2. Officials

investigated more trafficking cases and identified more victims. Additionally, the government coordinated with partners to demobilize 855 children associated with non-state armed groups and to provide reintegration services for 963 children recruited by armed groups; launched a public awareness campaign to increase the population's ability to identify trafficking cases; provided training for more officials; and enacted the country's Child Protection Code (CPC). However, the government did not meet the minimum standards in several key areas. Victim services remained inadequate, and the government detained some child soldiers in contravention of the CPC. The government has not convicted a trafficker under the country's trafficking penal code articles since 2017, and official complicity remained a concern, including allegations government security forces may have used children in support roles at checkpoints during the reporting period.



### PRIORITIZED RECOMMENDATIONS:

Finalize and disseminate victim identification and referral procedures in coordination with international organizations and NGOs to guide front-line 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. • Provide anti-trafficking training for police and gendarmerie so they can effectively investigate trafficking cases, identify victims, and refer them to care. • Allocate financial and human resources to support the Mixed Unit for Rapid Intervention and Repression of Sexual Violence to Women and Children's (UMIRR) operations. • Increase the number of court hearings—separate from informal mediation—for suspected trafficking cases – including for armed groups that recruit and use child soldiers, and expand efforts to investigate, prosecute, and convict traffickers through independent and fair trials. • Coordinate with international organizations to demobilize and provide reintegration services to child soldiers and increase efforts to minimize their re-recruitment by armed groups. • Develop and formally adopt a national action plan building on the 2020-2021 plan. • Increase referrals of victims to services in partnership with NGOs and international organizations, and ensure trafficking victims are not punished for unlawful acts traffickers compel them to commit. • Expand radio programming in French and Sangho to raise awareness of the crime in Bangui in partnership with civil society, traditional and religious leaders, as well as international organizations to enhance the public's ability to identify and refer trafficking crimes to law enforcement officers. • Take concrete actions to begin implementing the CPC, beginning with the protection of child soldiers. • Provide additional staff and resources—in coordination with international organizations—to support the government's anti-trafficking focal point within the Presidency as well as the Anti-Trafficking Coordination Bureau.

### PROSECUTION

The government demonstrated mixed 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.

The pandemic's impacts on government operations and insecurity across the majority of the country's territory hindered officials' ability to conduct law enforcement activities outside of the capital and collect statistics. Authorities reported opening 33 investigations into suspected trafficking cases (sex trafficking and forced labor of adults, as well as children exploited in mines) during the reporting period, compared with three in the previous reporting period. The government did not report initiating any prosecutions, although an NGO reported courts initiated one prosecution for a suspected trafficking case during the reporting period; officials have not convicted a trafficker under Penal Code Article 151 since 2017. In the previous reporting period, the country's criminal court partnered with an international organization to prosecute and convict 33 militants and armed group leaders for crimes including child soldier recruitment and use. NGOs reported law enforcement officers may have deprioritized investigating owners of brothels known as "houses of joy"—despite their engaging in child sex trafficking—to focus limited resources on addressing the pandemic.

In partnership with a donor-funded international organization, the government facilitated the training of all 24 UMIRR officers during the reporting period in victim identification best practices, exploitation risks to ethnic minorities, sex trafficking indicators, and the importance of working collaboratively with labor inspectors. Additionally, authorities partnered with international organizations to provide training to an unknown number of gendarmerie, police, and army officials on recognizing trafficking victims; given its severe resource limitations, the government contributed facilities and other in-kind donations to support these capacity-building initiatives.

Years of destabilizing conflict exacerbated by worsening violence during the reporting period 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 administered punishment for criminal acts. The government did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses; however, allegations of corruption and official complicity in trafficking crimes by judges remained concerns and may have inhibited law enforcement action during the year.

### PROTECTION

The government demonstrated mixed results on protection; it increased efforts to identify victims, although the dearth of services remained a glaring shortcoming in the government's response to trafficking. The country's anti-trafficking committee reported UMIRR officials identified 34 victims (25 adult women, one adult male, and eight girls) of sex trafficking, forced labor of adults, and forced labor of children at mining sites, compared with identifying two child victims in the previous reporting period; as previously unreported, the government had identified a total of 23 victims from 2018 to 2020. UMIRR coordinated with a donor-funded international organization to begin developing victim identification and referral standard operating procedures (SOPs) and trained officials on the procedures; the government did not finalize the SOPs by the close of the reporting period.

Authorities did not report referring victims—separate from child soldiers—to services during the reporting period. To address its deficiency in care, UMIRR contributed funds to open a shelter in March 2021 that would provide psycho-social care for victims; the shelter did not open by the end of the reporting period. International organizations and NGOs continued to provide the majority of care for victims of abuse, including human trafficking. In June, the government enacted the CPC, which strengthened protections for child soldiers, mandated the creation of state institutions to implement child protection initiatives, prescribed diversion for



children accused of crimes, and defined child trafficking according to international standards; however, the government did not report fully applying the law to potential violations during the reporting period. In March, the government's anti-trafficking committee partnered with an international organization to train social workers on victim identification and data collection methods.

Over the course of the reporting period, authorities reportedly dispersed individuals engaged in commercial sex—some of whom may have been sex trafficking victims—without verifying their ages or attempting to identify indicators of trafficking; law enforcement officers allegedly arrested individuals in commercial sex in prior years. During the reporting period, the government partnered with an international organization to demobilize 855 children used by armed groups and—in coordination with the international organization—provided 963 (some of whom were identified in previous reporting periods) shelter, psycho-social services, and reintegration assistance, compared with demobilizing 1,150 child soldiers in 2019. In early 2020, the pandemic disrupted the demobilization process, which restarted in September. Observers reported there was not a specific protocol in CAR for child soldier disarmament, demobilization, and reintegration (DDR), resulting in children navigating the DDR process with adults. During the reporting period, the government launched a coordination committee and developed a national action plan to address child soldier recruitment and use, although post-election violence throughout the country at the end of 2020 hindered authorities' progress on this issue.

In December, the government released four children authorities detained for potential use by armed groups as child soldiers; a judge ordered them into a shelter and required weekly check-ins with authorities, but an NGO reported the order was not properly implemented. Observers noted 25 children as young as 14 and including some now in adulthood remained in government detention at the close of the reporting period for crimes related to serving in armed groups, as well as rape. Authorities did not report providing legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution and issued a deportation order for one potential victim during the reporting period. 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 increased prevention efforts. The government partially funded and implemented its 2020-2021 national action plan, although worsening conflict throughout the country, severe budgetary constraints, and pandemic-related restrictions on in-person coordination hindered its ability to execute the plan fully. The country's inter-ministerial committee—established in September 2019 and led by a presidentially-appointed advisor—convened at least four times during the reporting period, compared with five during the previous reporting period. The government continued to dedicate financial and in-kind resources to implement aspects of the plan during the reporting period.

Per the country's 2020-2021 national action plan, the committee developed and launched an awareness raising campaign in February 2021—funded by the government—using daily radio programs in French and in the local language Sango; these sensitization campaigns helped to address a pronounced lack of understanding of the crime among many Central Africans. In March 2021, officials held a workshop in the capital for community members to educate them on how to report trafficking crimes to UMIRR. Additionally, the government organized a conference in July around the World Day Against Trafficking in Persons, leveraging national media coverage to increase awareness of the phenomenon.

In March 2021, the anti-trafficking committee trained approximately 30 deputies from the National Assembly on human trafficking

principles and the need for strengthened legal frameworks to address the crime. Also in March, officials from the committee partnered with an international organization to train 30 journalists on best practices for reporting on the crime, trafficking indicators, child soldier recruitment and use, international law, regional issues, and the country's national action plan.

UMIRR continued to operate its hotline dedicated to gender-based violence staffed by French and local language speakers; during the reporting period, the government initiated a process to expand the hotline's usage to include reporting of human trafficking cases, but it was unclear whether officials had implemented the hotline's expansion. Officials did not report taking any measures to reduce the demand for commercial sex acts, nor 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 human trafficking, hindering the country's ability to identify victims and address the crime. Observers report traffickers primarily exploit CAR nationals within the country and in smaller numbers in Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo, Sudan, and South Sudan. Perpetrators—including transient merchants, herders, and non-state armed groups—exploit children in domestic servitude, sex trafficking, as well as in forced labor in agriculture, artisanal gold and diamond mines, shops, drinking establishments, and street vending within CAR. Also within the country, some relatives exploit children in domestic servitude, and community members exploit *Aka* (pygmy) minorities in domestic servitude, especially in the southwest of the country. Authorities' prejudice against individuals in commercial sex—despite its prevalence—hinders victims' access to justice and assistance. Some government workers reportedly coerced women into sex in exchange for government employment or documents and services to which they were entitled. Observers note non-state armed groups' December 2020 to February 2021 closure of the main supply route from Cameroon resulted in rising prices, and a corresponding increase in exploitation of many Central Africans. Fraudulent labor recruiters attract foreigners from nearby countries such as Chad and Libya to enter the country illegally to work in CAR's mining sector; armed groups capture and exploit some of these irregular migrants in forced labor.

Some relatives or community members coerce girls into forced marriages and subsequently exploit the girls in domestic servitude or sex trafficking. Stemming from severe poverty throughout the country, a government official stated many husbands physically coerce their wives to engage in commercial sex to cover household expenses, with little recourse from authorities. Officials note family members also exploit children in forced labor and sex trafficking to supplement family income.

Observers reported Central African criminal elements engage in the sex trafficking of 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 women and girls with the promise of money for their children or families.

Violent conflict since 2012 has resulted in chronic instability and the displacement of 1.3 million people, increasing the vulnerability of

adults and children to forced labor and sex trafficking. As of February 2021, more than 741,000 IDPs and 647,000 Central Africans sought refuge in neighboring countries. This represents a significant increase from September 2019, in which there were approximately 600,000 IDPs and 592,000 Central African refugees in neighboring countries.

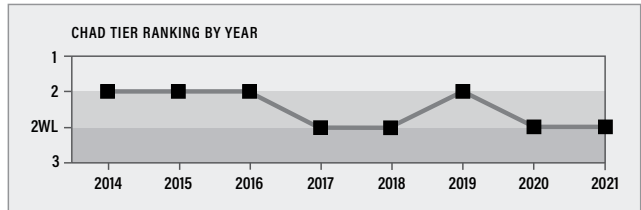
Escalating pre- and post-election violence resulted in armed groups recruiting and using more child soldiers, with nearly 3,000 recruited into combat since the country's December 2020 elections. The new coalition of six armed groups (*Mouvement Patriotique pour la Centrafrique* (MPC), Return, Reclamation, and Rehabilitation (3R), *Union pour la Paix en Centrafrique* (UPC), *Front Populaire pour la Renaissance de la Centrafrique* (FPRC), Anti-Balaka Mokom, and Anti-Balaka Ndomate) intent on overthrowing the democratically elected government—the Coalition of Patriots for Change (CPC)—led a child soldier recruitment campaign near the town of Bambari for children between the ages of 12 and 17 through February 2021. Additionally, individual militias associated with Anti-Balaka; Ex-Seleka; FPRC; Lords Resistance Army; 3R; UPC; and other armed groups continued to forcibly recruit and use child soldiers in CAR before and after the creation of the CPC. Multiple sources alleged armed groups in southeastern CAR—areas outside of governmental control—kidnapped children and coerced them into serving as child soldiers, in addition to forcing community members into forced labor as porters, cooks, and other support roles, or in illegal mining operations. Additionally, observers reported government security forces may have used children at checkpoints during the reporting period. International organizations reported armed groups recruited children to serve as combatants, servants, child brides, and sex slaves in 2020; armed groups also subjected children to forced labor in the mining sector. Since the conflict began in 2012, armed groups have recruited more than 17,000 children; during the reporting period, militias primarily recruited and used child soldiers from the prefectures of Vakaga, Haute-Kotto, Haut-Mbomou, Nana-Grebizi, Nana-Mambere, and Basse-Kotto; these areas were outside of government control during 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. Some demobilized child soldiers face violent—and at times deadly—reprisals from their communities following reintegration.

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) has 14,921 civilian and military staff in CAR—as of January 2021—to protect civilians, provide security, support humanitarian operations, and promote and protect human rights, among other objectives. Although not explicitly reported as human trafficking, an international organization reported there were 21 allegations of sexual exploitation by UN peacekeepers with trafficking indicators in the 2020 reporting period, compared with 30 allegations in the 2019 reporting period, of which four cases were unsubstantiated.

## 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. Officials identified more potential victims and increased efforts to raise public awareness of the crime among the population, addressing a key deficiency in the country's anti-trafficking efforts. The Ministry of Justice legally established its national anti-trafficking committee and designated a focal point to lead the country's human trafficking efforts. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period,

even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Authorities did not report investigating, prosecuting, or convicting any confirmed trafficking cases, and the government did not report designating members of or inaugurating its national anti-trafficking committee as required by the country's 2018 law. Therefore Chad remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

While respecting due process, vigorously investigate and prosecute suspected traffickers according to Chad's anti-trafficking Law 006/PR/18. • Sanction convicted traffickers with sentences in accordance with Law 006/PR/18. • Develop formal standard operating procedures (SOPs) for the identification and referral of trafficking victims to medical care; train security services, law enforcement, and civil society to implement the SOPs. • Formally inaugurate and staff the National Committee to Combat Trafficking in Persons (NCCTIP) and include civil society, NGOs, and international organizations in its activities. • Draft, finalize, and provide sufficient resources to implement a national action plan to combat trafficking that includes steps to increase the government's ability to prosecute traffickers, identify victims, and prevent the crime through sensitization. • Distinguish between human trafficking and migrant smuggling to reinforce public and government efforts to counter trafficking in persons. • Incorporate human trafficking awareness into basic training for law enforcement and judicial officials, 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 attending the Ministry of Justice's training college in N'Djamena. • Increase the provision of shelter and 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 the High Islamic Council, tribal leaders, and other members of the traditional justice system into sensitization campaigns. • Given concerns that Cuba forces its citizens to work abroad in medical missions, screen Cuban medical workers for trafficking indicators and refer them to appropriate services, if exploitative conditions are determined to exist.

### PROSECUTION

The government slightly increased 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 5 million Central African CFA francs (CFA) (\$470 to \$9,450); these penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The Ministry of Justice reported investigating, prosecuting, and convicting three potential traffickers, although officials did not share sufficient information to clarify whether these were cases of forced labor, sexual exploitation, or human smuggling. Observers noted magistrates often do not have access to the internet, electricity, or telephones, making it difficult to compile and report law enforcement data. Courts sanctioned the perpetrators with the following sentences: five years' imprisonment and a fine of \$1,000; five years' imprisonment and a fine of \$200; and 18 months' imprisonment and a fine of \$200.

Experts stated the penalties more closely aligned with the criminal code rather than the 2018 anti-trafficking law. Separate from the three cases shared by the Ministry of Justice, media reported three potential cases, although it was unclear if these were human trafficking or smuggling. During the previous year, the government did not report investigating or prosecuting any trafficking cases; courts reported convicting one trafficker for forcing multiple victims to work in Chad's northern gold mines and sentenced the perpetrator to three years' imprisonment and a 200,000 CFA (\$380) fine. During the reporting period, the pandemic resulted in the Ministry of Justice shuttering courts from March to June and again in January 2021. Observers noted some communities resolved issues—including criminal offenses—through customary, traditional, or Islamic courts as opposed to the codified judicial system.

In February 2021, the Ministry of Justice published a directive to all prosecutors, appeals court presidents, and grand tribunal presidents urging judicial officials to prioritize trafficking cases and to transmit all cases before and after adjudication to the Judicial Affairs Department of the Ministry of Justice. Additionally, officials shared the note with the public via social media.

Authorities did not report investigating, prosecuting, or convicting government workers complicit in human trafficking offenses, despite experts alleging officials were complicit in trafficking crimes. Reports of complicity included 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, as well as officials forcing prisoners to work on private enterprises separate from their legal sentences. In 2020, the government did not report providing trafficking-specific training for officials; however, the pandemic impeded the government's ability to undertake training initiatives by limiting in-person meetings. The government provided in-kind support for a donor-funded training for 68 law enforcement and judicial officials on the 2018 trafficking law during the previous reporting period.

## PROTECTION

The government maintained efforts to protect victims. It identified more potential victims, but other protection efforts remained minimal; officials did not report identifying victims during the previous reporting period. Authorities did not screen proactively for trafficking indicators. Officers from Chad's G-5 Sahel Joint Force battalion—stationed in Tibesti Province in the country's north—identified 19 potential child victims during a February 2021 operation, although these children may have been associated with smuggling clients. The Ministry of Women, Family, and National Solidarity provided shelter and basic care to the 19 children. Additionally, the National Committee of Human Rights investigated allegations of human trafficking in Bitkine province and reported returning four potential victims to their families in January 2021.

The government remained without comprehensive written victim identification and referral procedures to guide front line officials. NCCTIP policy directed officials to refer suspected child trafficking cases to Child Protection Brigade officers—who investigate and report cases to the Ministry of Justice—and refer cases involving adult victims to police; the government did not report referring any cases during the reporting period.

Law enforcement coordinated with the country's leading anti-trafficking NGO, although the government did not provide material support to the NGO during the year. The Ministry of Women, Family, and National Solidarity, in partnership with an international organization and local NGOs continued to operate 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. Privately run orphanages may have provided assistance to child victims of

trafficking, although these organizations did not provide statistics. Services continued to be limited to urban areas and were 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 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. While the pandemic did not significantly alter the minimal availability of services offered to victims, its adverse economic impacts affected the government's budgets and corresponding ability to refer personnel for the country's social services.

## PREVENTION

The government maintained efforts to prevent trafficking, and high-level support for anti-trafficking efforts improved slightly. Law 06/PR/2018 designated the NCCTIP as the lead entity on addressing trafficking. In February 2021, the Minister of Justice signed decree 151/MJCDH/2021 legally establishing the NCCTIP with 25 members representing 21 different entities, including three positions designated for civil society representatives. Also in February, the Ministry of Justice designated a single focal point on TIP matters. However, the government did not officially inaugurate or staff the NCCTIP before the end of the reporting period. The government did not develop a national action plan in 2020, which hindered coordination efforts during the reporting period. The pandemic's deleterious impact on government budgets and government operations – coupled with falling oil prices – impeded authorities' implementation of trafficking initiatives. The government did not independently research trafficking in Chad, exacerbating a general lack of understanding of the issue in the country.

During the reporting period, officials promoted sensitization campaigns leveraging radio and social media, and they highlighted arrests of suspected traffickers to the press, NGOs, and the diplomatic community. The government collaborated with the radio show Know Your Rights (*Connaitre Vos Droits*) in an October broadcast, featuring the Minister of Justice and the director of the National Commission on Human Rights, to encourage public dialogue around human trafficking. Authorities did not disclose implementing any awareness-raising activities during the previous reporting period.

The government continued to make no discernible efforts to reduce the demand for commercial sex during the reporting period. A lack of identity documentation remained a risk factor for trafficking in Chad, and the government did not share whether it continued to implement the 2013 birth registration policy requiring universal issuances of uniform birth certificates. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers. Authorities 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. Human trafficking remains a primarily internal phenomenon. 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. Individuals associated with small- and medium-scale enterprises force children to beg in urban areas and exploit them 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. Elders of some traditional Quranic schools known as *mouhadjirin* coerce children from small rural villages into begging, street vending, or other forced labor throughout the country.

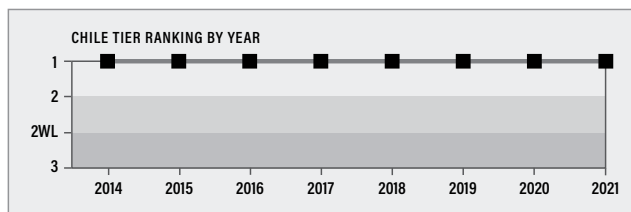


Cattle herders force some children to work along traditional routes for grazing cattle and, at times, cross ill-defined international borders into Cameroon, the Central African Republic, Sudan, and Nigeria. Traffickers in rural areas sell children in markets for use in cattle or camel herding. In some cases, military or local government officials exploit with impunity child herders in forced labor. Additionally, experts allege officials force prisoners to work on private enterprises separate from their legal sentences. Criminal elements exploit some rural Chadian girls who travel to larger towns in search of work in child sex trafficking or domestic servitude. According to observers, Chadian mercenaries recruited to Libya to take up arms in the conflict facilitated human trafficking.

Chad hosts approximately 930,000 refugees, internally displaced persons, returnees, and asylum seekers as of February 2021; these populations may be vulnerable to trafficking—including adult and child sexual exploitation—based on their economic instability and lack of access to support systems. While many individuals crossing clandestinely into Libya for economic reasons initially used the services of smugglers, traffickers exploit some of these irregular migrants in commercial sex or forced labor. The Nigerian terrorist group Boko Haram and the terrorist organization ISIS-West Africa forcibly abducted children 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 likely recruit and use children in armed conflict. Cuban nationals working in Chad on medical missions may have been forced to work by the Cuban government.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Chile remained on Tier 1. These efforts included establishing its third specialized anti-trafficking unit, expanding staffing of another specialized unit, and identifying more trafficking victims. Although the government meets the minimum standards, it investigated and prosecuted fewer traffickers. Further, Chilean courts issued lenient sentences to convicted traffickers, resulting in a pattern of suspended sentences that could undercut nationwide efforts to fight trafficking. Victim services provision remained uneven, with limited access to care for male victims and victims outside the capital. Allegations against a shelter director indicated children living in National Service for Minors (SENAME) facilities were at risk of abuse, including sex trafficking.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict all forms of human trafficking, including domestic child sex trafficking, under Article 411 of the penal code. • 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, including through implementation of plans to restructure or replace the SENAME child protection system. • Increase training on application of Article 411 for judges and prosecutors. • Actively screen for trafficking victims

among vulnerable migrant groups. • Continue efforts to disrupt systematic child abuse, including trafficking, in care facilities used by trafficking victims and hold violators accountable. • Expand access to specialized shelters for trafficking victims, including male victims, child victims, and victims outside the capital. • Provide victims access to a full range of services, including long-term rehabilitation. • 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. • Consistently support victim efforts to seek restitution.

### PROSECUTION

The government decreased prosecution efforts. Article 411-*quater* of the penal code criminalized sex trafficking and labor trafficking, prescribing penalties ranging from five years and one day to 15 years' imprisonment and a fine for offenses involving an adult victim and 10 years and one day to 15 years' imprisonment and a fine for those involving a child. 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." Although Article 367 prescribed penalties ranging from three years and one day to 20 years' imprisonment, many child sex trafficking crimes were subject to penalties of only three years and one day to five years' imprisonment under this provision, significantly lower than the penalties available under Article 411-*quater*. 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 30 new investigations in 2020 (21 for sex trafficking and nine for labor trafficking), compared with 92 new investigations in 2019, 39 in 2018, and 21 in 2017. Authorities prosecuted seven individuals in 2020 (two for sex trafficking under Article 367 and five for labor trafficking under Article 411), compared with 22 individuals in 2019 (4 under Article 367 and 18 under Article 411), and 19 individuals in 2018 (13 under Article 367 and six under Article 411). There were 14 ongoing prosecutions initiated in previous reporting periods. The government convicted six traffickers in 2020 (one sex trafficker under Article 367 and two labor traffickers and three sex traffickers under Article 411), compared with six convictions in 2019 (two under Article 367 and four under Article 411), nine in 2018 (four under Article 367 and five under Article 411), and 29 convictions in 2017 (26 under Article 367 and three under Article 411).

Judges issued sentences ranging from three to eight years' imprisonment for the five traffickers convicted under Article 411 and approximately 18 months' imprisonment for the trafficker convicted under Article 367. Some of these sentences undercut the mandatory minimum penalties prescribed for each article in the penal code; consequently, four traffickers (three convicted under Article 411 and the one convicted under Article 367) received suspended sentences. The government deported another trafficker, convicted under Article 411, upon conviction, and prohibited re-entry into Chile for 10 years. Only one of the six convicted traffickers, a woman convicted of exploiting two Bolivian girls in sex trafficking and sentenced to eight years' imprisonment, was expected to serve time in prison post-trial, which limited the deterrent effect of convictions against traffickers. In the past five years, just seven of 58 convicted traffickers have been sentenced to penalties above the mandatory minimum. 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 without post-trial imprisonment. The government continued to investigate and prosecute individuals that engaged in commercial sex with children, resulting in two convictions in 2020, compared with eight convictions in 2019 and four in 2018. Judges convicted and sentenced these two individuals to 541 days' and three years' imprisonment, respectively.

However, the courts suspended these sentences, allowing them to be served on probation in lieu of imprisonment.

The national investigations police (PDI) had two specialized anti-trafficking units operating in Iquique and Santiago throughout 2020. During the reporting period, PDI established a third specialized unit in Arica and expanded the staffing of the Santiago unit. The government established special procedures to allow prosecutors to work remotely and courts to hold most hearings via videoconference; as a result, criminal trials proceeded throughout the pandemic with only modest delays. The government exchanged eight cooperation requests with Argentina, Bolivia, Colombia, Paraguay, Peru, Switzerland, and Uruguay. Authorities' use of electronic transmission of cooperation requests facilitated the continuation of these exchanges during the pandemic. The national prosecutor's office (MP) and PDI provided specialized training to investigators, attorneys, advisors, and staff on a range of trafficking issues, utilizing online delivery during the pandemic. Law enforcement could use a software system to search for evidence of official complicity in trafficking cases. The government investigated one law enforcement official accused of obstruction of justice associated with a sex trafficking case; the investigation was ongoing at the end of the reporting period. In April 2020, media reported the children's rights defender registered a complaint against a SENAME care facility director for facilitating the sexual abuse of two children under her supervision in exchange for financial compensation – allegations which, if proven, would amount to sex trafficking under international law. In March 2021, officials reportedly charged the director with commercial sexual exploitation; the government confirmed the reports of two child sex trafficking victims exploited while under SENAME's care but insisted there was no tie to SENAME or its employees. The government later closed this SENAME facility.

## PROTECTION

The government maintained victim protection efforts. The government's interagency task force on trafficking (MITP) coordinated the government's anti-trafficking efforts. The government identified 47 adult victims of trafficking (21 men and 26 women), compared with 37 victims in 2019, 41 in 2018, and 21 victims in 2017. Of the 47 victims identified, 42 were exploited in labor trafficking and 5 were exploited in sex trafficking. The government reported identifying two child trafficking victims during the reporting period, compared with two in 2019 and two in 2018. The National Service of Women and Gender Equality (SERNAMEG) provided shelter and legal service to 16 female victims among the 47 victims of trafficking. The MP provided housing to most victims, while the SERNAMEG-funded shelter could directly assist female victims identified in 2020 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 adequate shelter for children 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 84 million Chilean pesos (\$118,350) to provide housing and other basic needs for trafficking victims and potential victims in 2020, up from 17.2 million pesos (\$24,230) in 2019. SERNAMEG allocated 136 million pesos (\$191,600) to fund the NGO-operated shelter for women victims of trafficking, smuggled women, and their children, compared with 127 million pesos (\$179,000) in 2019 and 140 million pesos (\$197,200) allocated in 2018. The government also housed trafficking

victims in domestic violence shelters, although these facilities did not necessarily provide specialized services for trafficking victims. URAVIT could arrange housing for male victims on a case-by-case basis; however, there were no shelters for male victims. NGOs administered shelter services for most victims outside the capital region. The Ministry of Interior maintained 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 specialized for child victims of commercial sexual exploitation and its national network of residential centers. SENAME allocated 3.26 billion pesos (\$4.59 million) to these programs for child and adolescent victim services in 2020, compared with 3.37 billion pesos (\$4.75 million) in 2019 and three billion pesos (\$4.23 million) in 2018. SENAME assisted 1,371 children in 2020, compared with 1,477 children in 2019, 1,459 children in 2018 and 1,350 children in 2017; SENAME did not track how many of the children it assisted were trafficking victims. SENAME noted the worst forms of child labor registry identified 80 children or adolescents as victims of commercial sexual exploitation, eight of whom were sex trafficking victims. In response to ongoing concerns over the safety of children in certain SENAME-affiliated residential centers, the government continued efforts to replace the agency's Specialized Redress Centers under Direct Administration (CREADs), the category of care facility most often serving child trafficking victims, with smaller "family-style residences." According to government reports, children in CREADs were at severe risk of rights violations and sexual abuse. The government closed two CREADs in 2020, leaving four of the original 11 facilities operational. Legislation to restructure SENAME passed in 2020 and was pending implementation at the conclusion of the reporting period.

SENAME trained 74 members of its shelters staff on identifying child and adolescent trafficking victims. The government provided training on detecting and addressing various crimes, including trafficking, in a clinical setting to an unspecified number of public health officials. The government issued 11 no-fee visas for foreign trafficking victims, compared to 13 in 2019 and 17 in 2018; two additional requests were pending. Such a visa was valid for up to one year and renewable for up to two additional years if the victim reported the trafficking crime to the prosecutor's office. Foreign victims received the same victim services and courtroom accommodations – such as teleconference, witness protection, and video testimony – as Chilean victims. Officials recognized growing migrant populations, especially irregular Venezuelan migrants, as increasingly at risk of trafficking. Due to the pandemic, the government largely closed national borders to non-resident foreign nationals from March to December 2020; over the same period, a record number of irregular migrants entered Chile, primarily Venezuelans via northern land borders. Under a new immigration framework established in a December 2020 immigration reform law but retroactive to the March 2020 border closure, the government did not permit irregular migrants or those entering the country on a tourist visa to alter their residency status in-country. Civil society actors expressed concern the confluence of increased irregular arrivals and the new regulations would increase migrants' vulnerability to trafficking. The same immigration reform law included a provision to expressly prohibit the deportation of identified trafficking victims. Officials expected to implement the new framework in early 2021.

In response to the pandemic, URAVIT implemented a video interpretation service to facilitate safe exchanges between law enforcement and victims of all crimes, including trafficking victims, providing access to interpretation in sign language, regional indigenous languages, Haitian Creole, and Chinese. Officials extended until 2022 the deadline for gradual implementation of a 2019 law to reduce re-traumatization of child and adolescent victims through required video testimony facilitated by an expert intermediary. Judges often held accused traffickers in pretrial detention. Despite these efforts, the government reported challenges in encouraging victims to participate in a full trial. Victims could receive restitution or compensation through civil or criminal cases, respectively; in

2020, the courts awarded one victim 7 million pesos (\$9,860) in restitution during the criminal prosecution of her two traffickers.

## PREVENTION

The government maintained modest prevention efforts. The Ministry of Interior continued to lead the MITP, which included government agencies, international organizations, and local NGOs. The task force met once during the reporting period. The MITP promoted informal implementation of a draft 2019-2022 national action plan, which had not been approved at the ministerial level and was not public. There was no federal allocation to fund the implementation of the draft plan; instead, each agency contributed to implementation from its own budget. Personnel and budget constraints affected several agencies with victim protection and trafficking prevention responsibilities. Observers noted a need for more robust coordination and data-sharing among government agencies.

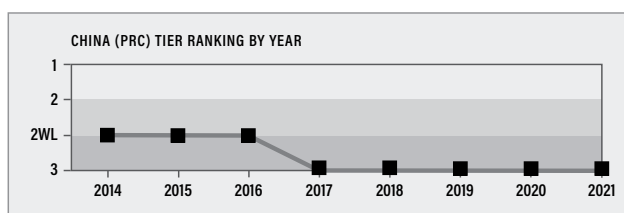
The government held awareness-raising events throughout the year, primarily for officials who might encounter trafficking victims and for the general public; the majority of these events took place online. Several agencies operated hotlines that could take calls on trafficking victims. There were at least 15 trafficking-related investigations initiated from hotline calls. Labor inspectors conducted more than 65,000 worksite inspections, during which they identified 66 child labor violations, some of which may have constituted trafficking offenses; 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 best practices for the prevention of child sex trafficking; businesses had to 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. The Ministry of Foreign Affairs (MFA) routinely offered consular trainings covering trafficking in persons for diplomats; in 2020, the MFA reported diplomats also had access to a virtual anti-trafficking training through an international organization.

## 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 Asia and other Latin American countries, particularly Colombia. Migrants' vulnerability to trafficking increased during the COVID-19 pandemic, with more than 30 percent experiencing job loss with limited alternatives amid regional movement restrictions. Stricter immigration laws also contributed to heightened vulnerability in migrant populations, especially Venezuelans. Children staying in child protection centers are at risk of potential abuse, including trafficking. At least one child staying in a child protection center died as a result of abusive conditions. Some traffickers may recruit children staying in child protection centers. Traffickers exploit adults 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. An international organization expressed concern striking workers in certain industries could be imprisoned and forced to work. Police often frequented brothels in small towns and labor inspectors in rural areas maintained relationships with local businesses, 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, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the PRC remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by continuing to prosecute and convict some traffickers and by maintaining consultative mechanisms with law enforcement counterparts in other countries. However, during the reporting 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 continued to implement these policies in other provinces, targeted other religious minorities under their auspices, and sought the coerced repatriation and internment of religious and ethnic minorities living abroad through the use of surveillance, harassment and threats against them and their family members, and extradition requests. The government also reportedly placed ethnic Tibetans in vocational training and manufacturing jobs as part of an ostensible "poverty alleviation" and "labor transfer program" that featured overt coercive elements. Chinese nationals reportedly suffered forced labor in several countries in Asia, Africa, and Europe hosting Belt and Road Initiative (BRI) projects, within which PRC authorities exercised insufficient oversight of relevant recruitment channels, contracts, and labor conditions, and PRC diplomatic services routinely failed to identify or assist those exploited. For the fourth 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 all coercive labor transfer and vocational training programs targeting Tibetans and other ethnic minority groups. • Cease the use of harassment, threats, and illegal discriminatory immigration policies as measures to coerce the return to Xinjiang and subsequent forced labor of Chinese national 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, Chinese national victims returning from abroad, and victims among vulnerable groups, such as migrant workers, Chinese national and foreign fishermen, foreign women, North Korean workers, and



Chinese national women and children arrested on “prostitution” charges—and train front-line officers on their implementation.

- In conjunction with receiving countries, increase oversight of recruitment, contracts, and working conditions associated with BRI project worksites; enforce bans on the imposition of worker-paid recruitment fees and security deposits; and train PRC consular services to identify and assist victims forced labor abroad, including in BRI projects.
- Increase oversight of seafarer labor conditions in the PRC fishing industry, including by banning illegal and unregistered recruitment agencies; mandating international vessel registration; collecting and publishing information on vessel licensure, registered operating areas, and crew manifests; conducting random onboard inspections; and working with port country authorities to investigate and criminally prosecute distant water fleet (DWF) forced labor crimes.
- Cease penalization of victims for unlawful acts traffickers compelled them to commit and ensure authorities do not subject trafficking victims to extended detention, punishment, or deportation.
- Immediately screen individuals suspected of prostitution offenses for sex trafficking indicators and refer identified victims to protection services.
- 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.

• Apply the 2000 UN TIP Protocol to Hong Kong.

## 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 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 that 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,” they 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 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.

Although the central government continued to prosecute and convict Chinese nationals for trafficking crimes, authorities did not collect or report comprehensive law enforcement data. Partial public records of anti-trafficking enforcement continued to feature 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. The government continued to handle most cases with indicators of forced labor as administrative issues through the Ministry of Justice (MOJ) and seldom initiated prosecutions of such cases under anti-trafficking statutes. Some courts likely 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 fourth consecutive year, the Ministry of Public Security (MPS) did not report the number of investigations initiated into possible trafficking cases (1,004 in 2016). Authorities concluded 546 cases of “women trafficking and child abduction,” 475 cases of “forced prostitution,” and 38 cases of forced labor, each under unknown legal statutes and involving an unknown number of total defendants (compared with 638 prosecutions of “women trafficking and child abduction,” 538 cases of “forced prostitution,” and 38 cases of forced labor, each involving an unknown number of total defendants, in 2019). The government did not provide data on convictions (compared with 2,355 convictions, in 2019). 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 again did not provide sentencing data, but media reports indicated penalties imposed in at least one case ranged from five to three years’ imprisonment (compared with five months’ to ten years’ imprisonment and fines of 74,000 renminbi (\$11,310) to the death sentence in prior years).

Authorities engaged in law enforcement cooperation with foreign governments to investigate cases of Chinese citizens subjected to trafficking abroad, although the government did not provide illustrative examples; in prior years, law enforcement bodies cooperated with counterpart authorities in South and Southeast Asia. The government maintained agreements with the five Lower Mekong countries to jointly address trafficking via the forced and fraudulent marriage of their citizens to PRC-based individuals. Authorities also reported maintaining coordinated anti-trafficking mechanisms with law enforcement and interior ministry counterparts in 27 countries. Some law enforcement personnel in neighboring countries continued to report 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 third consecutive year, the government did not provide data on specific law enforcement trainings. In previous reporting periods, the government allocated funding to co-host capacity-building training for law enforcement and judicial officials on investigating and prosecuting trafficking cases; the government did not report if this work continued. Chinese media outlets occasionally published accounts of corrupt officials arrested for allegedly shielding or profiting from criminal organizations engaged in commercial sex rings known to perpetrate 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 these efforts. 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. Officials at multiple levels were also complicit in state-sponsored forced labor as part of the PRC's mass detention, political indoctrination, and labor transfer campaign against members of Muslim 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 fourth consecutive year, the government did not report how many victims it identified, although media reports indicated authorities continued to remove some victims from their exploitative situations. The government delayed or altogether ceased the identification and repatriation of foreign trafficking victims while diverting law enforcement resources to pandemic mitigation measures during the reporting period. Based on media and NGO reports, authorities continued to prioritize the identification of women and girls in sex trafficking to the near total exclusion of efforts to identify forced labor victims. The overly narrow definitions inherent to China's anti-trafficking statutes significantly limited the scope of victim identification among key demographics; in practice, authorities did not screen men or boys over the age of 14 for any signs of exploitation in sex trafficking or forced labor. NGOs reported identifying and repatriating 312 Burmese national women subjected to forced or fraudulent marriages to local men; it was unclear how many of these cases featured corollary trafficking indicators, or whether the government assisted in their protection. Authorities claimed to have used an app-based system to track and remove more than 4,600 missing children from exploitation, some of whom were likely victims of trafficking; however, unlike the previous year, authorities did not provide relevant statistics or information on identification or referral measures (compared with 120 victims identified among more than 4,000 children in 2019). 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. Authorities reportedly worked with an international organization to begin formulating new victim identification guidelines; these remained in process at the end of the reporting period. A 2016 policy limiting the detention of individuals arrested for alleged criminal sex 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 eight months—before deporting them for immigration violations. In previous years, rural border officials received reports involving the sex trafficking and forced labor of some foreign women and girls via forced and fraudulent marriage to Chinese 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, often heavily bureaucratic, 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. 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. Authorities may have detained some victims of sex trafficking—alongside individuals with drug addictions and men arrested for

commissioning sex acts—in government “rehabilitation camps” known to feature forced labor conditions.

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 any information on these shelters for the second consecutive year. The Ministry of Civil Affairs, a nationwide women's organization, and community-based 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. The Ministry of Human Resources and Social Services (MOHRSS) was reportedly able to provide compensation and some protection services to labor trafficking victims, but authorities did not report information on the number of victims MPS referred for these 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 could provide shelter or other protective services to victims, but the extent to which this continued during pandemic mitigation measures was unclear. 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 during the reporting period. 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 to grant restitution to the victims. MOJ officials reportedly provided some *pro bono* legal assistance to an unspecified number of trafficking victims, but government-affiliated NGO observers noted some victims faced difficulties accessing these services or paying for their own representation. 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—remained unclear. The government did not report data on victim repatriation in 2020, but civil society groups confirmed authorities assisted in the repatriation of some Southeast Asian victims to their countries of origin. PRC officials operating in other countries may have facilitated the sex trafficking of Chinese nationals abroad through lax visa and immigration procedures. Authorities reportedly harassed, threatened, and attempted to discredit Uyghur and ethnic Kazakh forced labor survivors seeking asylum in retaliation for their contact with foreign media outlets.

The government did not report any measures to screen for or identify forced labor indicators among the thousands of vulnerable migrant seafarers employed on Chinese DWF vessels, nor within its extensive coastal offshore fishing fleet. PRC consular officials did not take steps to proactively identify, respond to, or assist Chinese nationals subjected to forced labor under the auspices of BRI projects overseas, including when victims reported abuses to local PRC diplomatic missions. Chinese-national fishermen subjected to forced labor

were generally unable to report abuses to local authorities or access protection services when returning to China. 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. Although significantly fewer North Korean nationals transited China while seeking asylum in third countries due to pandemic-related border closures, authorities continued to detain North Korean asylum-seekers and forcibly return some to North Korea, where they faced severe punishment or death, including in forced labor camps; the government did not report screening these individuals for indicators of trafficking. 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 perpetrating genocide and continuing to use emerging technologies to carry out discriminatory surveillance and ethno-racial profiling measures designed to subjugate and exploit minority populations in forced labor in internment camps under the pretext of combating violent extremism and other social ills. The PRC continued its policies of mass detention and political indoctrination against more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups in Xinjiang, and it continued to expand these policies through the transfer of at least 80,000 detainees into forced labor into dozens of other provinces, according to NGO estimates and media reports. 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. 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. 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 likely subjected to forced labor within a separate—and growing—formal prison system. In 2020, the government issued false reports that it released thousands of previously detained Uyghurs and other Muslims and closed the camps in which they had been confined. However, satellite imagery indicated many of the camps remained in operation or were expanded during the year; consistent with reports that the government had begun convicting and transferring thousands of interned Muslims on spurious terrorism charges, geospatial analysis pointed to a sharp increase in the construction of large, higher-security prison facilities elsewhere in the region. The government continued to transfer some members of non-interned minority communities designated arbitrarily as “rural surplus labor” to other areas within Xinjiang as part of a “poverty alleviation” program and exploit them in forced labor. Authorities also used the threat of internment to coerce members of some Muslim communities directly into forced labor in manufacturing. The Ministry of Foreign Affairs continued to confiscate, cancel, or refuse to renew the Chinese passports of Uyghurs and other 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, detained, and forcibly hospitalized these individuals’ family members in Xinjiang in an attempt to silence them and/or coerce their return. The PRC continued to seek the extradition of Muslim individuals who fled Xinjiang human rights abuses, including forced labor, and sought asylum abroad. Several ethnic Kazakhs who spoke to journalists after fleeing Xinjiang and seeking protections in neighboring Kazakhstan experienced violent physical attacks that may have been coordinated by PRC security services. Nationwide,

some school districts reportedly compelled ethnic Han students to participate in internship programs featuring forced labor indicators.

According to NGO observers, during the reporting period authorities placed more than 500,000 rural Tibetans in “military-style” vocational training and manufacturing jobs around the country under the auspices of a quota-based “surplus labor” transfer program ostensibly intended as a “poverty alleviation” measure. Although the program did not feature overt arrests or enforced disappearances, observers noted the system was likely highly coercive, given individuals’ relative inability to refuse participation amid the central government’s pervasive system of social control in Tibetan areas. Some of these Tibetans were subsequently subjected to forced labor in manufacturing. PRC-owned companies continued to employ Chinese nationals at BRI project worksites in foreign countries; the government did not exercise adequate oversight into recruitment procedures, which often featured worker-paid fees driving indebtedness to unregistered brokers, nor did it take steps to ensure worker contracts were free of abusive provisions. In recognition of this insufficiency, authorities maintained policies and regulatory standards issued in 2017 barring the collection of recruitment fees or security deposits, banning the use of tourist visas for travel to work in BRI destination countries, and instructing companies on safeguarding labor rights; however, these were largely nonbinding, and the government did not report efforts to enforce them. In recent years, NGOs in countries receiving Chinese national migrant workers through other 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 Chinese national workers at higher risk of debt or punitive deportation as coercive measures to retain their labor; the government did not take steps to address these vulnerabilities during the reporting period. The PRC government’s exertion of political pressure and operating restrictions on NGOs in Hong Kong had a negative impact on anti-trafficking coordination with the local authorities there.

Unlike in previous years, the PRC government did not report holding an annual inter-ministerial meeting to coordinate anti-trafficking efforts during the reporting period. 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; the government did not provide updates on its next iteration, the draft of which was in process at the end of the previous reporting period. For the fourth consecutive year, the government did not report the extent to which it funded anti-trafficking activities in furtherance of the action plan (more than 55 million renminbi, or \$8.41 million, in 2016). It conducted media outreach campaigns on some forms of trafficking, although the content thereof generally focused on child abduction. MOHRSS operated and publicized three 24-hour hotlines that could benefit potential trafficking victims—one for labor issues, one for child protection, and one for gender-based violence—but authorities did not provide statistics on their use. Academics and experts noted the gender imbalance created by the previous One-Child Policy likely continued to contribute to trafficking crimes in the PRC. According to international media outlets and human rights groups, in 2020, the government intentionally underreported—or altogether excluded from statistical research—data on population demographics within Xinjiang, likely in an attempt to obfuscate evidence of the ongoing genocide and crimes against humanity perpetrated there.

The government *hukou* (household registration) system continued to contribute to the vulnerability of internal migrants by reducing access to social services, particularly for Chinese national victims returning from exploitation abroad; however, the government relaxed some internal migration restrictions dictated by the *hukou* system during the reporting period. 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 rural ethnic Han migrants and members of ethnic minority groups, exacerbating their constrained access to employment and social services. The government made no efforts to reduce the demand for commercial sex acts. The government did not report investigating or prosecuting any Chinese citizens for child sex tourism, despite widespread reports of the crime. While the PRC government included Macau in its succession to the 2000 UN TIP Protocol in 2010, it stated the protocol “shall not apply” to Hong Kong.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in China, and traffickers exploit Chinese victims 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 residence, placing China’s internal migrant population—estimated to exceed 169 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. Chinese nationals are subjected to conditions indicative of forced labor in BRI projects in several countries. African and Asian men reportedly experience conditions indicative of forced labor aboard Chinese-flagged and Chinese-owned, foreign-flagged fishing vessels operating worldwide in China’s DWF; 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 concubinage 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 6.4 million—and subject them to forced labor and forced begging. State bodies reportedly subject members of Muslim minority groups and Tibetans to forced labor as part of arbitrary mass detention, political indoctrination, and labor transfer 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, ethnic Kyrgyz, ethnic Tajiks, and ethnic Uzbeks 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. During detention within—and following “graduation” from—these facilities, many of these individuals are subjected to forced labor in adjacent or off-site factories producing garments, footwear, carpets, yarn, food products, holiday decorations, building materials, solar power equipment polysilicon and other renewable energy components, consumer

electronics, bedding, hair products, cleaning supplies, personal protective equipment face masks, chemicals, pharmaceuticals, 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 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, and 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 at least 80,000 of these individuals to other provinces for forced labor under the guise of poverty alleviation and industrial aid programs; authorities have formally convicted many more, perhaps hundreds of thousands, under spurious criminal charges and transferred them to more than 100 urban prisons throughout the country, where they suffer additional forced labor conditions.

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 place the young children of interned Muslims in Xinjiang in state-run boarding schools, orphanages, and “child welfare guidance centers,” and force 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 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. Members of these Muslim minority groups attempting to seek asylum abroad are vulnerable to immigration-related administrative and criminal charges in destination countries, as well as to PRC extradition and refoulement.

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 comprising approximately 2.8 million personnel. 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 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, uranium, and asbestos mining, as well as in lead and zinc smelting and fertilizer production. Some Xinjiang residents are also subjected to forced labor in polysilicon mining and processing. The Bingtuan reportedly forces half a million Uyghur adults and children to pick and process cotton, tomatoes, sugar beets, and possibly apples and peanuts. 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 subjects some Tibetans to arbitrary detention featuring similar political indoctrination and forced prison labor practices in the Tibet Autonomous Region and in neighboring provinces. Authorities have placed more than 500,000 rural Tibetans in “military-style” vocational training and manufacturing jobs around the country under the auspices of a quota-based “surplus labor” transfer program ostensibly intended as a poverty alleviation measure. Although the program does not feature arrests or enforced disappearances, observers note the system is likely highly coercive, given individuals’ relative inability to refuse participation amid the central government’s pervasive system of social control in Tibetan areas. Reports indicate some of these Tibetans are subjected to forced labor in factories. 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 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 Chinese 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. Although information is limited, Chinese nationals may experience conditions indicative of forced labor at large-scale rare earth mining operations within China, and rural communities displaced by these activities and by concomitant environmental contamination may themselves be vulnerable to sex and labor trafficking.

Some Chinese nationals employed in large-scale BRI construction projects, mining operations, and factories in African, European, Asian and Pacific, and Latin American and Caribbean countries experience conditions indicative of forced labor. These include deceptive recruitment into debt bondage; arbitrary wage garnishing or withholding; contract irregularities; confiscation of travel and identity documentation; forced overtime; resignation penalties; intimidation and threats; physical violence; denial of access to urgent medical care; poor working and living conditions; restricted freedom of movement and external communication; and retaliation for reported abuses, among others. Pandemic-related travel restrictions in many of these countries and reentry restrictions imposed by the PRC government compounded these vulnerabilities. Some Chinese nationals reportedly recruit local children from the communities in which some BRI projects are underway and subject them to forced labor in hazardous work.

Traffickers subject Chinese national men, women, and children to forced labor and sex trafficking in at least 80 other countries. They force Chinese 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. Traffickers also reportedly subject some Chinese nationals to forced criminality in the cultivation, processing, and distribution of recreational drugs. Chinese national men in Africa, Europe, and South America experience abuse in factories, 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. Chinese-

owned manufacturing facilities in South Africa have reportedly subjected Chinese nationals to forced labor in the manufacturing of pandemic-related medical protective garments. Traffickers subject Chinese 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 Chinese national migrant workers. Companies operating under the auspices of the Japanese government’s “Technical Intern Training Program” have exploited Chinese nationals in forced labor in food processing, manufacturing, construction, and fishing. Traffickers also subject undocumented Chinese national seafarers to forced labor on board fishing vessels in Taiwan’s highly vulnerable Distant Water Fleet.

Chinese national traffickers operating abroad also subject local populations to sex trafficking in several countries in Africa, the Mediterranean region, and South America. Chinese national traffickers also subject women and girls in other Asian countries to sex trafficking and forced labor in sham businesses and entertainment establishments, including Chinese national-owned casinos, constructed in close proximity to large-scale PRC infrastructure and investment projects—at times under the auspices of the BRI—and in special economic zones with limited local government oversight. Chinese 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-owned logging operations there. Chinese crime syndicates reportedly assist traffickers in Southeast Asian countries in the production of counterfeit travel documents to facilitate trans-border trafficking. Congolese men and boys experience conditions indicative of forced labor in Chinese national-owned mining operations in the Democratic Republic of the Congo.

Many men from countries in Africa, Asia—especially Indonesia and the Philippines—and other regions employed on many of the 2,900 Chinese-flagged DWF fishing vessels operating worldwide experience contract discrepancies, excessive working hours, degrading living conditions, severe verbal and physical abuse, denial of access to health care, restricted communication, document retention, arbitrary garnishing or nonpayment of wages, and other forced labor indicators, often while being forced to remain at sea for months or years at a time. This statistic does not include Chinese-owned DWF vessels that are flagged or registered through front companies in other countries; the true number of DWF vessels with Chinese beneficial ownership may therefore be much higher than reported. Many DWF crewmembers are recruited through unlicensed or poorly regulated informal brokerage networks within China and abroad, exacerbating their risk of indebtedness through the imposition of unregulated hiring fees, commissions, and expenses accrued while being forced to reside in dormitories in the months leading up to their deployment. Chinese fishing operators in turn require DWF crewmembers to pay “guarantee money” that places them at further risk of debt-based coercion. Some DWF senior vessel crew also force these fishermen to engage in illegal, unreported, and unregulated (IUU) fishing and smuggling—including in areas under the jurisdiction of other coastal states—making many victims vulnerable to unjust civil and criminal liabilities in port countries. Some Chinese-owned fishing vessels reportedly operate in violation of UN sanctions off the coast of North Korea while evading detection by maritime authorities; the crew aboard these ships are also vulnerable to forced labor in IUU fishing.

Chinese national traffickers subject women and children from neighboring Asian countries, Africa, and 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 110 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 Chinese national men—both of which may be procured by force or coercion. Traffickers kidnap or recruit women

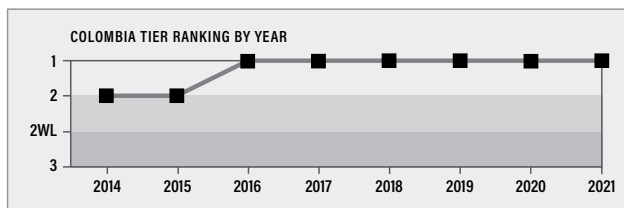
and girls through marriage brokers and transport them to the PRC, where some are subjected to sex trafficking or forced labor. Illicit brokers increasingly facilitate the forced and fraudulent marriage of South Asian, Southeast Asian, Northeast Asian, and African women and girls to Chinese national men for fees of up to \$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 Chinese 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 Chinese national men and their parents deceiving Southeast Asian women and girls into fraudulent marriages in China, then confining them in forced concubinage involving rape leading to forced pregnancy. In cases where this forced pregnancy leads to childbirth, the men and their parents sometimes use the child 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. Traffickers also reportedly lure women from Burma, Vietnam, and Cambodia to China under similar false pretenses and subject them to forcible artificial insemination in unregulated hospital facilities; they confine groups of these women in private residences until they give birth and then drive them across international borders to their home countries with impunity. A small number of Chinese national women are reportedly subjected to sex trafficking and forced labor via forced or fraudulent marriages to Taiwanese 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 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 irregularly 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. 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. Chinese manufacturing facilities reportedly also subject North Korean workers to forced labor in the production of protective medical garments for international export.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Colombia remained on Tier 1. These efforts included convicting traffickers for the forced recruitment of children—including a member of the National Liberation Army (ELN), adopting the 2020-2024 anti-trafficking national strategy, proposing a reorganization of the Commission for the Prevention of Recruitment, Use, and Sexual Violence against Children and Adolescents (CIPRUNNA) to better address forced child recruitment by illegal armed groups, and adopting new territorial plans for the fight against trafficking in 21 departments. Although the government meets the minimum standards, the government decreased the number of investigations, prosecutions, and convictions for trafficking crimes. For the fourth year in a row, authorities did not provide information

on sentences given to traffickers, casting doubt that prescribed punishments were severe enough to deter the crime. Authorities continued to identify victims but did not provide adequate services for them and did not have shelter available for adults—who made up the majority of the victims identified—or victims of labor trafficking. The Ministry of Interior (MOI) did not provide financial support for victim protection to departments and territories, and authorities did not fund civil society organizations that could amplify access to services and provide adequate assistance to all victims. In addition, the government did not effectively address forced labor through law enforcement or victim protection, resulting in impunity for labor traffickers and leaving unidentified victims without protection in critical sectors.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict cases of human trafficking. • Make efforts to combat forced labor by enhancing proactive identification of victims and increasing investigations, criminal prosecutions, and convictions of labor traffickers. • Take steps toward amending policies to fund civil society actors directly to provide shelter care for adult victims of trafficking and victims of forced labor. • Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities. • Develop a record-keeping system to track data on anti-trafficking investigations, prosecutions, convictions, and sentencing. • Train prosecutors on the elements of human trafficking and promote the use of Law 985 regarding the criminalization of trafficking crimes, such as child sex tourism, forced criminality, and forced child recruitment under trafficking provisions. • Draft standard operating procedures for victim identification for border officials. • Train border officials on victim identification to prevent the inappropriate deportation and incarceration of victims. • Revise the definition of human trafficking under Colombian Law to more closely align with the definition in the 2000 UN TIP Protocol.

### PROSECUTION

The government maintained mixed prosecution efforts and did not proactively investigate, prosecute, or convict cases of forced labor. 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. The law criminalized forced child recruitment and forced criminal activity by illegal armed groups under separate statutes, and authorities did not view these crimes as human trafficking. Child sex trafficking and child sex tourism crimes were most often criminalized under the induction into prostitution law, which prescribed penalties that were not commensurate with those of other serious crimes.

Pandemic related lockdowns impacted judicial processes and affected the government’s ability to operate, including a six-month national lockdown and a two-month closure of the courts. Information about sentences prescribed for trafficking crimes was unavailable, and arrests, investigations, prosecutions, and convictions decreased. In 2020, the government updated law enforcement data it reported in previous years. Authorities did not provide sufficient details on the



cases investigated, prosecuted, or convicted and because Colombia's law was broad, it was unclear if the cases reported constituted trafficking as defined in international law. In addition, authorities did not confirm if cases were prosecuted or convicted using Article 188A of the penal code. The attorney general's office (AGO) received 185 possible cases of trafficking for investigation in 2020, compared to 203 in 2019 and 180 in 2018. Immigration officials opened three new cases for transnational sex trafficking involving 16 suspects and one case of forced labor involving one suspect. The government did not report whether these cases were referred to the national police for investigation or to the AGO for criminal prosecution. Additionally, police arrested 38 suspects for trafficking crimes (eight for crimes committed in 2020 and 29 for crimes committed in 2019 or prior), compared with 40 in 2019, 85 in 2018, 30 in 2017, and 29 in 2016. The AGO reported prosecuting 65 defendants, compared with 75 in 2019, 88 in 2018, 31 in 2017, and 59 in 2016. The government convicted 22 traffickers, compared with 36 in 2019, 34 in 2018, 21 in 2017, and 25 in 2016.

In 2020, authorities convicted 10 traffickers for forced recruitment, including a member of the National Liberation Army (ELN), bringing the total number of those ever convicted for forced recruitment in Colombia to 19. More than half of all people ever convicted for forced recruitment in Colombia were convicted in 2020. Officials did not indicate which law was used for the prosecution or conviction of trafficking crimes committed by illegal armed groups. The AGO reported it did not keep a record of sentences prescribed for trafficking crimes. The government did not report information on sentences issued for trafficking crimes for the fourth year in a row. A congressional hearing highlighted that since 2010, there have been 1,817 cases of child sex trafficking, but only 54 convictions, illustrating that authorities have brought roughly only three percent of cases of child sex trafficking to justice. Elected officials indicated that convicted traffickers rarely receive sentences as prescribed in the anti-trafficking law and noted only one of 43 traffickers convicted between 2013 and 2018 received a sentence as prescribed in the anti-trafficking law. The large number of laws criminalizing trafficking crimes likely created confusion among those charged with the prosecution and conviction of traffickers and led to a disjointed and ineffective response. The Ministry of Labor (MOL) did not investigate cases or increase inspections of forced labor, and authorities did not have a protocol to connect labor inspectors with police or provide guidance on trafficking indicators for front-line personnel. Prosecutors' inability 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. The national police reported some difficulty deploying teams to municipalities to investigate alleged trafficking incidents due to safety measures implemented in light of the pandemic. Immigration officials noted the closure of official border crossings due to the pandemic limited law enforcement's ability to investigate potential cases and screen some potential victims for trafficking indicators. International borders were closed from March to September and the border with Venezuela remained closed at the end of the year.

Illegal armed groups and criminal organizations continued to forcibly recruit children for armed conflict. These groups exploited child soldiers in forced labor and sex trafficking, forcing them to work at checkpoints and prohibit strangers from entering illegal armed group strongholds. Forced recruitment of children by illegal armed groups and criminal organizations remained a significant concern. In 2020, the Special Jurisdiction for Peace (JEP) made progress in "macro case" 007 concerning the recruitment of child soldiers. Fifteen former Revolutionary Armed Forces of Colombia (FARC) commanders testified at the transitional justice court regarding their role in the forced recruitment of children. Former child soldiers participated in accordance with the court's victim-centered approach. An NGO reported impunity in cases of forced child recruitment remained a problem, with the ongoing concern that Colombian illegal armed

groups continue to strengthen their operations using children in Colombia and nearby Venezuela. At the end of 2020, the AGO had 2,249 active cases for the forced recruitment of children into armed conflict and 2,263 cases for the use of children in forced criminality or other illicit activities by illegal armed groups.

Corruption and official complicity in trafficking crimes remained concerns. Officials from the inspector general's office noted judicial leniency toward public officials involved in trafficking crimes. While the government investigated and, in some cases, arrested complicit officials, 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. In 2020, the AGO opened investigations into public officials, including one into local government offices in the Engativa neighborhood of Bogota for complicity in a transnational sex trafficking case; another into officers from the national police who were allegedly notifying traffickers of upcoming raids; and a third into public servants who knowingly falsified documentation for underage victims who were later exploited in Mexico and Spain. In addition, authorities indicted one officer from the Colombian Family Welfare Institute (ICBF) for human trafficking. All cases, including the indictment, remained open at the end of the reporting period. Authorities did not provide information on the sentence prescribed for the public official convicted in 2019 for the sex trafficking of a 14-year-old girl in 2014. Sources reported there was complicity in the police department and the attorney general's office in the city of Cartagena, in which child sex trafficking and child sex tourism were prevalent. Authorities penalized potential victims for crimes their traffickers compelled them to commit. In 2020, an investigative press report alleged immigration officials near the Colombia-Venezuela border subjected Venezuelan women working in commercial sex—many of whom may have been victims of trafficking—to degrading treatment and deportation using dangerous illegal border crossings without screening them for trafficking indicators. Authorities provided training—in some cases with the support of international organizations—to immigration officials, police, and members of the AGO on the law, understanding trafficker recruitment tactics, and the investigation and prosecution of trafficking crimes. In 2019, authorities appropriated a total of 2.1 billion Colombian pesos (\$616,370) for the implementation of anti-trafficking efforts, including 855.68 million Colombian pesos (\$250,600) including technical assistance and anti-trafficking training. Authorities collaborated with Ecuador, Spain, the United States, and international organizations on trafficking-related law enforcement operations.

## PROTECTION

The government maintained protection efforts; however, services available were cursory and efforts to protect most victims were inadequate. In 2020, the government continued to identify a greater number of adult victims but did not provide them or victims of forced labor with shelter. The MOI identified 100 victims of trafficking, of whom 71 were exploited in sex trafficking, four in forced labor, nine in forced begging, two in indentured servitude, and 14 unknown. In addition, the government reported identifying four individuals in servile marriage, but it was unclear if these individuals were forced or coerced to marry for the purposes of exploitation. This compared with 124 potential victims identified in 2019, including 12 in servile marriage; 114 in 2018, including nine in servile marriage; and 96 in 2017, including two in servile marriage. Of the total number of victims, nine were men, and seven identified as LGBTQI+. Authorities reported that 32 of the 71 victims of sex trafficking were adults, 19 children. The ICBF reportedly assisted 144 victims of forced recruitment in 2020, compared with 180 in 2019 and 196 in 2018. The AGO reported identifying 124 potential victims, 72 Colombians, one Peruvian, one Venezuelan, and 50 without record of nationality. Some data was duplicative or contradictory, as no single agency was responsible for maintaining comprehensive protection or law enforcement data, and because Colombia's law was broad, it was unclear if the cases reported by the AGO constituted trafficking as defined in international law.

The government reported that law enforcement officials used a victim identification protocol developed by an international organization; however, many law enforcement officials working on trafficking cases were not aware of protocol to identify victims. The municipality of Cali had a victim identification protocol that was developed with the support of an international organization; however, it was unclear if officials used it or if anyone received training on its use during the reporting period. The government offered some training on victim identification as part of its prevention campaigns. Nonetheless, experts indicated 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 sectors 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 a victim identification protocol for labor inspectors – in development since 2016 with the support of an international organization – remained unfinished. 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 have been unidentified and vulnerable to trafficking and new patterns of recruitment.

Of the 100 victims identified, authorities provided emergency assistance to 71 victims; of these 57 received temporary shelter, compared with 79 victims who received temporary shelter in 2019. Forty-four victims received medium-term assistance, compared with 66 in 2019. The government did not provide shelter to forced labor victims or adult trafficking victims. The ICBF did not provide details of the assistance provided to victims of child sex trafficking or forced child labor. Authorities identified 495 child victims of forced recruitment by illegal armed groups in 2020, of whom 63 reported being recruited during the reporting period. The ICBF reportedly provided support services to every underage victim of forced recruitment. To an international organization, ICBF officials reported assisting 144 victims of forced recruitment in 2020, compared with 180 in 2019 and 196 in 2018.

The MOI and the ICBF were 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. 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. In 2020, authorities reported adopting victim referral protocols in 13 departments, but did not indicate how many officials were trained or how many victims were referred to services using these protocols. The government reported following a national trafficking victim assistance plan to refer victims to services, which by decree could include emergency assistance, including 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. Authorities reported allocating 470.93 million Colombian pesos (\$137,920) for victim protection and assistance, including 123.9 million Colombian pesos (\$36,290) for victim transportation services. According to the MOI, most of the funding was used for technical assistance for regional and municipal trafficking in persons committees; however, the national government relied solely on individual departments and municipalities for the provision of services. According to experts, some victims who did not self-identify were not legally considered victims and did not receive care.

Government officials and NGOs asserted government-funded victim assistance was cursory and insufficient. In 2020, authorities noted the pandemic reduced availability of in-person services, limiting

emergency assistance, and NGOs, especially those providing shelter, reported an increase in operating costs associated with victim testing and required personal protective equipment. In addition, quarantine measures and social distancing requirements complicated efforts to find housing for trafficking victims, as there were fewer spots available. 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 Bogotá 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 2020. 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 the majority of the victims identified. Authorities did not report if any of the 32 adult victims identified received care in any non-specialized shelter. In 2020, some department anti-trafficking committees, including in Bogotá and Caldas department, signed initial agreements with an NGO to provide shelters for trafficking victims, but authorities did not indicate if they referred any victims to these shelters for care. Lack of funding for civil society organizations fighting to combat trafficking hindered the government's ability to mitigate the crime; victims who did not receive adequate care were less able and willing to assist authorities in the case against their traffickers and less likely to provide input for the improvement of the overall response.

Government officials did not report deporting trafficking victims; however, media reports indicated that border authorities continued deporting alleged trafficking victims for prostitution-related crimes without proper screening for trafficking indicators. Forty-three Colombian trafficking victims were identified in foreign countries; 17 were repatriated by the Ministry of Foreign Affairs (MFA) compared with 33 in 2019 and seven in 2018. MFA officials did not keep record of funding provided for the repatriation of victims during the reporting period. According to officials, many victims returned in pandemic repatriation flights and such expenses were included as general expenses paid for by the government.

## 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 19 virtual technical advisory meetings (compared with 20 meetings in 2019 and 44 in 2018). The ICFTP sought to improve coordination between it and its regional committees and make recommendations for the preparation of territorial action plans. The MOI reported that 21 territories adopted anti-trafficking plans and by the end of 2020, all 32 departments had adopted territorial plans to combat trafficking. In addition, authorities approved the 2020-2024 national action plan and appropriated some funding for its implementation from the general fund to combat trafficking in persons. The government allocated 606.41 million Colombian pesos (\$177,600) for awareness campaigns, including a television and social media campaign with the support of national celebrities to promote trafficking awareness and advertise the anti-trafficking hotline. Immigration officials held events to educate migrant children on trafficking crimes, and the MOI, with the support of an international organization, held an event to educate communities on ways to identify fraudulent employment opportunities. Authorities reported reaching 22,328 people through virtual events as part of a long-standing awareness campaign; however, an elected official noted the government's ongoing campaigns were

mostly dormant during the year, despite the critical need to promote awareness during the COVID-19 pandemic. Due to growing concerns of gender-based violence, including trafficking, during mandatory isolation and quarantines, the health ministry introduced a new hotline to report these crimes.

Colombia continued to operate a 24-hour anti-trafficking hotline, which in 2020 received 1,625 calls and five led to investigations, but authorities did not report how many victims were identified or if any led to prosecutions. The AGO monitored a general hotline for citizens to report crimes (Line-122), and in 2020, authorities indicated 14 calls were for trafficking crimes. During the reporting period, with the support of a foreign government and an international organization, authorities launched a cellphone app to report trafficking cases; however, reporting via the app was not anonymous and could hinder reporting of crimes due to fear of reprisal.

In response to the influx of more than 1.7 million Venezuelans arriving in the country since 2016, the government provided temporary residence permits, health care, education for school-aged children, and social services, likely reducing their vulnerability to trafficking. In 2020, the MOI developed a regional plan to mitigate child sex tourism in coordination with six Caribbean region anti-trafficking committees. An international organization reported that 49 children were victims of forced recruitment by illegal armed groups, compared to 99 in 2019 and 292 in 2018. An NGO noted there was a nine percent increase in encounters that involved child soldiers in the first half of 2020, with 40 separate events involving 190 children. Authorities announced the reorganization of CIPRUNNA to create a more decentralized structure and enlist support from municipalities, strengthen coordination between government institutions, increase the number of government agencies under CIPRUNNA from nine to 22, and to seek international cooperation in combating child soldiering. Authorities allocated approximately 1.5 billion Colombian pesos (\$439,300) for the reorganization of CIPRUNNA. While the government did not sign any new international agreements in 2020, authorities participated in virtual exchanges with Ecuador and Peru to promote transnational cooperation. The government did not make any efforts to reduce the demand of commercial sex during the reporting period.

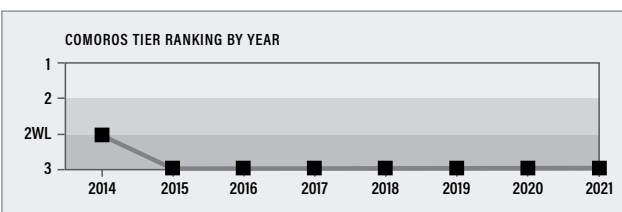
## TRAFFICKING PROFILE

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 adults and children in sex trafficking and forced labor in Colombia and Latin America, Asia, and Europe. Traffickers exploit Colombians in Israel and the United Arab Emirates, mainly in Dubai. According to a Colombian government agency, in 2019, nearly 55 percent of transnational trafficking cases with a Colombia nexus involved Colombian victims exploited in trafficking in Turkey. Traffickers lured victims with fraudulent employment opportunities later to exploit them in sex trafficking and forced labor. In 2019, 38 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, LGBTQI+, Afro-Colombians, members of 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 street vending in forced labor. Illegal armed groups, particularly in the departments of Choco, Norte de Santander, Cordoba, Narino, and Cauca, forcibly recruit children, including Venezuelans, indigenous, and Afro-Colombian youth, to serve as combatants and informants and 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. Government officials and civil society organizations have 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. 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 human trafficking. The pandemic led an economic contraction of 6.8 percent, creating hardships and likely increased the vulnerability to trafficking of LGBTQI+ individuals, irregular migrants, and indigenous communities that relied on the informal sector.

## 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, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Comoros remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including passing penal code amendments that criminalize all forms of trafficking; acceding to the 2000 UN TIP Protocol; developing a 2020 national action plan to combat trafficking; and partnering with an international organization to train law enforcement officials on trafficking crimes. 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 victims 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. Reports continued that informal mediation and financial settlements, in lieu of investigation and prosecution of crimes, may have resulted in the return of children to their alleged exploiters. The government did not conduct anti-trafficking public awareness campaigns.



## PRIORITIZED RECOMMENDATIONS:

Develop standard operating procedures to identify trafficking victims—especially among vulnerable groups, including children in domestic work and at Quranic school—and refer them to care. •



Investigate and prosecute trafficking crimes, and sentence convicted traffickers, including complicit officials, to penalties as prescribed in the penal code. • Amend trafficking provisions in the penal code to prescribe penalties for adult sex trafficking that are commensurate with Vpenalties prescribed for other grave crimes, such as rape. • Develop, adopt, and implement a multi-year 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 on trafficking crimes. • In coordination with NGOs and international partners, provide comprehensive protective services to trafficking victims. • Increase anti-trafficking training to all front-line officials, including law enforcement, social workers, health service providers, prosecutors, judges, and civil society. • Cease returning trafficking victims to their exploiters. • Engage French officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte. • Expand anti-trafficking public awareness campaigns to all three islands. • Develop national-level data collection on trafficking crimes, including anti-trafficking law enforcement efforts and trafficking victims identified.

## PROSECUTION

The government maintained inadequate anti-trafficking law enforcement efforts. In February 2021, the government enacted amendments to the criminal code that criminalized sex trafficking and labor trafficking. Article 266-11 of the new criminal code prescribed penalties of seven to 10 years' imprisonment and a fine of 30 million Comorian francs (\$74,880) for offenses involving an adult victim, and 10 to 20 years' imprisonment and a fine of 30 million Comorian francs (\$74,880) for those involving a child victim. These penalties were sufficiently stringent. However, the penalties prescribed for adult sex trafficking were not commensurate with those prescribed for other grave crimes, such as rape.

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 listening centers recorded many cases that may have been trafficking. The government has not reported investigating a trafficking case 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 during the year. The police lacked basic resources, including vehicles, fuel, and equipment, which limited their ability to investigate trafficking cases. The judicial system in Comoros remained weak; observers continued to report 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; children in these arrangements were particularly vulnerable to trafficking. 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 government, in partnership with an international organization, provided training for 30 law enforcement officials on trafficking crimes, compared with no trafficking-related trainings in previous years. The government, in partnership with an international organization, organized training sessions for the Anti-Trafficking Task Force focused on the UN TIP Protocol and identifying cases of exploitation, including trafficking. The government, in partnership with the same international organization, also trained the task force

and a group of religious judges on combating human trafficking in accordance with the principles of Islamic law. In partnership with an international donor, the government provided training to 20 police officers on Anjouan on children's rights, which may have included information related to child trafficking.

## 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 (*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 potential trafficking victims. The government continued operating listening centers in four locations—two on Grande Comore, one on Anjouan, and one on Moheli. In 2020, the listening centers reported providing assistance to at least 189 women and children, compared with at least 144 in 2019. 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. The government also did not report making additional efforts to investigate, identify, or assist the 3,000 to 4,000 unaccompanied Comorian children on the island of Mayotte, a French department, after France denied the National Human Rights Commission in Comoros visas in 2018. 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 abuse or were vulnerable to trafficking. There were no reports the government inappropriately penalized victims for crimes 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 demonstrated mixed efforts to prevent trafficking. In June 2020, Comoros acceded to the 2000 UN TIP Protocol. The interagency Anti-Trafficking Task Force, composed of representatives of relevant government agencies, the listening centers, and international organizations, continued to lead the government's anti-trafficking efforts and met nine times in 2020, compared with one meeting in 2019. For the first time since 2015, the task force adopted an anti-trafficking national action plan, which delegated specific, short-term actions to relevant government agencies for implementation in 2020. The government implemented some of these actions, such as training law enforcement officials; however, most activities were not completed during the reporting period. The government did not report conducting any national public awareness campaigns during the reporting period, despite requirements in the 2015 child labor law

to do so. 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 9,072 calls reporting abuse and exploitation, a significant increase compared with 1,139 calls the previous year; however, the government did not track call data related to potential victims of human trafficking.

The Ministry of Labor employed four labor inspectors who were responsible for implementing the 2015 child labor law prohibiting child trafficking; they did not receive training on the relevant trafficking laws 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. 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.

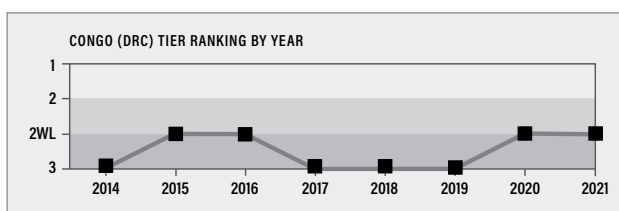
## TRAFFICKING PROFILE

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 exploit Comorian women and Malagasy women who transit Comoros in forced labor in the Middle East. Traffickers may exploit Comorian adults and children in 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 send their children to live with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other socio-economic benefits; these children are vulnerable to physical and sexual abuse and forced labor in domestic servitude. 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 of government officials, 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. These efforts

included convicting an armed group leader for crimes including child soldier recruitment as well as sexual slavery and sentencing him to life imprisonment. Authorities also took actions to investigate and prosecute complicit officials. The government developed and disseminated materials to support improved victim identification efforts by law enforcement, as well as care providers, and partnered with NGOs to identify substantially more victims than in the previous reporting period. Further, the government's Agency for the Prevention and the Fight Against Trafficking in Persons (APLTP)-led inter-ministerial committee met 50 times and held five technical working group meetings during the reporting period, facilitating the partial implementation of the country's first national action plan as well as an awareness campaign. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its antitrafficking capacity. Congolese National Army (FARDC) officers unlawfully used three children and continued coordinating with an armed group that recruited and used children during the reporting period. Additionally, authorities reported investigating fewer cases. Therefore DRC remained on Tier 2 Watch List for the second consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Expand efforts to enforce the law and to sensitize all FARDC officers on the need to cease the unlawful use of children; hold officials who recruit or use children accountable. • Allocate sufficient financial and human resources for the APLTP to execute its mandate fully, including to expand the provision of services to victims in partnership with NGOs. • Increase efforts to investigate and prosecute suspected traffickers—and if convicted in a transparent trial—adequately sentence traffickers in accordance with the law, including complicit officials. • Improve measures to identify trafficking victims proactively in coordination with civil society and international organizations, including providing training for front-line officials to identify victims in the commercial sex industry, street begging, and artisanal mining, and to refer victims to appropriate care in coordination with NGOs as well as international organizations. • Finalize pending legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes. • In partnership with international experts, develop and implement national standard operating procedures for the identification and referral of victims. • Finalize and disseminate procedures for collecting and reporting data on cases of sex trafficking—as distinct from other sexual violence crimes—and forced labor. • Use radio in French and local languages as well as engagement with civil society to raise public awareness about human trafficking and enhance the public's ability to identify and report trafficking crimes.

## PROSECUTION

The government maintained overall 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 exacerbate officials' limited understanding of trafficking and their conflation of the offense 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 francs (\$102). 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 1 million Congolese francs (\$4 to \$509), 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 francs (\$51 to \$102); these penalties were not sufficiently stringent with respect to forced child labor. 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 francs (\$15); 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 comprehensive trafficking law—drafted by the APLTP and the Ministry of Human Rights in partnership with an international organization—remained pending for the second consecutive year.

Despite the closure of courts for five months of the reporting period due to pandemic restrictions, civilian and military courts reported investigating six cases involving more than 100 victims whom multiple traffickers subjected to forced labor, sex trafficking, and domestic servitude; initiating 13 prosecutions that remained ongoing at the end of the reporting period (three cases of child soldier recruitment and use military courts were in the process of adjudicating, three cases of forced labor involving two adults and one child, and seven cases of sexual slavery); and convicting four traffickers for crimes involving forced labor, sex trafficking, as well as child soldier recruitment and use. Sentences included a fine of 1 million Congolese Francs (\$509) only; five years’ imprisonment in juvenile detention for a 17-year-old perpetrator; and five years’ imprisonment for sexually trafficking a child. In November, a military court sanctioned an Nduma Defense of Congo (NDC) militia commander to life imprisonment for crimes including child soldier recruitment and use. Authorities reported investigating 32 cases, prosecuting six suspects, and convicting four traffickers in the previous reporting period.

Limited information management capabilities, poor understanding of the crime by many law enforcement and judicial officials, weak judicial systems, and broad government corruption hindered law enforcement efforts in 2020. The government suspended court hearings from March to August 2020 to decrease the spread of COVID-19, reducing the number of all criminal cases heard during the reporting period. Officials did not report whether the government investigated 142 cases involving sexual slavery NGOs shared with provincial courts in Ituri province in 2019. During the reporting period, APLTP developed a judicial training program in coordination with an international organization. In February 2021, the APLTP launched the first session and provided training for 60 magistrates, including 15 from Kinshasa, five from the public prosecutors’ office, five from the *Tribunal de Grande Instance*, and five from the children’s courts. Additionally, in December 2020, officials from the police, immigration, APLTP, presidency, and public prosecutors, took part in a training focused on developing a data collection system conducted by an international organization. This effort contributed to the government’s implementation of the data collection system, and the Ministry of Interior producing an annual report on the country’s anti-trafficking efforts. In February and March 2021, the APLTP organized two trainings for judges, prosecutors, police, juvenile justice advocates, border control officials, and other first responders on basic human trafficking principles as well as existing legal frameworks.

Corruption and complicity by the government’s armed forces in trafficking crimes remained a significant concern, although an August 2020 decree by the Minister of Defense reiterating the zerotolerance policy for FARDC support for armed groups that unlawfully recruit children had an impact and led to the demobilization of some child soldiers. There were two reported instances of members of the FARDC unlawfully using children in support roles and one incident where a child was engaging in espionage for the FARDC. In all instances, however, the FARDC commanding officers voluntarily released children to appropriate authorities and took corrective action consistent with the national action plan against the use of child soldiers. Some members of the FARDC continued to coordinate with a non-governmental armed group that recruited and used child soldiers. The military initiated prosecutions for two FARDC soldiers accused of kidnapping children for the purpose of sexual enslavement and arrested an officer for his alleged role in a child trafficking ring; both cases remained pending at the end of the reporting period.

In April 2020, Ministry of Interior officials trained 15 Kinshasa police officers on the risks associated with mandatory quarantines, including human trafficking, as part of a program to mitigate adverse effects related to the pandemic. The officers applied the training during patrols of the areas between Kinshasa and Kongo Central, Kwilu province, as well as at the Baramoto port, which serves as a screening area for boats travelling from Equateur and Kasai provinces. During the previous reporting period, the government coordinated with an international donor to train 25 mine inspectors and controllers in North and South Kivu on inspections, child labor, and sex trafficking.

The APLTP reported DRC and Republic of the Congo authorities collaborated to disrupt a transnational child trafficking ring, identify two children forced to beg, and arrest the suspects. In December 2020, officials used a bi-lateral agreement with the Republic of the Congo—finalized in March 2020—to investigate a child trafficking network and repatriated two child victims and a suspected trafficker to the DRC. In addition to the alleged Republic of the Congo perpetrator, authorities arrested two suspects, and they remained in pre-trial detention at the end of the reporting period. The government referred the children to a shelter in Kinshasa following their repatriation. Additionally, APLTP coordinated with INTERPOL and a civil society group to investigate a sex trafficking ring in North Kivu province; officials did not provide an update on the investigation at the close of the reporting period.

## PROTECTION

The government increased efforts to identify victims, although government-provided victim services remained insufficient. Nonetheless, FARDC officers used one child to perform espionage and two others in support roles during the reporting period. Following the identification of the children by an international organization, the military removed the children from service and referred them to care. The Ministry of Defense—in close coordination with an international organization—continued to engage directly with armed group commanders, resulting in seven new armed groups committing to end and prevent the recruitment and use of child soldiers. Stemming from these agreements, armed groups voluntarily released 838 children to an international organization in 2020.

The APLTP reported government officials identified 207 victims (140 sex trafficking, 50 children in forced labor, 13 adults in forced labor, and four unknown) during the reporting period and referred them to care in coordination with NGOs. During the previous reporting period, the government stated it identified six victims. The 157 victims the government referred to NGOs received the following care: 120 received health care, psychosocial support, legal counselling, and livelihoods training; 20 received health care and legal counseling; 14 victims received psychosocial care; two received medical and psychosocial, as well as vocational training; and one was referred to a foster family. Officials noted the government provided basic medical care without psychosocial counseling to the remaining 50 victims



via the Ministry of Social Affairs' provincial departments during the reporting period; officials did not report providing similar services to victims in previous years. During the previous reporting period, the government collaborated with international organizations and NGOs to provide protective services to approximately 400 victims of child soldering.

The government did not have standard operating procedures to systematically identify and refer trafficking victims to appropriate care; however, the APLTP developed reference cards during the reporting period for law enforcement and civil society organizations to enhance the ability of first responders to identify cases of exploitation and manage case data more effectively. Pandemic restrictions on in-person gatherings hindered the government's planned training on the reference cards. The APLTP disseminated standard victim identification forms to care providers in at least six provinces to increase first responders' ability to report trafficking cases; healthcare providers and civil society actors from five provinces used the forms to report an unknown number of potential victims to the government. Additionally, the Congolese National Police (PNC) Child Protection and Sexual Violence Directorate used a formal mechanism in collaboration with an NGO to screen for potential victims within vulnerable populations; the NGO reported identifying 18 children and referred them to services.

As part of its national disarmament, demobilization, and reintegration plan, the government continued to partner with an international organization and NGOs to identify and remove child soldiers from armed groups operating in eastern DRC. In partnership with the UN Peacekeeping and Stabilization Mission in the DRC (MONUSCO), the Ministry of Defense identified 2,101 former child soldiers and referred all victims to care in coordination with the ministries of health, education, and social affairs, compared with 3,107 during the previous reporting period; access challenges due to increasing violence in eastern DRC hindered screening and subsequently demobilization efforts. Procedures were in place for referring child soldiers to an international organization for specialized care, and FARDC officers followed these procedures in the three identified cases of recruitment and use. The government did not report identifying victims among vulnerable groups, such as in street begging and commercial sex, despite the significant scale of these problems; however, government officials screened gold mining sites for children, but did not report identifying any child trafficking victims.

The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. The government could provide victims housing for up to three months, family reunification for children separated from armed groups, and support for socioeconomic integration of sexual violence victims; the government did not report the total number of children it provided these services.

Trafficking victims could file cases against their traffickers in civil courts, although few victims pursued this avenue, and compensation for victims was rarely, if ever, paid. In November 2020, a military court ordered the leader of an armed group to pay restitution between \$4,000 and \$12,000 to 11 victims of sexual enslavement and other crimes. Observers did not report whether the perpetrator disbursed the funds.

In December, officials used a bilateral agreement with the Republic of the Congo—finalized in March 2020—to investigate a child trafficking network and repatriated two child victims to the DRC. The government referred the children to a shelter in Kinshasa following their repatriation. The government did not report additional repatriations, compared with at least 18 children during the previous reporting period. Pandemic border closures beginning in March 2020 hindered many forms of transnational cooperation.

Due to a lack of training on victim identification, the absence of widespread screening for indicators of trafficking among vulnerable

populations, and the frequency of arbitrary arrest in the country, authorities detained unidentified victims. In 2020, international organizations identified 85 children in detention following their separation from armed groups, compared with 111 during the previous year. The government held seven of these children in detention for periods ranging from two to nine months, and two 17-year-olds for periods of two and three years.

Although officials generally afforded protections for victims testifying in legal proceedings on an ad hoc basis, the Ministry of Defense coordinated with international organizations and NGOs to support the more than 300 victims who participated in the November 2020 trial of an armed group leader. In addition to providing physical security, the government offered temporary resettlement assistance for the 300 witnesses. If a victim's lawyer requested it, courts were authorized to provide additional measures to conceal the witness' identity such as using physical screens, testifying in adjacent rooms, or submitting written testimony in lieu of appearing in person. Infrastructure challenges and severe resource constraints throughout the country limited the availability of these anonymizing measures. Despite these witness protection interventions, NGOs reported defendants' family members frequently intimidated witnesses and victims.

## PREVENTION

The government increased efforts to prevent trafficking. The APLTP is the inter-ministerial body that leads the government's efforts. The agency is part of the presidency, and convenes an inter-agency committee which includes representatives from the presidency; the prime minister's office; the ministries of defense, foreign affairs, gender and family, human rights, interior, labor, social affairs, and social security; as well as representatives from the National Intelligence Agency, PNC, Migration Authority, UN organizations, and local civil society groups. The APLTP-led inter-agency committee—established in April 2019—met 50 times and held five technical working group meetings during the reporting period; the government did not disclose how many times the APLTP convened over the course of the previous reporting period. Unlike the previous year, the APLTP had a budget sufficient to hold regular technical committee meetings and cover its operating expenses.

The government took some steps to implement its 2020-2024 national anti-trafficking action plan, although it did not allocate sufficient resources to implement all actions of the plan. The plan focused on awareness raising and stakeholder training, two issues that have historically hindered the country's efficacy in mitigating this issue. The APLTP designed and launched a national awareness-raising campaign consisting of three tracks focused on educating the general population about the dangers of human trafficking, establishing a national hotline, training government authorities on identification and referral procedures, as well as identifying strategies for prosecuting trafficking cases under existing legal frameworks. In March 2021, APLTP coordinated with an international organization and donor to conduct trainings for journalists to increase their knowledge of human trafficking and enhance their ability to use a newly developed journalists' manual. The APLTP provided direct input into the manual that explains different types of trafficking, international and national laws, how to identify victims, and how to effectively report crimes without violating victims' rights.

Officials reported investigating multiple Indian and Pakistani labor recruiters in 2020, compared with investigating and temporarily closing 116 agencies in 2019. To prevent predatory recruitment practices, the government continued to uphold standards for labor recruitment and placement agencies, including having a National Business Identification Certificate, a business license, a tax ID number, and to be officially recognized 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 and deter and prevent them.

The government continued efforts to prevent the recruitment and use of children into the FARDC. MONUSCO confirmed there were 788 children recruited by armed groups in 2020, an increase from 601 in 2019; observers reported this increase was due to worsening violence in the country's east, as well as the government's direct engagement with armed groups and the effectiveness of sensitization campaigns. 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 – composed 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.

In partnership with an international organization, the FARDC screened 2,489 new recruits to verify their ages; through the screening process, the government prevented 53 children from joining the FARDC in 2020, compared with identifying 141 the previous year. In 2020, the FARDC formally ceased collaborating with NDC-Renova's (NDC-R) Guidon faction—a group that recruits and uses child soldiers—and continued its efforts to arrest Guidon under the government's 2019 arrest warrant; however, the military continued to collaborate and provide material support to the NDC-R's Bwira faction. Over the course of 2020, the government collaborated with an international organization to hold 14 trainings on age verification procedures, reaching 1,543 FARDC and law enforcement officers.

Following the president's July 2020 public directive to launch a plan to eliminate the worst forms of child labor, the Minister of Human Rights issued a decree in August 2020 that included a roadmap for increasing oversight of mining communities and stipulated a zero-tolerance policy for forced child labor in the mining sector. During the reporting period, the government continued its efforts, in cooperation with an international organization, to certify artisanal mining sites in eastern DRC as conflict-free and child labor-free. Ministry of Mines officials visited 125 mine sites and verified none of the 3,479 miners screened were exploited in forced labor. The national police, with support of international donors, formalized the role of mining police in the prevention, detection, protection, and prosecution of child labor, and trained 250 new mining police. The government did not provide anti-trafficking training to its diplomatic personnel, although the Ministry of Foreign Affairs reported diplomats were required to follow the government's code of conduct for civil servants, which prohibit trafficking. 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 victims by forcing them to work as domestic workers, street vendors, and gang members, or to engage in commercial sex. Most trafficking is internal and involves forced labor in artisanal mining sites, agriculture, domestic servitude, or armed groups recruiting children in combat and support roles, as well as sex trafficking. The capital region served as a source for sex trafficking victims, with criminal networks and community members facilitating the movement of women and girls. As in years past, traffickers took advantage of families eager to lessen economic costs and seek opportunities for their children. In urban centers such as Kinshasa, Lubumbashi, and Goma, some foreign workers in the beauty industry reported employers failed to honor contracts, controlled their passports, and forced workers to pay exorbitant fines to leave the country before their contracts expired.

Decades-long instability in eastern DRC—notably North Kivu, Ituri, South Kivu, and Tanganyika provinces—continued, resulting in armed groups and criminal networks engaging in unlawful child soldier

recruitment and use, forced labor in artisanal mining, as well as in sex trafficking and slavery-like practices. Children in the Kasai region were vulnerable to forced begging schemes facilitated by criminals in Kasai and Kinshasa. The APLTP and NGOs reported years of cyclical displacement stemming from escalating insecurity in Ituri Province (bordering South Sudan and Uganda) has increased the vulnerability of thousands of homeless children without support networks who criminal elements—including armed groups and community members—coerce into commercial sex or forced labor. During the reporting period, individuals associated with a construction company in Kinshasa may have exploited Indian and Pakistani workers in forced labor; authorities reported the suspects confiscated the workers' passports, controlled their movements, and withheld their salaries. In 2020, experts reported there were more than 500,000 refugees and five million internally displaced people (IDPs)—the largest IDP population in Africa; these individuals are vulnerable to trafficking due to their lack of economic stability and access to justice.

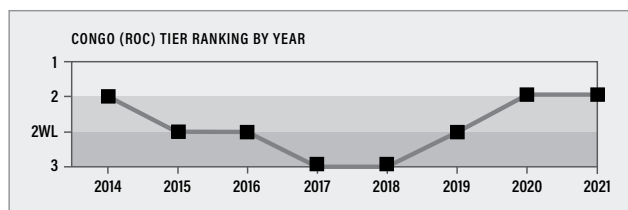
In 2020, armed groups (most egregiously Mai Mai Mazembe, Mai Mai Nyatura, and Mai Mai Apa na Pale, NDC-Renova (NDC-R), Alliance des Forces de Resistance Congolaise (AFRC), Kamuina Nsapu, Raia Mutomboki, Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces (ADF) and Cooperative for Development of the Congo (CODECO)) continued to abduct and forcibly recruit Congolese adults and children as combatants as well as human shields. Additionally, armed groups forcibly recruited adults and children to serve in support roles such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; some armed groups also forced women and girls to marry or serve as sex slaves for their members.

Community and family members, as well as loosely organized illicit networks, force children across the border into the Republic of the Congo where criminal actors coerce the children 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. FARDC officers used one child to perform espionage, and two others in support roles during the reporting period; in coordination with an international organization, the officers released all three children by October 2020 and referred them to care. In July 2020—following years of operational coordination and materiel support—the FARDC ceased collaborating with the Guidon faction of the NDC-R, a group that recruits and uses child soldiers. However, observers reported the military continued to coordinate with the NDC-R's Bwira faction, a group that had no documented cases of child soldier recruitment and use during the reporting period.

Traffickers—including mining bosses, other miners, family members, government officials, and armed groups—force or coerce some adults and children to work in artisanal mines in eastern DRC, including through debt-based coercion. Individuals associated with the extractive sector abuse some children in forced labor in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals to Uganda, Burundi, Rwanda, the United Arab Emirates, and Tanzania. 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 criminal elements coerce 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 commercial sex or forced labor in agriculture, diamond mines, or domestic service. Illicit labor recruiters may fraudulently recruit women and force or coerce 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. Despite the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Republic of the Congo remained on Tier 2. These efforts included convicting traffickers for the first time since 2017 and providing shelter for eight victims, as well as assisting in their repatriation. The federal inter-ministerial committee increased the frequency of its meetings compared with the previous reporting period and the government conducted awareness-raising activities. However, the government did not meet the minimum standards in several key areas. The government did not screen proactively for trafficking among vulnerable populations and failed to report identifying any victims during the reporting period. The lack of a clear understanding of anti-trafficking laws among 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. • Train officials, NGOs, and civil society on the implementing regulations to identify victims proactively, including by screening for trafficking indicators, especially among vulnerable populations, including child laborers, women and girls exploited in commercial sex, unaccompanied minors, indigenous persons, and undocumented migrants. • 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 while maintaining stringent sentencing according to the country's anti-trafficking law. • Increase anti-trafficking training for all law enforcement, prosecutors, and judges. • Increase law enforcement and first responders' capacity to collect data on trafficking crimes. • Allocate a budget with adequate funding to the federal-level Inter-Ministerial Committee and the Pointe-Noire-based Anti-Trafficking Coordinating Committee. • Expand anti-trafficking efforts to identify victims and prosecute traffickers beyond Pointe-Noire and Brazzaville. • Update, finalize, approve, and resource the national action plan to combat trafficking in persons. • Designate one official or office to lead the anti-trafficking inter-ministerial committee and empower that entity to lead the government's anti-trafficking efforts. • Further bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and the Democratic Republic of the Congo (DRC). • Establish an anti-trafficking law enforcement unit. • Conduct an awareness campaign for law enforcement, judicial, and civil society organizations on the 2019 anti-trafficking law. • Given concerns that North Korea forces its citizens to work abroad, screen North Korean workers for trafficking indicators and refer trafficking victims to appropriate services. • Accede to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

### PROSECUTION

The government increased overall anti-trafficking law enforcement efforts. The 2019 Combatting Trafficking in Persons Law 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.

For the first time since 2017, the government convicted traffickers for exploiting victims in forced labor. Officials prosecuted six traffickers and courts sentenced four of those individuals to 10 years imprisonment under Article 2 of the 2019 trafficking law. While the government did not report investigating any new cases, observers noted anecdotal evidence that authorities opened new trafficking cases during the reporting period. The government investigated and prosecuted six traffickers in 2019. An NGO reported conducting investigations, in coordination with local law enforcement officers, into 24 additional trafficking cases during the reporting year; this is compared to 15 in 2019. Illicit recruiters frequently operated from other West African countries, and Congolese officials did not report taking significant actions to hold domestic criminals accountable for exploiting victims within the country. Authorities reported opening an investigation into an allegation of judicial corruption in a trafficking case; the case remained open at the end of the reporting period.

Low-level corruption and limited intragovernmental coordination constrained officials' ability to investigate, prosecute, and convict suspected traffickers, inhibiting law enforcement action during the year. The court system remained 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, limited legal statistics, and in 2020, court closures related to COVID-19 restrictions on in-person meetings.

The government continued to include anti-trafficking training in the standard academy training for new police and immigration officers. In December, the Ministry of Social Affairs provided training on the country's anti-trafficking framework for an unknown number of officials in six districts. The government regularly coordinated with source countries including Benin, DRC, Gabon, and Cameroon to share law enforcement information. The government did not report extraditing any suspects during the reporting period, compared with one during the previous reporting period.

### PROTECTION

The government decreased efforts to identify victims, although it increased the number of victims it provided care. Officials did not report identifying any victims during the reporting period, compared with approximately nine in the previous reporting period. Experts reported NGOs identified 12 potential victims in 2020. Although the government did not report identifying any victims in 2020, it continued providing shelter and psychosocial services to eight victims identified in previous reporting periods. A government-run center in the Moungali neighborhood of Brazzaville hosted the eight trafficking victims. The shelter provided the victims water, food, clothes, education, security, and psycho-social counseling.

The government's implementing regulations for the anti-trafficking law provided formal written procedures for proactive victim identification, although officials did not report using these procedures to identify any victims. 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. In November, the government facilitated the repatriation of eight victims it identified in 2019 to Benin, compared with supporting one repatriation during the previous reporting period. In December, Congolese authorities coordinated with the DRC government to repatriate two minors to Kinshasa. In past reporting periods, law enforcement generally assisted in removing victims from NGO-identified exploitative situations 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 or 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. Authorities provided foreign adult victims 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 marginally increased efforts to prevent trafficking. Despite COVID-19 restrictions on in-person meetings, the government's federal inter-ministerial committee convened four times during the reporting period, compared with approximately twice during the previous reporting period. The government remained without a current national action plan or entity to lead the government's efforts, which hindered the effectiveness of the country's anti-trafficking response. Officials reported continuing public awareness programming leveraging television, radio, and newspapers, as well as direct outreach to indigenous populations at risk of exploitation and to relevant officials; however, COVID-19 restrictions on in-person gathering limited some sensitization activities.

The government operated an emergency assistance line for victims of crime; however, officials did not report whether it received any calls related to human trafficking during the year. The government did not have effective laws or policies regulating labor recruiters. Congolese authorities worked with officials from the DRC government to address cross-border trafficking by preventing unaccompanied minors from entering the country. Additionally, officials coordinated with the Government of Benin to implement the countries' 2011 bilateral anti-trafficking agreement, resulting in the repatriation of eight Beninese victims during the reporting period. The government has signed but has not acceded to the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

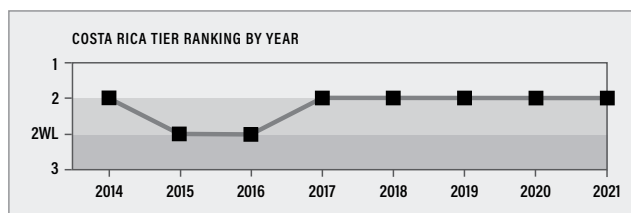
As reported over the past five years, human traffickers exploit domestic and foreign victims in the Republic of the Congo, and traffickers exploit victims from the Republic of the Congo abroad. Forced labor involving adults and children continues to be the primary type of trafficking within Congo. Most trafficking victims in Congo originate from Benin and DRC, and to a lesser extent from Gabon as well as other neighboring countries. Beninese networks with representatives in the Congo target destitute families in their country of origin, promising parents they will provide children an education in the Congo before exploiting them in domestic servitude or sex trafficking. Congolese authorities and civil society representatives report fraudulent employment agents located in Benin, DRC, and Gabon recruit victims into exploitative conditions in the Congo. Foreign business owners and Congolese exploit most foreign victims in forced labor in domestic service and market vending. Some hotel owners and other criminal actors exploit adults and children in commercial sex in the Congo, with the most common victims being Congolese from DRC. 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 criminals exploit the children in sex trafficking or forced labor. Experts report COVID-19-related economic hardships during the reporting period increased the vulnerability of individuals working in the informal sector, although border closures beginning in March 2020 may have decreased cross-border trafficking in persons.

Internal trafficking primarily involves recruitment from remote rural areas for exploitation in cities. Individuals in the fishing industry and market shop owners were the primary exploiters of victims within the country. Traffickers—including members of the majority Bantu community—exploit some members of the indigenous populations for forced labor in the agricultural sector; reports suggest that some servitude involving Congolese might be hereditary. North Korean nationals working in the Republic of the 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 but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Costa Rica remained on Tier 2. These efforts included employing new investigative techniques in trafficking cases, identifying more victims, and converting planned trainings and interagency coordination to virtual delivery amid the pandemic. However, the government did not meet the minimum standards in several key areas. The government decreased funding for anti-trafficking efforts and closed a trafficking-specific emergency shelter.



## PRIORITIZED RECOMMENDATIONS:

Reduce bureaucratic obstacles to the disbursement of funds allocated to anti-trafficking efforts. • Increase funding 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, including child sex tourists. • Increase victim identification and referral, particularly in coordination and collaboration with civil society. • 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. • Provide increased anti-trafficking training for police, prosecutors, judges, and municipal officials. • 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, inconsistent with the definition of trafficking under international law. 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 Migration Authority's (DGME's) Professional Migration Police. The Attorney General's Office supervised both investigative units. The Attorney General's Office reported investigating 103 cases total—68 trafficking cases (Article 172), 28 cases of child sex trafficking (Article 170), and seven cases of forced labor or services (Article 189) – compared with 69 cases in 2019 (43 cases under Article 172, six under Article 170, and 11 under Article 189) and 74 cases in 2018. The government initiated prosecutions against four accused sex traffickers under Articles 172 and 170, compared with prosecuting seven accused traffickers in 2019 and 12 in 2018. Courts convicted five sex traffickers in 2020, all under Article 172, compared with convicting 15 traffickers in 2019 and 10 in 2018. Judges sentenced one convicted trafficker to four years' imprisonment; the other four traffickers each received sentences of 36 years' imprisonment. In one case, courts convicted a sex trafficker for forcing a 13-year-old girl to engage in commercial sex acts with foreign clients. The trafficker also forced the victim to consume drugs to establish greater control over her; the government provided detoxification treatment to the victim to address drug dependence. In 2020, the government did not prosecute or convict any labor traffickers; in 2019, the government prosecuted just one labor trafficker, under Article 189.

Officials reported pandemic-related mitigation measures strained law enforcement capacity and limited the resources available for anti-trafficking efforts. The government charged law enforcement officials, including trafficking investigators, with enforcing the closure of Costa Rica's land borders; these reassignments, in combination with funding shortages, restricted law enforcement officials' ability to conduct regular monitoring and anti-trafficking patrols. However, the government employed new investigative techniques during the reporting period, in part to mitigate the limitations on law enforcement activity during the pandemic; in its first use of wiretapping in a trafficking investigation, the government acquired key evidence to support a series of raids, where authorities arrested 12 suspected traffickers and identified 40 trafficking victims.

The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, at least two previously reported cases involving complicit officials remained ongoing during the reporting period. In one such case, prosecutors appealed a 2019 ruling in which courts acquitted a public official of trafficking and convicted the official of a lesser charge. In another, authorities continued to investigate 12 public officials accused in 2018 of facilitating trafficking victims' entry into Costa Rica. The government did not provide updates on a third ongoing case, first investigated in 2011, involving a local mayor indicted for establishing a trafficking ring. The government continued to investigate and prosecute individuals who paid child trafficking victims for commercial sex, resulting in one conviction in 2020, compared with four convictions in 2019 and 22 in 2018.

From March until October 2020, courts only adjudicated "emergency" or "urgent" cases under pandemic restrictions. Due to these limitations and the judicial sector's chronic backlog of cases, the government reported delays in processing all cases, including trafficking cases. The Supreme Court had a judicial branch action plan with a dedicated budget, developed in 2018 to build capacity and raise public

awareness on how to identify trafficking, but the government did not implement the plan in 2020 due to a technicality that blocked access to funding. The government provided five trainings on investigating and prosecuting human trafficking cases to 108 law enforcement officials, prosecutors, immigration officials, and labor officials; officials conducted all but one training virtually. An unknown number of public officials attended virtual trainings offered by international and civil society organizations. Government officials reported the pandemic and related restrictions impeded planned trainings for 2020. Because law enforcement officials supported anti-trafficking efforts on short rotations, limited training during the pandemic may have reduced new officials' familiarity with trafficking indicators and other critical information. Institutional capacity to combat human trafficking varied across the country, with national-level officials demonstrating greater familiarity with trafficking than municipal counterparts. The Attorney General's Office reported collaborating with Mexican officials on three cases involving human trafficking.

## PROTECTION

The government maintained victim protection efforts. The government identified 50 trafficking victims (20 women, 24 girls, six boys), compared with 35 in 2019 and 20 in 2018. The government reported identifying one transgender victim; it did not report identifying any adult male victims. Traffickers exploited 23 of these victims in sex trafficking and 13 in labor trafficking, including forced begging; the government did not identify the form of trafficking experienced for 14 victims. Of the 50 newly identified victims, at least 32 were Costa Rican nationals, 17 were Nicaraguan, and one was Panamanian. Thirty victims were children; of this group, 14 were children exploited alongside a parent or guardian.

Through the Immediate Response Team (ERI), a specialized inter-institutional body within the National Coalition against Illicit Smuggling and Trafficking of Migrants (CONATT), the government provided initial services to all 50 reported victims. The Office of Attention and Protection of Crime Victims, which served victims of all crimes, reported providing services to 75 trafficking victims, including several victims identified in previous years, compared with serving 48 victims in 2019. The National Women's Institute (INAMU) provided services to 47 female victims of trafficking in 2020, compared with providing care to 31 female victims of trafficking in 2019. Some victims may have received services from more than one provider. Specialized law enforcement units and national immigration authorities used written procedures for identifying victims among vulnerable groups, such as migrants and individuals in commercial sex, 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 could provide victims with access to health care providers, psychological services, legal counsel, financial aid, law enforcement liaison, and other services, including detoxification treatment, for up to three years. CONATT coordinated emergency, short-term, and long-term assistance for victims. ERI arranged short-term services for newly identified victims, including shelter, food, and medical care. CONATT favored housing victims in a network of government safe houses but 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. Until December 2020, CONATT managed an emergency shelter dedicated to trafficking victims within its headquarters in San Jose; however, the agency relocated within the city due to budget constraints and did not have a shelter at its new site. As a result, there were no trafficking-specific shelter facilities in the country. The government did not have shelters for male victims, although the safe house network could accommodate male trafficking victims on a case-by-case basis. The government assisted child victims through the

national child welfare institution (PANI), which had a network of shelters for children and could place girl victims with an NGO facility that could provide long-term shelter. CONATT designated one of its constituent agencies to oversee services provision on a rotating basis. The designated agency had the discretion to refer victims to services based on individual needs; 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. The National Anti-Trafficking in Persons and Smuggling of Migrants Fund (FONATT) disbursed 7.41 million colones (\$12,170) to provide services for identified victims, a significant decrease from the 172 million colones (\$282,380) reported in 2019 and 429.6 million colones (\$705,300) in 2018. The government attributed the decrease to sharp budget limitations during the pandemic and government-wide financial austerity measures. The government allocated 7.42 million colones (\$12,180) in additional funding to cover expenses stemming from emergency service provision and initial contact and care for potential victims. PANI continued to provide direct funding and a per-victim subsidy for identified victims to an NGO-run shelter for child victims. The government did not report the total funding it allocated in 2020 to NGOs providing services to trafficking victims; in 2019, this funding amounted to 171.5 million colones (\$281,560). 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. The government issued 11 new temporary residence or work permits to trafficking victims in 2020 and continued annual renewals of existing permits issued in previous years. Victims could testify outside of court proceedings; in 2020, two human trafficking victims utilized this provision. The government did not facilitate the repatriation of any foreign victims exploited in Costa Rica, compared with two victims in 2019 and two in 2018. It did, however, receive three Costa Rican trafficking victims repatriated after facing exploitation abroad. CONATT offered trafficking awareness and victim identification trainings, primarily virtually, for officials in a range of agencies, including DGME, the social security administration, and the Ministry of Justice and Peace; international organizations provided educational materials or otherwise supported some of these trainings.

## PREVENTION

The government significantly decreased prevention efforts, primarily due to funding limitations. CONATT, chaired by DGME, 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; during the pandemic, it maintained interagency coordination via virtual meetings and telework. CONATT presented a quarterly public report on its accomplishments. The Government Council reviewed the draft 2020-2030 national action plan but did not approve it by the end of the reporting period. Through the FONATT, the government reported 620.45 million colones (\$1.02 million) of anti-trafficking expenditures in 2020, compared with 1.4 billion colones (\$2.3 million) in 2019. The government primarily financed its anti-trafficking activities through the FONATT, but bureaucratic hurdles continued to stymie execution of these funds; in 2020, the government disbursed just 13 percent of FONATT funds, down from 77 percent in 2019. In August 2020, a government decree enacted emergency austerity measures, cutting the FONATT budget by approximately 60 percent; these measures did not specifically target anti-trafficking funding, but impacted other entities working to combat trafficking, including DGME and CONATT. The

government funded the FONATT primarily through a national exit tax; consequently, funding for anti-trafficking efforts fluctuated with travel to and from Costa Rica, which sharply decreased due to the pandemic. The government did not report any funding allocated to prevention programming in 2020, compared to 171.5 million colones (\$281,560) for prevention programming and 1.37 billion colones (\$2.25 million) for other anti-trafficking events and projects in 2019. Funding shortages also prevented the government from making its usual trafficking-specific allocations to DGME, the Ministry of Public Education, and other agencies. The government engaged in limited awareness-raising activities during the reporting period; the government attributed reduced programming to pandemic-related restrictions on in-person gatherings. Officials worked to expand social media usage and offer virtual events, such as a live broadcast that reached 9,700 people. OIJ operated two hotlines to receive confidential criminal complaints but did not report the number of calls related to potential trafficking cases in 2020; there were approximately 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.

In past years, the government educated labor recruiters for international and domestic businesses about the consequences of violating the anti-trafficking regulations but did not report doing so, or investigating or penalizing any labor recruiters for illegal practices that contribute to trafficking in 2020. The government promoted an international code of conduct related to commercial sexual exploitation in the travel and tourism industry; it collaborated with civil society to offer two in-person trainings for tourism sector staff on identifying and referring trafficking victims. The government did not report efforts to reduce the demand for commercial sex acts in 2020. 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 with international partners to deny entry to 24 foreign-registered sex offenders who attempted to travel to Costa Rica as tourists in 2020.

## TRAFFICKING PROFILE

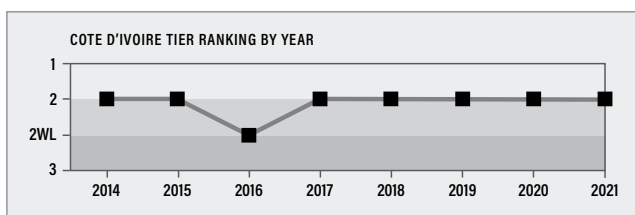
As reported over the past five years, human traffickers exploit domestic and foreign victims in Costa Rica, and traffickers exploit victims from Costa Rica abroad. Traffickers subject Costa Rican women and children to sex trafficking within the country, with those living in the Pacific coastal zones and near the northern and southern borders being particularly vulnerable. Authorities suspect that adults use children to transport or sell drugs; some of these children may be trafficking victims. Traffickers exploit LGBTQI+ 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 adults and children, primarily from Nicaragua, to forced labor in agriculture and domestic service or to sex trafficking. Criminal organizations recruit and coerce homeless individuals to smuggle contraband into prisons for the purpose of further criminal activity. Traffickers prey on migrants, some en route to the United 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, considering the



impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Cote d'Ivoire remained on Tier 2. These efforts included establishing new specialized police units to investigate child labor and child trafficking across the country, training more law enforcement and judicial officials on the anti-trafficking law, referring identified victims to care, and increasing financial and in-kind support to NGOs providing services to trafficking victims. However, the government did not meet the minimum standards in several key areas. The government continued to use pimping and illegal mining statutes to prosecute trafficking cases, which carried lesser penalties than the anti-trafficking law. The government identified fewer trafficking victims, and shelter services for adult victims remained inadequate. The government did not allocate dedicated resources to the anti-trafficking committee.



### PRIORITIZED RECOMMENDATIONS:

Using the 2016 anti-trafficking law, increase efforts to 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. • Standardize existing procedures used to identify potential trafficking victims to include adults and victims among vulnerable populations, and train law enforcement, labor inspectors, and other officials on the revised procedures. • Establish and train officials on a standardized victim referral mechanism for use across ministries to ensure all trafficking victims receive services. • Adopt and implement a new anti-trafficking national action plan; clearly delineate responsibilities for activities under the plan and fund its implementation. • Increase funding to expand shelter and services for trafficking victims, including adults. • Direct labor inspectors to increase inspections in the informal sector to help detect forced labor conditions. • Actively monitor agencies and intermediaries that recruit Ivoirians for work abroad and investigate allegations of fraudulent recruitment. • Improve nationwide data collection on anti-trafficking law enforcement and victim identification efforts.

### PROSECUTION

The government decreased 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 5 million to 10 million West African CFA francs (FCFA) (\$9,450-\$18,900) for adult trafficking, and 20 to 30 years' imprisonment and a fine of 10 million to 50 million FCFA (\$18,900-\$94,520) 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 Child Trafficking and Child Labor 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 5 million to 20 million FCFA (\$9,450-\$37,810). 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 1 million to 10 million FCFA (\$1,890-\$18,900) for pimping and penalties of two to five years' imprisonment and a fine of 50

million to 100 million FCFA (\$94,520-\$189,040) for illegal mining. These penalties were significantly lower than those prescribed under the trafficking law.

The government diverted law enforcement from anti-trafficking activities to enforce pandemic mitigation measures and travel restrictions, and courts operated at a reduced capacity. Despite the pandemic's impact, the government investigated at least 18 cases, prosecuted 25 alleged traffickers, and convicted 12 traffickers under trafficking laws and penal code provisions on illegal mining and pimping during the reporting period. This compared to 191 investigations, prosecution of 35 alleged traffickers, and conviction of 12 traffickers in the previous reporting period. Judges sentenced 10 defendants to prison sentences ranging from six months to 10 years with fines ranging from 100,000 FCFA (\$189) to 10 million FCFA (\$18,900). Two convicted traffickers received no prison sentence or a fully suspended sentence. Some judges and prosecutors remained unaware of the 2016 law and continued to use the 2010 law and illegal mining and pimping statutes to prosecute trafficking cases, which carried lesser penalties. The court convicted six out of 12 traffickers using pimping statutes during the reporting period. The 2016 anti-trafficking law and related penal code provisions also criminalized the knowing solicitation and patronization of a sex trafficking victim; the government reported three prosecutions and three convictions of such cases during the reporting period, compared to prosecuting 15 such cases and obtaining convictions in 11 cases during the previous reporting period. The government did not report continuing any prosecutions from the previous reporting period. 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 crimes remained concerns, inhibiting law enforcement action during the year. Observers alleged police on the borders with Mali and Burkina Faso facilitated child trafficking during the reporting period, taking bribes at checkpoints along bus routes from non-Ivoirian passengers, including potential child forced labor victims en route to exploitation on cocoa plantations. As detailed in a previous reporting period, five gendarmes and two military firefighters allegedly abducted a trafficking victim from an NGO shelter in 2018; a military tribunal sentenced four of the gendarmes and military firefighters to 50 days in military jail in August 2019 as an administrative sanction for unbecoming conduct. A subsequent prosecutions of four of the gendarmes and one of the military firefighters for kidnapping of a minor, forced confinement, and attempted rape was pending before a military judge at the end of the reporting period.

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 (SDLTEDI), 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. In June 2020, the government established six special police units under the Sub-Directorate across the country to investigate child labor and child trafficking cases; each unit had 10-20 officers with two motorcycles, a four-wheel drive vehicle, computers, and office materials. The units received specialized training in Abidjan before deploying to six locations where child trafficking and child labor were prevalent. The new units successfully conducted several anti-trafficking operations, including one in February 2021 that identified 19 potential child trafficking victims. The gendarmes under the Ministry of Defense were responsible for investigations in rural areas where the Sub-Directorate was not present. Funding levels for law enforcement activities 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. The Transnational Organized Crime Unit (UCT) had national jurisdiction over transnational organized crime, including a specialized human trafficking department. The Sub-Directorate was responsible for child trafficking, UCT for transnational

trafficking, and Brigade Mondaine for 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.

The government conducted trainings for 176 law enforcement and judicial officials, an increase from 129 officials trained during the previous reporting period. In coordination with a foreign donor and international organization, the government organized three training sessions for 108 judges, magistrates, prosecutors, police, and ministry officials on the 2016 anti-trafficking law, victim identification and protection, investigative techniques, and cross-agency collaboration. The government organized an additional three trainings for 68 officials from the UCT, Sub-Directorate, Brigade Mondaine, and Airport Anti-Trafficking Cell (CAAT) in coordination with a foreign donor; topics included national and international anti-trafficking legal frameworks, distinctions between human trafficking and migrant smuggling, and investigative and prosecutorial procedures. The government continued to meet virtually with Tunisian authorities to exchange information on victim support and law enforcement networks.

## PROTECTION

The government decreased efforts to identify victims but maintained protection efforts. During the reporting period, the government identified 302 trafficking victims, compared with at least 738 trafficking victims identified among 1,157 potential victims during the previous reporting period. Of these, the government identified 19 children and 283 adults; this included 27 Ivoirian and 275 foreign trafficking victims from Burkina Faso, Gabon, Mali, Morocco, Nigeria, and Togo. Media reported police identified 19 Burkinabe children en route to potential exploitation on cocoa plantations or in artisanal mines and three Burkinabe child forced labor victims.

The government began developing a national referral mechanism with the assistance of an international organization and foreign donor, which remained pending at the end of the reporting period. While the government did not have formal mechanisms to proactively identify trafficking victims and refer them 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. During the reporting period, the government referred adult victims to NGO-operated shelters and child victims to government and NGO-operated shelters. The government provided food, medical care, psycho-social support, and transportation to some victims, including 138 children exploited in forced labor and 15 adults exploited in sex trafficking identified in February 2020. 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. The government also placed children with foster families and used orphanages or its 36 special education centers to temporarily shelter women and child trafficking victims when necessary. Due to the pandemic, the government-run shelter for child victims of exploitation in Soubre operated at reduced capacity and the government referred all child trafficking victims identified during the reporting period to NGOs for long-term care. There was no government-run shelter that could accommodate adult victims. The Ministry of Family Women and Children reported it allocated 100 million FCFA (\$189,040) in financial assistance and 50 million FCFA (\$94,520) in in-kind support, including clothing, food, and hygiene kits, to NGOs serving child trafficking victims during the reporting period. Despite this, NGOs reported government support for victim protection and services remained inadequate, and in many cases, NGOs funded and provided the majority of victim care. NGOs also reported the government closed food and medical assistance centers for portions of the reporting period due to the pandemic. The lack of services, especially for adults, and lack of reintegration assistance rendered many victims vulnerable to re-victimization. Foreign victims reportedly had the same access to care as domestic victims. However, the government did not report

providing temporary or permanent residency to foreign victims who faced hardship or retribution in their countries of origin. In some cases, the government depended on foreign victims' home embassies to provide shelter and care prior to repatriation; the Nigerian and Moroccan embassies assisted their citizens identified as trafficking victims during the reporting period. The government collaborated with international organizations to facilitate the repatriation of 13 Ivoirian child trafficking victims from Ghana and 17 victims from other countries not specified by the government. The government also assisted in repatriating 16 Nigerian women and two Togolese women during the reporting period.

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 government approved the implementing decree to establish the bureau in December 2020. Trafficking victims could file civil suits against their traffickers, but many victims were not aware of this option. A sex trafficking victim reportedly filed a civil suit against her trafficker and a court awarded her 300,000 FCFA (\$567) in damages. 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 victims may have remained unidentified within the law enforcement system. International organizations reported border agents sometimes denied entry to foreign nationals, including potential victims, without screening for human trafficking. Law enforcement officials reportedly only screened individuals in commercial sex for trafficking when detaining or arresting them. The government did not partner with NGOs to screen for victims.

## PREVENTION

The government modestly increased efforts to prevent trafficking. The interagency Anti-Trafficking Committee (CNLTP) 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 for the second consecutive year. The government had a 2019-2021 action plan to combat child labor and trafficking with a three-year budget of over 76 billion FCFA (\$143.7 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 efforts to combat child labor and child trafficking. CNS oversaw CIM and conducted monitoring and evaluation activities. Observers reported coordination between the three bodies improved during the reporting period, although increased collaboration and dedicated resources were still needed for the CNLTP to be fully effective. Despite postponing several trainings and events due to the pandemic, the government funded and carried out five anti-trafficking awareness events in collaboration with international organizations, an increase compared to two events during the previous reporting period. This included an event in July 2020 with 250 participants from youth and women's associations, religious leaders, and traditional leaders on human trafficking indicators and vulnerability of economic migrants. The labor code regulated labor recruitment and labor migration in the formal sector but did not extend to the informal sector, including domestic work, which increased some migrant workers' vulnerability to trafficking. In 2020, 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, which received 43,456 calls in 2020. The Sub-Directorate is responsible for receiving and processing all complaints related to

minors; the government did not report identifying any child trafficking victims or initiating trafficking investigations from the hotline.

In September 2020, the government established two inter-ministerial commissions to adjudicate claims for statelessness, intending to process status for approximately 16,000 people living in the country without identity documents and therefore vulnerable to trafficking. However, the commissions had not begun adjudicating claims by the end of 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

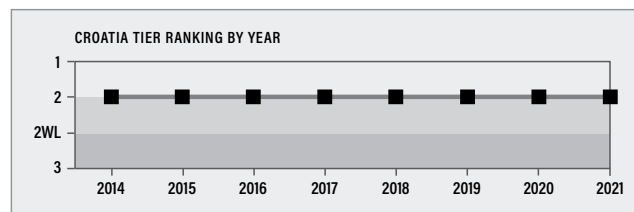
As reported over the past five years, human traffickers exploit domestic and foreign victims in Cote d'Ivoire, and traffickers exploit victims from Cote d'Ivoire abroad. The majority of victims identified are children; due to a stronger emphasis on combating internal child trafficking, the prevalence of adult trafficking may be underreported. Traffickers exploit Ivoirian women and girls in 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, especially Burkinabe, 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; authorities have not provided an updated statistic since 2018. 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, Moroccan, and Nigerian traffickers recruit women and girls from Ghana, Morocco, 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. Nigerian victims transit Cote d'Ivoire en route to exploitation in sex trafficking in Asia, the United Arab Emirates, and North Africa. Chinese traffickers have in the past forced 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 Lebanon, Morocco, Saudi Arabia, 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. An international organization reported an increase in Ivorian migrant women and unaccompanied children arriving in Italy; an NGO reported traffickers sexually exploited many of the women in Libya prior to their arrival in Italy. Authorities have also noted an increase in male trafficking victims among migrants to Europe. 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 previous reporting period, the Tunisian government, NGOs, and international organizations identified an estimated 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. In 2018, French authorities disbanded an Ivoirian trafficking network linked to Daloa that provided Ivoirian children 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. Authorities previously identified Ivoirian trafficking victims in Cyprus, France, Iraq, Israel, Italy, Morocco, and the United Kingdom.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Croatia remained on Tier 2. These efforts included adopting a protocol on data exchange and continuing to provide robust training for police. A municipal civil court issued a trafficking victim compensation for the first time, and the government extended temporary residence permits due to the pandemic. Civil society reported helpful cooperation with the Ministry of Interior (MOI), and the government included representatives from the judiciary in the national committee. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer suspects and did not convict any new traffickers under the trafficking article. The government identified fewer victims, and some judges continued to require victims to provide multiple statements or testimonies causing re-traumatization, while prosecutors often charged traffickers with lesser offenses. The MOI investigated the continued allegations of pushbacks and excessive use of force on the border and charged two police officers in June 2020, but according to some observers, the government continued to lack adequate screening efforts for irregular migrants and asylum seekers, which discouraged victims from cooperating and self-identifying.



## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Enhance screening procedures for irregular migration flows, including asylum seekers and unaccompanied children. • Further increase capacity and training to accurately screen for victims and continue to consistently implement screening procedures for vulnerable populations, particularly irregular migrants, refugees, asylum seekers, and seasonal workers. • 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. • Continue to allocate and disburse sufficient resources to NGO-run shelters and NGOs participating in the mobile identification teams. • Train prosecutors on trafficking, victims' rights, and victim-centered approaches. • Continue to encourage victim 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 decreased 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 15 cases with 29 suspects (19 cases with 31 suspects in 2019). Prosecutors indicted eight defendants in five cases (26 defendants in 13 cases in 2019) and continued to prosecute 32 defendants in 16 ongoing cases (27 defendants in ongoing cases in 2019). Courts did not convict any new traffickers, but a higher court confirmed one forced labor conviction from 2019 (four traffickers convicted in 2019; one for sex trafficking, one for labor trafficking, and two for forced criminality). The higher court issued the trafficker a non-appealable sentence of two years' imprisonment, compared with courts issuing two traffickers an appealable sentence of two years' imprisonment and two traffickers an appealable, partially-suspended sentence of two years and eight months' in 2019. The government used child pandering (Article 162 of the criminal code) to convict some suspected traffickers; courts convicted two perpetrators for child pandering in 2020. Some court proceedings lasted years, contributing to a substantial backlog of criminal cases, including trafficking cases dating as far back as 2013. The government effectively closed most courts from March 2020 to June 2020 due to pandemic lockdown measures. As such, judges reported an increased influx of new cases to the existing backlog and delayed court proceedings as witnesses, defendants, or attorneys tested positive for COVID-19. Additionally, two earthquakes in 2020 destroyed or damaged multiple courts, including Zagreb County Court and several courts located in Sisak-Moslavina county, further delaying court proceedings. Croatian law did not permit virtual trials for first instance courts and only permitted virtual trials in limited circumstances for appellate courts.

Law enforcement personnel under the MOI conducted proactive investigations of commercial sex establishments and cooperated with the State Labor Inspectorate to jointly inspect 144 employers in the agriculture, construction, hospitality, and service industries (116 in 2019); most inspections resulted in administrative labor violations involving contracts, permits, and salaries rather than labor trafficking prosecutions. Civil society representatives and government officials reported the MOI accurately and consistently identified victims and noted good cooperation. GRETA and other sources reported some judges and prosecutors lacked an understanding of trafficking and often prosecuted traffickers using offenses with lesser sentences, such as prostitution, assault, sexual abuse, and pandering. Similarly, some prosecutors charged individuals suspected of trafficking with other or lesser offenses that were easier to prove to decrease their large caseloads. Prosecutors heavily relied on victim testimony and did not often use special investigative measures to corroborate evidence; while some judges in past years issued lenient sentences by liberally applying mitigating circumstances, the absence of convictions during the reporting period made it difficult to assess whether the practice persisted. The government maintained institutionalized training programs on various trafficking issues at the Police Academy, Police College, Judicial Academy, and Border Police Directorate. The government provided virtual and in-person trainings for at least 1,372 police officers, but all four trainings for judges and prosecutors were temporarily canceled or postponed due to the pandemic. The

government did not share information on international investigations due to confidentiality protections. 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 17 victims in 2020 (25 victims in 2019). Of these, three were victims of sex trafficking, five of forced labor, one of both sex trafficking and forced labor, seven of forced criminality, and one of "imposing slavery" (in 2019, 13 were victims of sex trafficking, three of forced labor, seven of forced criminality, one of both forced labor and forced criminality, and one of "imposing slavery"); seven were children (16 children in 2019); seven females and 10 males (17 females and eight males in 2019); and one foreign victim (three foreign victims in 2019). The government maintained standard operating procedures (SOPs) for screening and identifying victims and published a protocol on identification, assistance, and protection of victims. Civil society, media, and GRETA continued to report a lack of government efforts to adequately screen irregular migrants and asylum seekers, including unaccompanied children. International organizations criticized the government for violent pushbacks of irregular migrants and asylum seekers into Bosnia and Herzegovina and Serbia, while civil society and media alleged border police abused irregular migrants and asylum seekers, including one allegation of sexual abuse. International and civil society organizations claimed these practices strongly discouraged victims from self-identifying or cooperating with authorities. However, the MOI reported conducting internal investigations for all claims of abuse and UNHCR reported accusations were hard to verify as migrants wanted to move quickly through Croatia and were inaccessible for follow-up investigations. The MOI investigated 60 cases of alleged pushbacks and excessive use of force in 2019 and 2020 and fired and charged two Karlovac-based police officers in June 2020 over the assault of an Afghan asylum seeker.

A multidisciplinary national referral mechanism (NRM) provided SOPs for identifying and referring victims to services. According to the NRM, 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 traveled to assess potential adult victims in person and coordinated victim care and placement. For child victims, first responders contacted the Ministry of Labor, Pension System, Family and Social Policy (MLPSFSP), who dispatched a mobile team of specialized social workers. The MOI cooperated with mobile teams to officially identify victims and included specialized police officers for potential child victims. Officials reported the mobile team for child victims functioned well, but NGOs participating in the mobile team for adults had not been reimbursed for expenses related to the use of their private vehicles for official travel. Sources reported difficulties in recruiting new NGO members into the mobile team due to the financial burden and that the one-day training for new team members was inadequate to learn the complex process of identifying victims. The government approved and allocated 170,000 Croatian kunas (\$28,570) to reimburse travel costs for mobile teams but, according to participating NGOs, Office for Human Rights and Rights of National Minorities (OHRRNM) did not reimburse invoices in a timely manner.

The government and NGOs provided victims protection and assistance, including shelter, medical assistance, legal assistance, psycho-social support, rehabilitation, reintegration services, and, during the pandemic, personal protective equipment and COVID-19 tests; three adults and five children received assistance in 2020 (two adults and 16 children in 2019). 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 psychosocial services for unaccompanied and exploited children, including child trafficking victims; these shelters accommodated two adults and three children in 2020 (two

adults and three children in 2019). The government-funded, NGO-run shelter for adults allowed freedom of movement and provided separate accommodation for men and women, where they could stay for up to one year with the possibility of an extension. The government-funded, NGO-run shelter for children had the capacity to accommodate five child victims and could enroll children into school, including distance learning. The government continued its efforts to implement foster care for the custody of children instead of using state childcare institutions. MLPSFSP did not organize any foster families for child victims in 2020 (three child victims in 2019) and appointed special caregivers for three children (five children in 2019). MDFYSP organized trainings for foster families and special caregivers and required them to maintain a license, but officials reported a shortage in the number of foster families and special caregivers to fully support the increasing number of child victims. The Croatian Employment Bureau (HZZ) maintained special coordinators in regional and branch offices, who assisted victims in finding employment and worked with businesses to employ victims; HZZ did not assist any victims in 2020. MLPSFSP allocated funding for NGO-run shelters based on the number of assisted victims. It allocated 216,590 kunas (\$36,400) to support the NGO-run shelter for adults, compared with 457,000 kunas (\$76,800) in 2019. Additionally, MLPSFSP allocated 441,690 kunas (\$74,230) for the NGO-run shelter for children, compared with 527,000 kunas (\$88,570) in 2019.

There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of consistent screening efforts for trafficking indicators in irregular migration flows reported by some observers, authorities may have detained and deported some unidentified victims among irregular migrants and asylum seekers. 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 children; the government reported one victim received a temporary residence permit (one in 2019). In response to the pandemic, the government amended the Law on Foreigners to extend temporary residence permits up to 30 days from the end of the pandemic. 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 also 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, and while the eight courts without a VWSO did not have the capacity or resources to provide victim-centered approaches, government-funded civil society organizations provided assistance in those areas. Civil society reported the judiciary was not always familiar with legal protections available for trafficking victims, and 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 2019, a judge required a child to testify in court for seven hours. The law provided witness protection, and the government reported no victims required witness protection in 2020. Authorities reported difficulties in encouraging victims to cooperate with investigations, particularly sex trafficking cases or cases involving potential foreign victims. The law entitled victims to restitution in criminal cases and compensation in civil suits, but experts reported judges rejected claims for restitution in criminal cases and recommended victims to 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. A municipal civil court issued a trafficking victim compensation for the first time and awarded 143,650 kunas (\$24,140).

## PREVENTION

The government increased prevention efforts. OHRRNM served as the secretariat for the senior-level national coordinating committee; the national committee met once (once in 2019). The government adopted a decision to include representatives from the judiciary in the national committee, appointed two judges from the Supreme Court, and appointed the Deputy Prime Minister to chair the committee. The committee's working-level operational team held monthly meetings and monitored the implementation of the 2018-2021 national action plan. The government exchanged and shared information with civil society, adopted a protocol on data exchange, and posted information on ministries' websites. The government held virtual awareness campaigns targeting students and teachers, distributed informative materials, and organized virtual and in-person awareness-raising events for NGOs, government officials, and the general public.

OHRRNM reported spending 37,851 kunas (\$6,360) on services for trafficking victims, including funding for the NGO-run hotline, compared with 93,304 kunas (\$15,680) in 2019. Observers reported the NGO-run hotline operated only from 10:00 a.m. to 6:00 p.m. due to inadequate financial support; in 2020, the hotline received 296 calls, leading to three investigations (474 calls leading to four investigations in 2019). The government maintained a legal framework for regulating and licensing private sector employers, including foreign employment agencies. The law prohibited worker recruitment fees with fines ranging from 4,000 to 100,000 kunas (\$670 to \$16,800). Labor inspectors could issue administrative fines and/or file criminal charges against employers for nonpayment of salaries. Labor inspectors conducted 8,101 inspections in a variety of sectors, such as agriculture, construction, elderly care, forestry, and service; most infractions involved improper labor contracts, work permits, and salary issues. The government made efforts to reduce the demand for commercial sex acts.

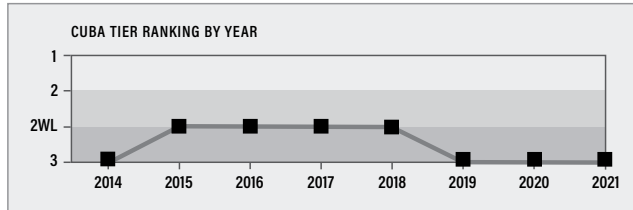
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in 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. Traffickers exploit Croatian, Bosnian, and Romanian women and some Afghan, Filipino, Pakistani, Taiwan, and Thai men in forced labor in the Croatian agricultural sector. Men also are exploited in forced begging and forced criminality, including theft and fraud. Traffickers increasingly use the internet, in particular social media platforms, to recruit children for sex trafficking. Irregular migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied children. 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, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Cuba remained on Tier 3. 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. Despite the lack of significant efforts, the government took some steps to address trafficking. Some reports indicated the government continued training law enforcement officers, prosecutors, and judges on trafficking crimes. However, in 2020, the government capitalized on the pandemic by increasing the number

and size of medical missions and refused to improve the program's transparency or address labor violations and trafficking crimes 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 medical professionals and their family members if participants left the program. Within Cuba, the government did not report investigating, prosecuting, or convicting trafficking crimes. Authorities did not report identifying victims and lacked a comprehensive package of housing and other 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; retain control of their passports, contracts, and academic credentials; ensure a work environment safe from violence, harassment, and intrusive surveillance; and have freedom of movement to include leaving the program or refusing an assignment without penalties such as being threatened, imprisoned, harmed, or banned from returning to Cuba.

- Vigorously investigate and prosecute sex trafficking and forced labor crimes and convict offenders.
- Implement formal policies and procedures to proactively identify trafficking victims, including among vulnerable populations, and refer them to appropriate services, and train officials, including first responders, in their use.
- Draft and enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking, including the explicit prohibition of labor trafficking, and ensures that the use of force, fraud, or coercion is considered an essential element of adult trafficking.
- Adopt policies and programs that provide trafficking-specific, specialized assistance for male, female, and LGBTQI+ trafficking victims.
- Screen individuals charged or detained for commercial sex-related crimes for trafficking indicators and refer identified victims to care.
- Train those responsible for enforcing the labor code to screen for trafficking indicators and educate all Cuban workers about trafficking indicators and how 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.
- Provide specialized training on trafficking indicators for hotline staff and interpretation for non-Spanish speakers.

### PROSECUTION

The government did not report making law enforcement efforts to combat trafficking in persons. Government officials in the Ministry of Justice continued to be complicit in state labor export schemes by prosecuting people who abandoned Cuba's international missions 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 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 did not make efforts to amend the criminal code to address trafficking in line with international law.

The government did not publish official data on anti-trafficking efforts for 2020, making it difficult to assess progress compared to the previous reporting period. The government's annual report was the primary source of information on its efforts; however, the annual report's last publication was in January 2020 and covered efforts made in 2019. While the government controls all sanctioned media outlets, some independent sources provided information on trafficking and efforts to combat it. The government did not report investigating cases of trafficking in 2020, compared with 15 potential cases of trafficking investigated in 2019. Authorities did not report prosecuting or convicting any traffickers during the reporting period, compared with 15 prosecutions in 2019, 20 in 2017, 21 in 2016, and 10 in 2015; and 24 convictions in 2019, 20 in 2017, 39 in 2016, and 17 in 2015. In addition, authorities did not report any information on sentences given to traffickers, compared with reports indicating that the average sentence was 7.1 years of imprisonment in 2019, 9.2 years in 2017, 10.5 years in 2016, and 12 years in 2015. Authorities did not report any new investigations, prosecutions, or convictions of foreign nationals for purchasing sex from child sex trafficking victims, compared with five foreign nationals imprisoned in 2019 from Italy, Serbia, India, France, and the Netherlands. According to sources, the Cuban government organized and sponsored training for law enforcement officers, prosecutors, and judges, but there was no information on the content of the training or details on the number of officials who participated. The government did not report cooperating with foreign governments on trafficking cases during the reporting period. Authorities had more than 20 bilateral cooperation agreements or memoranda of understanding with 15 countries that included trafficking; the government did not provide information on trafficking-related protections or the results of these agreements. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking, despite persistent allegations that officials threatened and coerced some participants in the foreign medical missions to remain in the program.

### PROTECTION

The government did not make efforts to identify or protect trafficking victims. Rather reports continued that government officials forced or coerced individuals to participate and remain in the Cuban government's labor export programs, particularly the foreign medical missions program. Authorities did not report identifying any victims in 2020, compared with 25 in 2018, 24 in 2017, 27 in 2016, and 11 in 2015. While authorities reported having some procedures to screen travelers abroad, they did not report screening individuals for trafficking indicators. The government reported having procedures



to proactively identify and refer sex trafficking victims to care; however, the government lacked formal procedures to identify victims in police raids and relied on victims to self-report in previous years. The government did not report having procedures to identify victims of forced labor and no information was available about the number of labor inspectors. NGOs organized by the government or Communist Party of Cuba, such as the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution (CDRs), could identify and refer trafficking victims to state authorities and provide some victim services, including psychological treatment, health care, skills training, and assistance in finding employment; however these services were politicized and unavailable to people the government and/or Communist Party deemed subversive. 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, and the government did not offer comprehensive or specialized services for victims. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for adult male or LGBTQI+ victims.

As of early 2020, the government funded child protection and guidance centers for women and families, which served all crime victims, including some trafficking victims, but authorities did not provide an update on funding provided for these centers or how the pandemic affected their operations. These centers reportedly 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. Authorities did not report if guidance centers screened for trafficking indicators, referred cases to law enforcement, arranged for victims to cooperate with prosecutors, or provide services. The Family Protection and Jurisdictional Issues Directorate was charged with providing specialized attention to child victims of crime and violence, including trafficking, but authorities did not report if it assisted any trafficking victims during the reporting period. The government shut down the courts for an extensive period of time to mitigate the spread of the virus; actions that likely impacted measures police took to encourage child sex trafficking victims younger than the age of 16 to assist in the prosecution of their traffickers. Prior to the pandemic, authorities could gather testimony through psychologist-led videotaped interviewing, usually avoiding 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 has not reported any such orders since 2018. The government did not identify any foreign trafficking victims in Cuba in 2020.

## PREVENTION

The government did not make efforts to prevent sex trafficking or forced labor. The 2017-2020 anti-trafficking national action plan expired at the end of the reporting period, and the government did not provide information on the development of a new national action plan. The government reportedly held training sessions for government employees, teachers, 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; authorities did not report if any of the calls made to this hotline in 2020 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 reportedly monitored foreign tour companies and travel agencies, whose employees could be held accountable for marketing the country as a sex tourism destination or for trafficking crimes. The government did not report efforts to reduce its nationals’ participation in child sex tourism. The Ministry of Labor and Social Security did not report training inspectors or identifying cases of forced labor. In the past, authorities reported taking steps to identify and prevent young people who might be vulnerable to traffickers from traveling abroad; however, the government did not report how many victims had been identified. Observers noted that the government failed to monitor and combat forced labor in its 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 its labor export schemes working in conditions that might be considered trafficking. The Cuban government did not maintain labor attachés abroad, nor did it 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 migrate legally, 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 of child victims, occur within Cuba. Traffickers exploit Cuban citizens in sex trafficking and forced labor in Africa, Asia, the Caribbean, the Mediterranean, Latin America, 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 the most vulnerable to trafficking. Experts raised concerns about Cuba’s LGBTQI+ 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.

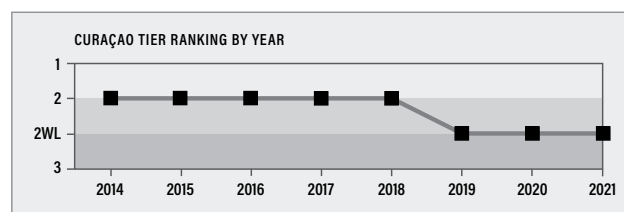
International observers and former participants reported government officials force or coerce individuals to participate and remain in the Cuban government’s labor export programs, particularly the foreign medical missions program, managed by the *Unidad Central de Cooperación Médica (UCCM)*, the Ministry of Health, and the Ministry of Foreign Trade and Investment. The government has not addressed 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 health care professionals in more than 60 countries in Africa, the Americas, Asia, Europe, and the Middle East 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 its exported workforce are medical professionals. Experts estimated the Cuban government collected \$6 billion to \$8 billion annually from its export of services, namely the 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 their contracts, 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 – often in Cuban pesos rather than the hard currency the government is paid for their services, 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 2020, at least four Cuban medical professionals died after contracting COVID-19, three in Venezuela and one in Angola. Observers noted that failure to obtain adequate personal protective equipment (PPE) for medical workers in Venezuela could have contributed to the death of at least one worker. In 2019, at least six professionals died, two were kidnapped, and others were sexually assaulted. Many medical professionals reported being sexually abused by their supervisors. Observers reported 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 licenses to practice medicine in Cuba; retaliating against their family members in Cuba if participants leave the program; or imposing criminal penalties, exile, and family separation if participants do not return to Cuba as directed by government supervisors. Sources indicate that from March to mid-June 2020, the government used the pandemic as an opportunity to expand the reach of its exploitative export medical services, sending more than 2,770 workers to 26 countries to provide medical care. By September 2020, official government media reported medical missions in 39 countries (22 in the Americas), in addition to the 28,000 health workers already in 58 countries. All agreements were made under unclear financial arrangements. In addition to the medical missions, the government profited from other similarly coercive labor export programs, including dance teachers and sports coaches in Venezuela, engineers in South Africa, forestry technicians in Angola, and merchant mariners across the world.

## 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 drafting new guidelines for victim identification and referral and providing services to a victim and the victim’s spouse. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Authorities prosecuted fewer traffickers, did not report identifying any victims, and continued to condition foreign victims’ access to services, including residency, on cooperation with law enforcement in cases against their traffickers. Lack of funding remained a primary obstacle to robust anti-trafficking efforts. Officials conflated human trafficking with migrant smuggling, hindering the effectiveness of prosecution, prevention, and protection efforts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to

meet the minimum standards, Curaçao was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Curaçao remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Provide potential victims, including those who choose not to cooperate with law enforcement in cases against their traffickers, with services and legal alternatives to deportation, especially where victims face harm or abuse in their home country. • Provide foreign victims access to health insurance, which victims must have to apply for temporary residency, and medical services. • Train detention center staff on victim identification procedures and routinely screen detained migrants for trafficking indicators. • Enforce the 30-day reflection period and refer victims to protection services without requiring them first to commit to assist a criminal investigation. • Improve coordination and information-sharing with anti-trafficking counterparts across the Kingdom of the Netherlands. • 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. • 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. • Provide targeted resources and training for local officials to conduct outreach to vulnerable communities through awareness campaigns on workers’ rights, trafficking indicators, and available resources.

### PROSECUTION

The government slightly decreased 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 and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping.

The organized crime unit (DGC) within the Curaçao Police Force was the lead agency for law enforcement efforts to combat trafficking. Authorities initiated one investigation in 2020, compared with one in 2019 and four in 2018. Officials did not report any ongoing investigations from previous years, although they stipulated there was investigative activity related to ongoing prosecutions. The government did not initiate prosecution of any alleged traffickers in 2020, compared with prosecuting four alleged traffickers in one case in 2019 and none in 2018. Authorities also reported four ongoing prosecutions related to one labor trafficking case initiated in 2017; officials expected the case to return to trial in 2021. There was one new arrest associated with the ongoing case; authorities detained one suspect in the Netherlands and transported him to Curaçao to face charges. Judges convicted five traffickers (three for sex trafficking and

† Curaçao is a semi-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. However, the Kingdom is an important contributor to the Government of Curaçao’s anti-trafficking efforts.

two for sex and labor trafficking) in two cases in 2020, compared with eight traffickers in 2019 and zero in 2018. The government reported it secured two of these convictions on appeal. The courts prescribed sentences ranging from 12 months' to three years' imprisonment, with conditions. The courts reexamined on appeal the cases of 10 accused traffickers; although officials cautioned further appeals could affect the courts' findings, judges reaffirmed the convictions of two traffickers, newly convicted two more, and postponed the review of six convictions until 2021. Law enforcement officials reported decreased case volume for all crimes due to reduced investigative activity during lockdowns to mitigate the impacts of the pandemic; during these spans, law enforcement helped to enforce movement restrictions. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, authorities reported two active cases—one ongoing prosecution and one appeal of a 2019 conviction—involved complicit officials, both policemen. In the first case, authorities released the complicit official from pretrial detention upon payment of a \$3,500 fine to the victim; criminal proceedings against the officer were set to resume in May 2020 but were delayed due to lockdowns. Courts expected to hear appeals in 2021 in the second case involving a complicit official, a police officer convicted in 2019 and initially sentenced to 12 months' imprisonment for sex trafficking.

Law enforcement suffered from generalized budget and personnel shortages and did not have a dedicated anti-trafficking budget; instead, officials requested funding from the central Ministry of Justice budget on a case-by-case basis. Some officials reported the lack of funding and lengthy request process disincentivized investigation of trafficking crimes. The pandemic caused discontinuation of anti-trafficking training for law enforcement between March 2020 and September 2020; the government did not report funding law enforcement training during the reporting period. However, an unspecified number of law enforcement officials attended four trainings funded by international organizations and foreign governments. The government reported it lacked the resources to provide virtual training opportunities during the pandemic. The government continued to address human trafficking and migrant smuggling with the same resources and procedures, frequently prosecuting traffickers for smuggling crimes; officials often conflated the two crimes.

## PROTECTION

The government maintained inadequate protection efforts. Authorities did not report identifying any victims in 2020, compared with three sex trafficking victims in 2019 and 44 victims in 2018. Officials did not regularly perform proactive screenings among vulnerable groups, such as individuals in commercial sex, construction, supermarkets, and catering, despite a Kingdom-wide requirement to do so. Similarly, the government did not report screening vulnerable migrant groups. In practice, assistance for victims was contingent upon cooperation with law enforcement efforts to prosecute traffickers. The government's procedures outlined standard services for victims of trafficking, including shelter, meals, medical attention, and psychological services, and assigned an agency to provide each service. However, the agencies responsible lacked dedicated funds to furnish these services; consequently, service provision was inconsistent, and the costs often fell to the DGC or international organizations. In 2020, the government provided shelter and healthcare services to one victim identified in a previous reporting period and the victim's spouse, compared with providing such services to 12 victims in the previous reporting period; the victim continued to cooperate in the trial against his trafficker. Trafficking victims willing to participate in the trial against their traffickers could apply for a temporary residence permit valid for six months. Officials could renew the permit if the criminal investigation or prosecution of the trafficker continued; however, residence permits valid beyond the conclusion or dismissal of these criminal proceedings would be canceled. In practice, funding shortfalls delayed processing of permit applications, creating uncertainty for foreign trafficking victims otherwise vulnerable to deportation.

Foreign victims who did not participate in investigations against their traffickers were not eligible for temporary residence permits and could not legally remain in Curaçao; the government sometimes deported victims and potential victims present in the country illegally, including Venezuelan nationals. Observers reported the pandemic likely contributed to fewer deportations during the reporting period. Through a separate administrative process, victims were eligible to apply for temporary work permits; however, many victims could not afford the costs related to the application.

In 2020, the government worked with an international organization to develop a comprehensive handbook for victim identification and referral procedures; although the government approved the new procedures, it had not yet implemented or trained relevant officials on them. Under the new system, officials would refer all potential trafficking victims to the victim support bureau (SSHC) and the DGC. The government did not operate any specialized shelters for trafficking victims. The government could place a limited number of trafficking victims—adult women and their children up to 12 years of age—in an NGO shelter for victims of domestic violence that could accommodate up to eight individuals; in 2020, an increase in domestic violence cases meant the shelter had reduced capacity to accommodate trafficking victims. The government could refer child trafficking victims to guardianship councils for placement in boarding school or foster care; the government did not assist any child trafficking victims in 2020. Authorities reported difficulty arranging housing for male victims due to budget constraints; the government did not report any shelters for male victims. Authorities required victims to check in with shelter staff when leaving the facility. When existing shelter facilities reached maximum capacity, the government placed victims in short-term government-funded accommodations. Under the 2017-2021 national action plan (NAP), victims could reflect for 30 days before deciding to participate in the trial against their trafficker; however, the government did not report implementing the reflection period in 2019 or 2020. The government reported approximately 8,000 Dutch guilder (\$4,490) in trafficking victim assistance expenditures in 2020. The SSHC, which supported victims of all crimes, operated with a budget of 307,000 guilder (\$172,470). Foreign victims were entitled to similar care as domestic victims but did not have access to publicly funded medical insurance; adequate medical insurance was a requirement to apply for the temporary residence permit. Kingdom evaluators determined officials inconsistently informed victims of their rights as trafficking victims, especially foreign victims, and lacked written resources enumerating these rights in common languages.

## PREVENTION

The government maintained insufficient prevention efforts. The national coordinator nominally led the interagency anti-trafficking task force and oversaw the government's efforts to combat trafficking; however, the coordinator had no dedicated budget in this capacity and had other full-time duties. The government continued to use the 2017-2021 NAP. In 2020, the government did not report any new or ongoing awareness activities; it attributed the absence of programming to the pandemic and general funding limitations. However, the national coordinator continued to participate in radio and television programming. The SSHC operated a victim assistance hotline but did not report receiving any trafficking tips during the reporting period; calls to the hotline were not toll-free. Due to health concerns during the pandemic, the government closed the open-air brothel Campo Alegre in March 2020. The government made efforts to reduce demand for commercial sex acts through its public awareness campaign informing the public that women, especially foreign women, employed in Curaçaoan bars could be sex trafficking victims. The Ministry of Foreign Affairs continued to coordinate with airport administration to monitor ticketing and passenger logs for patterns indicative of human trafficking; when observed, the government could institute additional checkpoints, including visa requirements, to reduce trafficking risk.

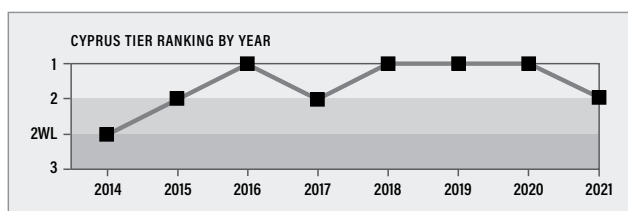


## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Curaçao. Undocumented migrants in Curaçao, especially the substantial population of Venezuelan nationals, are vulnerable to both sex and labor trafficking. In 2020, movement restrictions prevented migrants from departing Curaçao, creating new trafficking risks for migrants who lost work during the economic downturn associated with the pandemic; traffickers may have exploited some of these individuals, taking advantage of their vulnerable position. Officials reported traffickers' activity increased during the pandemic, especially individual traffickers acting independently. Traffickers exploit women and girls from Curaçao, Dominican Republic, and Venezuela, among other countries, in sex trafficking. Bar owners recruit women and girls to work as waitresses or 'trago girls', and subsequently force them into commercial sex. Traffickers exploit migrant workers from other Caribbean countries, South America, China, and India in domestic servitude, as well as forced labor in construction, landscaping, minimarkets, retail, and restaurants. Venezuelan migrants are vulnerable to exploitation by Spanish-speakers purporting to offer employment assistance in Curaçao. Recent research suggests traffickers in Curaçao may exploit more domestic and more male victims than previously understood.

## CYPRUS: TIER 2

The Government of the Republic of Cyprus does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting more traffickers and significantly increasing resources to the Social Welfare Services-run (SWS) anti-trafficking shelter and resources for rent allowances and financial assistance for victims. SWS deployed 42 officers to assist asylum seekers, including screening for trafficking indicators, and the police anti-trafficking unit (ATU) adopted a new victim identification form. An international organization reported "a high standard of accommodation" at the SWS-run shelter, while civil society reported the implementation of the national referral mechanism (NRM) improved during the reporting period. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic on the government's anti-trafficking capacity. Although the government identified roughly the same number of victims, authorities investigated fewer suspects, and, for the third consecutive year, courts did not convict any perpetrators under the trafficking law. Court proceedings for most crimes lasted years, and foreign victims and witnesses often returned to their countries of origin without an adequate means to ensure the continued inclusion of their testimony, resulting in trafficking cases convicted under lesser charges. ATU continued to lack sufficient resources to thoroughly investigate all referrals of potential trafficking victims. SWS did not respond in a timely manner to referrals of potential victims and failed to refer all potential victims to ATU for official identification procedures. As a result, potential victims lacked adequate accommodation, healthcare, and financial support for months. The Multidisciplinary Coordinating Group (MCG) met less frequently than in 2019 due to the pandemic, and the government did not organize any awareness campaigns. Therefore Cyprus was downgraded to Tier 2.



## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Law 60(I) and sentence convicted traffickers to significant prison terms. • Allocate sufficient resources to enable ATU to effectively investigate all offenses and SWS to refer all potential victims in a timely manner. • 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. • Proactively identify victims among vulnerable populations, including migrants, asylum seekers, 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

Law enforcement efforts continued to decrease, particularly the ability of the government to successfully convict a trafficker for three consecutive years. The government adopted Law 117(I)/2019 in July 2019, 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 respect to sex trafficking, commensurate with those for serious crimes, such as rape. The police investigated 18 suspects (24 in 2019); six suspects for sex trafficking, 11 suspects for forced labor, and one for both sex trafficking and forced labor. The police also investigated two forced marriage cases, which authorities considered to be trafficking under their law. The government prosecuted 23 defendants (16 in 2019); five defendants for sex trafficking, 15 for forced labor and three defendants for forced begging. The government continued to prosecute 86 defendants (86 in 2019); 53 for sex trafficking and 33 for forced labor. The government also continued to prosecute 24 defendants for forced marriage and three defendants for "soliciting or patronizing a sex trafficking victim." For the third consecutive year, courts failed to convict any traffickers under their trafficking law. Courts convicted two perpetrators prosecuted under the trafficking law with lesser offenses (four in 2019), including drug trafficking offenses, forgery, circulating false documents, obtaining a residency permit under false pretenses, and assisting an undocumented foreign national. The judge sentenced one perpetrator to nine months' imprisonment and three years' probation and the other to two years' imprisonment. The government suspended most court cases from March to April 2020 due to pandemic mitigation efforts except cases with suspects in custody and cases deemed as urgent by a judge. GRETA and OSCE reported cases relied heavily on victim and witness testimonies, and the government often did not provide or seek corroborating evidence. Additionally, court proceedings lasted up to three years, and the government did not ensure the continued inclusion of victim testimony after foreign victims and witnesses often returned to their countries of origin, resulting in lenient sentences, downgraded cases, and acquittals of suspects on trafficking charges due to a lack of other evidence.

The Ministry of Justice and Public Order maintained the ATU, which conducted proactive investigations and used special investigative techniques, including surveillance, undercover operations and informants, and wire-tapping. However, observers reported inadequate staffing and growing responsibilities outside of ATU's mandate limited the number of proactive investigations. For example, ATU spent much of its time helping victims with issues under the mandate of SWS, including assisting victims with administrative forms, applying for jobs on their behalf, and supporting victims with drug rehabilitation. GRETA reported the authorities treated many forced labor cases

as labor disputes and, in 2020, observers reported local police, particularly in rural areas, tolerated practices that were indicators of forced labor, including withholding salaries and confiscating travel documents. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. 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 government scheduled a hearing for June 2021. ATU and the Police Academy continued to train police officers on trafficking issues, including new recruits and immigration officers. The government also trained judges and asylum service officers on various anti-trafficking issues. The government executed one European investigative order, issued one European investigative order, and continued a joint investigation with Poland and the United Kingdom. The government participated in a EUROPOL operation and shared information with Germany, Portugal, Romania, Spain, and the United Kingdom.

## PROTECTION

The government maintained victim protection efforts. The government identified 25 victims (24 in 2019); nine were sex trafficking victims, 13 were forced labor victims, including one victim of forced begging, and three were victims of both sex trafficking and forced labor; eight were female and 13 were male; three were children; and all adults were foreign victims. The three child victims, two males and one female, were Cypriot nationals. A multi-disciplinary NRM provided standard operating procedures for identifying and referring victims to services, including an operational manual, written guidance for first responders, and guidelines specifically for children. The police conducted proactive identification efforts, including in apartments, pubs, and agricultural establishments, but GRETA and other observers reported the ATU lacked sufficient resources to effectively investigate all referrals of potential victims, particularly among the increasing number of asylum seekers. The NRM required first responders to conduct preliminary identification of potential victims and refer potential victims to SWS. SWS officers provided potential victims with information and notified the ATU, who officially identified victims. Civil society reported the implementation of the NRM improved during the reporting period; however, SWS continued to respond slowly to referrals of potential victims and failed to refer all potential victims to ATU for official identification procedures. For example, trafficking victims exploited prior to arriving in Cyprus and applying for asylum at immigration offices and detention centers may not be identified, according to GRETA, that documented NGOs referring potential victims among asylum seekers to SWS who were not referred to ATU. Additionally, SWS continued to lack the capacity to maintain contact with potential victims, and some potential victims did not have access to adequate accommodations and financial assistance. SWS reduced staff due to pandemic mitigation efforts, and a sharp increase in asylum applications exacerbated delays, resulting in potential victims among asylum seekers lacking adequate accommodation, health care, and financial support for months while waiting for SWS services. In 2019, the government established a permanent screening system for newly arrived asylum seekers and, in 2020, SWS deployed 42 officers dedicated to assisting asylum seekers, including screening for indicators of trafficking. 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 that at times the NRM was not fully functional on weekends and, in previous years, the on-call SWS officer did not deem potential trafficking cases an emergency. The ATU interviewed 196 potential victims referred by SWS (246 potential victims, including 172 asylum seekers in 2019). In previous years, observers reported the ATU identification process lacked transparency and some interviews were not victim-centered, but ATU adopted a new victim identification form for potential victims aligned with internal identification manuals and based on international standards and guidelines. The government trained SWS

officers, asylum officers, and mental health services staff on victim identification and assistance.

The law entitled officially identified victims to psycho-social services, health care, translation and interpretation services, education, vocational training, and financial assistance. Once ATU officially identified a victim, SWS evaluated the needs of 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 50 official and potential victims (53 in 2019). 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 allocated €494,010 (\$606,140) to operate the SWS-run shelter, a significant increase compared to €337,970 (\$414,680) in 2019. GRETA reported “a high standard of accommodation” in the SWS-run shelter, including living conditions, protections, and reintegration programs. Similarly, NGOs reported good service quality at the SWS-run shelter, health care services, and labor office but, as in previous years, observers reported victims continued to rely heavily on NGOs to help navigate cumbersome SWS procedures to access support services. 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 €164,990 (\$202,440) to the NGO, compared with €147,000 (\$180,370) in 2019. 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 faced obstacles to secure adequate accommodations due to increasing housing costs and greater demand for low-cost housing. The government allocated €213,620 (\$262,110) for rent allowances and financial assistance to trafficking victims through a public benefit scheme known as Guaranteed Minimum Income, an increase compared with €168,980 (\$207,340) in 2019. The government prioritized public benefit applications from trafficking victims over all other beneficiaries, but observers continued to report long delays, which were prolonged from reduced staff due to pandemic mitigation efforts, and victims waited several 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. The government allocated €36,400 (\$44,670) for emergency rent and assistance to cover urgent needs, compared with €30,000 (\$36,810) in 2019. 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. Victims could access free health care at public hospitals but did not have access to the General Healthcare System, established in 2019, which allowed free access to participating private sector healthcare providers. Employment counselors trained to handle sensitive cases sought suitable employment for each victim and benefits to victims did not discontinue until a SWS officer and an employment counselor examined each case.

There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to delays in formal identification procedures, some asylum seekers may have been detained in reception centers while waiting for their interviews. The government 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 granted eight requests for residence and work permits (10 in 2019) and granted refugee or international protection status to three victims of trafficking. However, in November 2020, the Ministry of Interior (MOI) informed a labor trafficking victim from India—identified in 2015—that his residence and work permits would not be renewed and that he would be processed for repatriation due to the absence of a criminal court case against his traffickers. Prosecutors

reportedly declined to prosecute his case due to a lack of corroborating evidence, and police arrested and detained the trafficking victim on March 14, 2021. After the international community inquired about the case, authorities released the victim on March 31, but his residency and work permits were still pending. Specialized personnel in the ATU, including a forensic psychologist, conducted interviews with potential and identified victims before taking an official statement. Overall, 21 victims assisted law enforcement investigations. Police permitted victims to leave Cyprus and return for trial after assessing the potential risks. No victims left Cyprus and returned to testify in trial (one in 2019). 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 2020. 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; courts used none of these methods in 2019. Authorities provided victims' family members living abroad protection measures from intimidation and retaliation by arranging travel to Cyprus through diplomatic channels. Law allowed restitution through criminal cases and compensation through civil suits, but judges have never issued restitution, and authorities only approved two applications to date from victims for legal aid to pursue compensation.

## PREVENTION

The government decreased prevention efforts, partly due to pandemic-related restrictions. The MCG to combat trafficking, comprising relevant government agencies and NGOs, monitored the implementation of the 2019-2021 national action plan; the MCG met in-person on July 16, 2020 and virtually on December 16, 2020 (met three times in 2019). The government did not conduct any awareness campaigns. During the previous reporting period, 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 the residence permits of victims exploited abroad; civil society filed a complaint stating authorities had not fully implemented the Ombudsman's recommendations. Law required employment agencies to acquire a permit and prohibited withholding payment, confiscating passports, and charging workers for job searches, placement, and maintenance of employment. In 2020, the Ministry of Labor (MOL) inspected 123 employment agencies, revoked the licenses of 14 agencies, and fined 14 agencies for failing to maintain required records. MOI 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 €309 (\$380) minimum monthly salary for domestic workers and required employers to be responsible for accommodation, medical insurance, meals, visa fees, travel expenses, and repatriation ticket. The government contributed €25,000 (\$30,670) to co-fund an OSCE project to combat trafficking in the Mediterranean. 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 2020 were from Bulgaria, Cameroon, Egypt, India, Nepal, Philippines, Nigeria, and Romania. In previous years, victims were also from Cameroon, China, Czechia, Ethiopia, Greece, India, Moldova, Nepal, Nigeria, Romania, Russia, Sri Lanka, Ukraine, Uzbekistan and Vietnam. 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. "TRNC" does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Despite the lack of significant efforts, "TRNC" took some steps to address trafficking. In March 2020, "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. However, Turkish Cypriot authorities did not investigate, prosecute, or convict any traffickers. Turkish Cypriot authorities did not identify any trafficking victims and provided no victim protection, including shelter and social, economic, and psychological services. Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts or provide training on anti-trafficking issues.

The "Nightclubs and Similar Places of Entertainment Law of 2000" stipulated nightclubs may only provide entertainment such as dance performances, but Turkish Cypriot authorities rarely enforced this "law" and observers continued to report the 27 nightclubs in "TRNC" acted as brothels where sex trafficking commonly occurred. Police confiscated passports of foreign women working in nightclubs and issued them identity cards, reportedly to protect them from abuse by nightclub owners. Observers reported women preferred to keep their passports, but police convinced them to render passports to avoid deportation. "TRNC" authorities did not permit women to change location once under contract with a nightclub and routinely deported foreign victims who voiced discontent about their treatment; Turkish Cypriot authorities deported 255 women who curtailed their contracts without screening for indicators of trafficking (581 in 2019). 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, 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 women from speaking freely. Nightclubs provided a source of tax revenue for the Turkish Cypriot administration with media reports in 2015 estimating nightclub owners paid between 20 million and 30 million Turkish lira (\$2.69 million and \$4 million) in taxes annually, presenting a conflict of interest and a deterrent to increased political will to combat trafficking. Additionally, observers alleged complicit “government officials” were involved in organized criminal groups associated with nightclubs and that some “parliament” members were among the nightclubs’ clientele. Despite business closures due to pandemic mitigation measures, night club owners continued to force victims into sex trafficking. NGOs reported an increase in calls to an NGO-run hotline from trafficking victims and a 400 percent increase in requests for psychological assistance and 300 percent increase in legal assistance from victims in 2020.

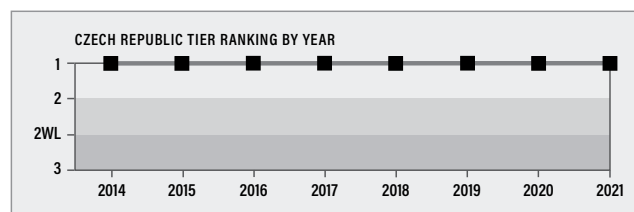
“TRNC” authorities did not report the number of six-month hostess and barmaid “work permits” for individuals working in nightclubs and pubs, compared with 942 six-month “work permits” between April 2019 and January 2020. During the reporting period, there were 255 women working under such “permits” (310 during the previous reporting period). 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. “TRNC” did not provide the number of “work permits” issued to domestic workers in 2019 or 2020 (3,143 in 2018). Turkish Cypriot authorities did not encourage potential victims to assist in prosecutions against their traffickers and deported all potential victims. “TRNC” authorities did not enforce labor “laws” and observers reported Turkish Cypriot authorities made little efforts to investigate employers and recruitment agencies charging high recruitment fees, confiscating passports, and withholding salaries that were common practices. 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, not always operational and experts 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 “TRNC.” Traffickers exploit women from Central Asia, Eastern Europe, and Africa in sex trafficking in nightclubs licensed and regulated by Turkish Cypriot authorities. 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. Traffickers force female students into sex trafficking in apartments and male students into forced labor or coerce students to commit crimes such as transporting or selling drugs. 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 report that a number of women, some of whom are 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, LGBTIQ+ persons, refugees, and their children are also at risk for sexual exploitation. Observers report traffickers shifted tactics during the pandemic, forcing female sex trafficking victims to visit clients’ homes due to the drop in demand at nightclubs and often marketed home visits to potential clients under the guise of massage services. Civil society report traffickers allegedly facing financial hardship due to the pandemic act with increased aggression towards victims.

## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Czech Republic remained on Tier 1. These efforts included approving a new national strategy to guide the government’s anti-trafficking efforts and increasing efforts to prevent labor trafficking, including through temporarily waiving a 2019 requirement that foreign workers remain with their employer for at least six months. In response to the pandemic, the government created hotlines to provide information on labor issues and provided bonuses to social workers to encourage their continued engagement during the pandemic. Although the government meets the minimum standards, it did not effectively screen vulnerable populations for trafficking, and officials expressed concern regarding the difficulty in prosecuting and convicting trafficking cases where coercion was the means of exploitation. Observers had previously noted concern that not all relevant officials seemed to understand the elements of the crime, which may have continued to result in trafficking crimes being prosecuted under the pimping statute with a lack of significant prison sentences for convicted offenders. The government had an official program to provide services to victims but did not maintain comprehensive victim identification and assistance statistics.



### PRIORITIZED RECOMMENDATIONS:

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. • Increase efforts to effectively screen vulnerable populations, including asylum-seekers and children in institutional care. • Improve and reform law enforcement data collection efforts, including by disaggregating sex and labor trafficking case data, and comprehensively report victim data, particularly on those 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, on the irrelevance of a victim’s initial consent when proving a trafficking crime, and on how to 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. • Improve victims’ ability to

access court-ordered restitution in criminal cases and compensation through civil proceedings.

## PROSECUTION

The government maintained 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 2020, police initiated 18 trafficking investigations involving 20 suspects (20 investigations involving 24 suspects in 2019). Authorities prosecuted nine defendants under Section 168 (21 in 2019 and 18 in 2018), eight for sex trafficking and one for labor trafficking. Courts convicted eight traffickers – seven for sex trafficking and one for labor trafficking (nine convictions, all for either sex trafficking or for both sex and labor trafficking, in 2019 and 16 convictions, all for sex trafficking, in 2018). Two of the convicted traffickers were children from institutional care convicted for sex trafficking another child. Courts sentenced three traffickers to up to five years' imprisonment and two traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentence of three convicted traffickers. Government officials attributed two of the three suspended sentences to the Act on Juvenile Judiciary, which allows for lower penalties for juvenile perpetrators. The conviction of multiple perpetrators from a November 2019 case into a Czech trafficking operation in the United Kingdom (UK) involving both sex and labor trafficking was under appeal at the end of the reporting period. The court had sentenced one trafficker to 18 years' imprisonment, the highest trafficking sentence ever issued, and the court awarded victims 5 million koruna (\$240,920) in restitution, the highest amount ever granted in a trafficking case. Police investigated 19 cases (37 in 2019) of pimping; although the government did not provide details so it was unknown whether any involved sex trafficking. The government did not report any seized assets from suspected traffickers but reported temporarily seized properties in the amount of 62 million koruna (\$2.99 million). Authorities collaborated with foreign governments on four transnational investigations (one new and three ongoing). In one ongoing case, UK authorities arrested nine suspects in 2019 for exploiting Czech victims in the food service industry; the trial was still ongoing in the UK at the end of the reporting period. In another case in which traffickers exploited multiple victims from the Czech Republic in the UK from 2009-2017, Czech prosecutors brought additional charges in May 2020, including trafficking for the purposes of slavery, and in December 2020 charged three new suspects. This was the first time prosecutors charged a suspect with trafficking for the purposes of slavery. 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 continued to be 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 Public Prosecutor's Office's specialized prosecutor for trafficking and domestic violence oversaw specialized trafficking prosecutors in the regional prosecutorial offices. Regional police directorates sometimes chose to devote their limited resources to fighting other types of crime, especially crimes deemed easier to solve and achieve a conviction, as well as crimes related to the pandemic or the enforcement of state of emergency rules. Law enforcement officials said they more easily identified sex trafficking cases than labor trafficking cases. Judges and

prosecutors continued to note it was difficult to prove 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 did 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 government provided training for law enforcement officials, labor inspectors, consular officers, prosecutors, and others in investigating and prosecuting trafficking cases and identifying victims. As a result of the pandemic, the Judicial Academy offered an online course for prosecutors and judges. The State Labor Inspection Office held a virtual workshop in September 2020 for labor inspectors from each region; in addition to training labor inspectors, the workshop facilitated cooperation between police and labor inspectors. Experts reported inconsistent collaboration between regional police and labor inspectors, as well as a need for enhanced training for inspectors on labor trafficking indicators. Inspectors conducted 5,557 inspections in 2020 (compared to 8,532 in 2019) and identified 3,110 illegally employed persons, but the government did not report identifying any trafficking victims. The national labor inspectorate did not perform routine workplace inspections due to the pandemic but did respond to reports of suspected violations. In September 2020, the national labor inspectorate conducted an "extraordinary" inspection aimed at detecting illegal employment. During the month, authorities carried out 321 inspections targeting 1,418 persons. Law enforcement used information collected to conduct further preliminary investigations but did not identify any victims of trafficking. 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, although the 2020-2023 national strategy included data collection reform as a key objective. The government did not officially recognize victims who did not participate in the Program, although it provided support to NGOs who identified and helped potential or unidentified victims. 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 2020, 13 new victims (six men and seven women) entered the Program, a decrease from 15 in 2019 and 17 in 2018. Police referred three victims to the Program and NGOs referred eight, while two victims were reported jointly. In 2020, government-funded NGOs provided services or other support to 317 victims or potential victims, a significant increase from 259 in 2019 and 180 in 2018. The MOI distributed an electronic manual that described trafficking indicators among vulnerable populations to assist government officials in identifying victims and began work with representatives from socially excluded localities on a new, more inclusive list of trafficking indicators. However, observers noted the manual lacked a clear systematic procedure for identifying victims or referring them to the correct services. The agency also continued distributing a card-sized version and a manual outlining best practices in handling child trafficking cases to regional police. 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 subcontracts to other NGOs for additional

specialized services. Victims with children were generally placed in an NGO-run shelter, or into other MOI-funded housing. 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. The MOI drafted procedures that would allow victims to remain in the Program even after termination of the criminal process against the trafficker, thus granting victims easier access to free legal representation in civil compensation proceedings. 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); all victims in the Program during 2020 chose to cooperate with law enforcement. Victims who chose to cooperate with law enforcement 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; the government granted permanent residency to two victims in 2020 (eight in 2019 and two in 2018), extended immigration relief to one victim, and granted one long-term residence permit to a victim due to pandemic-related travel restrictions.

Victims unwilling to assist law enforcement through the Program were eligible to access MLSA-funded welfare benefits, including housing, in-person and telephone crisis help, counseling and social rehabilitation, drop-in centers for children, and social services for families with children. Although the government did not provide specialized centers specifically for child trafficking victims, there was a unique national referral mechanism for child victims and social workers developed individualized support plans for potential child trafficking victims, who received welfare benefits, such as shelter, food, clothing, and medical and psychological counseling. An NGO noted the government increased the number of mental health service providers for child victims during the reporting period. Nevertheless, observers reported identification procedures, crisis support, and long-term services for child trafficking victims remained insufficient. The 2020-2023 national strategy included a plan to study child trafficking in the Czech Republic and to create educational materials for first responders on the identification of and assistance to child victims.

The MOI allocated approximately 1.6 million koruna (\$77,090) for the victim assistance program and voluntary returns, the same amount as in 2019 and 2018; the Program did not spend the full allotment. An international organization used some of this funding to repatriate one victim (three in 2019) and an NGO worked with the government to repatriate one potential victim. The MLSA increased its funding to NGOs to provide social services, including to trafficking victims not in the MOI program. MLSA funding for NGOs increased during the reporting period. NGOs reported sufficient funding for short- and long-term activities and believed the ability to use MLSA funds for purposes other than the standard social services they already provided, such as public transportation tickets, telephone, medical checks, and psychological therapy, allowed them to offer more holistic services, which were limited in previous years due to regulations on use of these funds. Nevertheless, NGOs reported the MLSA's funding 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. To guarantee victims' access to social services during the pandemic, the government increased funding to provide monthly bonuses for social workers to encourage their continued engagement.

While there were no reports of victims penalized for unlawful acts traffickers compelled them to commit, border police and asylum and migration officials occasionally failed to recognize trafficking indicators among asylum-seekers and did not always proactively screen

migrants, including those in detention, for indicators of trafficking. Additionally, the government did not report case details of the two children in a government institution convicted for sex trafficking another child. According to an NGO report, Czech police operating in North Macedonia participated in violent pushbacks of migrants into Greece, which discouraged victims from cooperating and self-identifying. Experts noted some courts declined to recognize victims in migration detention facilities as such if they did not self-identify as victims in their initial asylum claims. Some experts criticized the Refugee Facility Administration (RFA) for charging a daily fee to some migrants for stays in transit zones; such fees could increase the vulnerability of potential victims to debt-based coercion. The RFA maintained a system where potential victims and other members of at-risk groups that were identified in an entrance interview for asylum-seekers would be voluntarily housed in a guarded facility or, if in immediate danger, referred to NGOs for services; the RFA did not identify any victims in the transit zones in 2018, 2019, or 2020.

Victims had the legal option of seeking court-ordered compensation from their traffickers through civil suits; however, compensation was rare, as victims could not afford attorney fees for a civil suit. To seek civil damages, the law required a finding of criminal misconduct against the defendant. The law also allowed victims to obtain restitution in criminal proceedings, although courts rarely issued restitution to victims in criminal cases. An NGO reported one victim received 300,000 koruna (\$14,460) as restitution for a forced labor case in 2020. During the reporting period, the November 2019 court judgment awarding a record 5 million koruna (\$240,920) to the victims in a case involving a transnational trafficking operation went under appeal.

## PREVENTION

The government increased prevention efforts. The MOI chaired the Inter-Ministerial Coordination Group (IMCG), which included representatives from various government ministries and agencies, as well as three NGOs and an international organization. Due to the pandemic, the IMCG met only once (twice in 2019) to coordinate national efforts, but successfully approved the 2020-2023 national strategy. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on trafficking patterns and programs. The government funded several NGO-run hotlines to identify and assist both potential and officially recognized victims; NGOs reported a significant increase in calls in 2020 due to the pandemic. Hotlines operated on weekdays, and the government provided training to operators on how to advise victims. One NGO reported receiving 1,700 calls and chats on its hotline in 2020 and subsequently identified seven victims. MOI funds from the victim assistance program were available for prevention campaigns and fieldwork; the government funded an NGO to conduct an online public awareness campaign highlighting real cases of trafficking that occurred in the country or that affected Czech citizens. Another NGO received funding to conduct 43 monitoring and awareness trips to areas with a high potential for labor trafficking and exploitation, while a third NGO received funds to conduct an awareness-raising lecture as well as outreach to women in commercial sex. The government and the EU provided funding for an NGO to conduct a research project exploring ways to more effectively assist victims.

The MLSA and labor inspection office websites published information in multiple languages about foreign workers' rights, laws governing the employment of foreigners, and information on the Czech labor system and requirements for work permits. During the pandemic, the national labor inspectorate set up free information lines for the provision of counseling on labor issues at each regional inspectorate. Likewise, the MOI and MFA regularly updated websites with information regarding the waiver of immigration enforcement for foreigners during the pandemic-related state of emergency. The law did not specifically criminalize confiscation of workers' passports. The labor code prohibited charging workers recruitment fees. Section 342 of the criminal code criminalized the illicit employment of foreign



workers under especially exploitative conditions. Labor inspectors had dedicated staff to focus on illegal employment and verify requirements for conditions of work. They conducted inspections of employment agencies and identified 98 illegal “pseudo-agencies” in 2020; most suspected cases of labor trafficking were arranged via these types of agencies. MLSA proposed several measures to increase oversight and potential sanctioning of these agencies, which were in various stages of implementation during the reporting year. In November 2020, the government waived for the duration of the second pandemic-related state of emergency the 2019 requirement that employer-sponsored foreign workers must remain with the same employer for a minimum of six months. The government also passed legislation in August 2020 to allow holders of employment permits that expired between March and November 2020 due to the pandemic, to remain in the country if they secured new employment or extended in a previous position. The government reported these measures reduced the number of foreign workers in potentially vulnerable situations. In May 2020, the government fully resumed issuing authorizations for domestic employees of accredited diplomatic personnel in the Czech Republic, subject to new rules and requirements to safeguard against the exploitation of domestic workers by foreign diplomats. The government issued one new authorization in 2020. The government did not make efforts to reduce the demand for commercial sex acts.

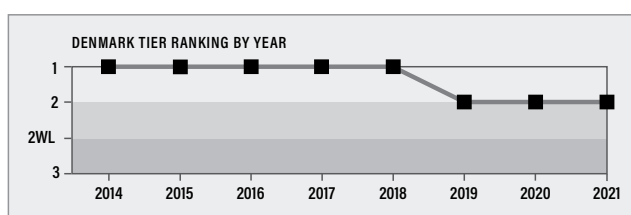
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Czech Republic, and traffickers exploit Czech victims abroad. Traffickers exploit women, girls, and boys from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam in sex trafficking in the Czech Republic and also transport victims through the Czech Republic to other European countries for sex trafficking. The UK has been a significant destination in recent years for Czech female and male victims of trafficking. Men and women from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, Nepal, Nigeria, Philippines, Russia, and Vietnam are exploited in forced labor in the Czech Republic, typically through debt-based coercion or exploitation of other vulnerabilities, in the construction, agricultural, forestry, manufacturing, food processing, and service sectors, including in domestic work. Most identified victims in the country are Czech. Law enforcement reported an increase in non-EU victims. NGOs report labor trafficking is more prevalent than sex trafficking. Traffickers exploit Romani men from the Czech Republic in forced labor and forced labor internally and in destination countries, including the UK; many such traffickers operate as family groups. Most traffickers are Czech citizens; foreign traffickers often recruit victims from their home countries and work in cooperation with local Czech citizens. Law enforcement continue to report an increase in cases of “marriages of convenience” where Czech women are recruited through sham marriages with non-EU men, often of South Asian descent, and then exploited in sex trafficking and/or forced labor. The commercial sex industry increasingly operates out of private residences, complicating efforts to identify sex trafficking victims. Private, unregistered labor agencies often use deceptive practices to recruit workers from abroad as well as from inside the country. Some agencies sell their registration to unqualified recruiters.

## DENMARK: TIER 2

The Government of Denmark 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Denmark remained on Tier 2. These efforts included

financially supporting counseling centers and health clinics for potential trafficking victims, including mobile health units focused on sex trafficking outreach, and issuing new guidelines related to victim support during a pandemic and victim identification in asylum centers. However, the government did not meet the minimum standards in several key areas. Courts did not convict any traffickers for the second consecutive year, and authorities prosecuted fewer suspected traffickers. The government continued to focus on the undocumented status of some foreign victims rather than screening for trafficking indicators. The government did not provide significant incentives for victims to cooperate in investigations, such as long-term residence permits, and the government’s practice to move toward repatriating victims inhibited successful prosecutions and left victims vulnerable to re-trafficking and reluctant to come forward and work with police. Additionally, the government held the passports of foreign victims who cooperated with authorities, without their consent, leaving them at risk of re-traumatization. Finally, the criminal code lacked a non-punishment provision, resulting in some authorities prosecuting victims, including children, for crimes their traffickers compelled them to commit.



### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to prosecute and convict suspected traffickers. • Proactively screen all vulnerable individuals, such as migrant workers, asylum-seekers, and unaccompanied children, for trafficking indicators and stay deportation of potential victims prior to identification and care. • Grant and renew residence permits to asylum-seekers. • Vigorously investigate and prosecute trafficking cases under the trafficking statute. • Increase incentives for all victims to cooperate in the prosecution of traffickers, including by granting longer-term residency, work permits, and reparation. • Amend the law to include a non-punishment provision ensuring trafficking victims, including children, are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts their traffickers compelled them to commit. • Increase efforts to identify labor trafficking victims and prosecute and convict labor traffickers. • Develop clear procedures for identifying child trafficking victims and train relevant workers to recognize indicators. • Increase the number of law enforcement officials, prosecutors, and judges who specialize in trafficking cases. • Train staff at asylum centers to recognize trafficking indicators among potential victims and report those victims for assistance. • Expand efforts to streamline victim identification procedures, including by expeditiously transferring potential trafficking victims from police or immigration custody to crisis centers or care providers. • Establish an anti-trafficking unit within the Copenhagen Police.

### PROSECUTION

The government maintained law enforcement efforts. Section 262(a) of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of up to 10 years’ imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, authorities investigated six trafficking cases (five sex trafficking, one labor trafficking), the same number as in 2019 (one in 2018, four in 2017). Officials prosecuted two suspects (both labor trafficking), compared with four in 2019, three in 2018, and two in 2017. Courts did not convict any traffickers for the second consecutive year (one in 2018, nine in 2017). There was one trafficking-related prosecution that resulted in a conviction under a non-trafficking statute—a Danish fisherman exploited two

Ghanaian sailors in forced labor for three years; courts acquitted the man of those charges and instead convicted him of usury, issuing a sentence of one year and six months' probation, 250 hours of community service, and a 3 million kroner (\$494,640) fine. Experts continued to express concern with the low number of convictions, particularly for labor trafficking, over the past several years. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

Local police in collaboration with regional departments investigated trafficking cases. However, overextended police officers managed multiple responsibilities, including counterterrorism, redirecting a significant amount of their attention and time from trafficking and limiting the number of officers available to conduct investigations. Furthermore, the Copenhagen Police's homicide division maintained responsibility for anti-trafficking investigations as one of its many responsibilities, despite Copenhagen being the most populous city in the country and a primary location for trafficking crimes. An investigation unit within the National Police worked on trafficking investigations among other crimes, such as human smuggling. The Danish Tax Agency (DTA) assessed the risk of trafficking in tax-related criminal cases, and in cases involving trafficking, DTA participated in police inspections and provided police and prosecutors with information on citizens' and companies' tax and value added tax payments. The National Police continued to allocate approximately 18 million kroner (\$2.97 million) through 26 full-time staff to combat and investigate trafficking cases. The government maintained trafficking coordinators in each of the country's 12 districts. According to regional experts, however, the level of expertise varied by district, and there were no specialized police investigators outside of the National Centre of Investigation, which had no jurisdiction but assisted local and regional police in trafficking investigations. Additionally, there were no specialized prosecutors or judges in the country. Reports indicated limited resources and an overreliance on victim testimony led to cases being investigated and prosecuted under non-trafficking statutes, such as pimping. The government's Center against Human Trafficking (CMM) and National Police provided police with instructions on trafficking at the police academy and additional training for police who became investigators. CMM also provided guidelines to defense lawyers representing trafficking victims.

## PROTECTION

The government decreased efforts to protect trafficking victims. Authorities identified 64 trafficking victims (36 sex trafficking, seven labor trafficking, 10 forced criminality, 11 uncategorized), the same number as in 2019 (97 in 2018, 98 in 2017). Of these victims, 43 were female, 20 were male, and one identified as transgender. Eleven of the identified victims were children (six in 2019, 10 in 2018, three in 2017). There were five Danish victims identified (none in 2019 or 2018, one in 2017). Experts noted the trend toward online advertisement of commercial sex made identifying sex trafficking victims more difficult. NGOs reported the government's perspective that trafficking was a sex-based phenomenon with primarily female victims led to the underreporting and inadequate identification of adult and child male victims in forced labor. Furthermore, while local organizations, including local unions and churches, played a central role in identifying large-scale labor cases in recent years, the pandemic-related lockdown hindered organizations' ability to identify victims through their communities. In 2020, the government developed procedures for staff at asylum centers to identify trafficking indicators among potential victims, but observers noted staff did not receive training. The government provided a list of indicators and procedures to authorities for proactive victim identification. The procedures involved multiple government and law enforcement agencies, requiring several interviews of victims, who at times remained in detention before referral to NGOs, and required police to call CMM if a suspected victim was in custody. CMM was responsible for formal identification of victims of Danish or EU origin or who were documented migrants, and the Danish Immigration Service (DIS) was responsible for formal identification of undocumented

immigrants and asylum-seekers. DIS screened potential victims during the asylum interview; however, according to NGOs, the DIS interview was often too brief to make an accurate identification. Due to the pandemic, CMM and DIS were unable to conduct interviews in prison facilities; as a result, the police agreed to conduct detailed interviews with trafficking-specific questions. Officials had the authority to detain potential victims for 72 hours and could extend this period when they needed more time to determine victim status or immigration status, or to identify traffickers. NGOs contended authorities primarily treated victims as undocumented immigrants subject to deportation, especially if victims were previously detained by law enforcement. Furthermore, while the government provided guidelines on not imposing penalties upon trafficking victims, Danish law lacked a non-punishment provision ensuring victims were not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts their traffickers compelled them to commit. Observers noted incidents in which authorities prosecuted victims, including children, for crimes their traffickers compelled them to commit.

In 2020, all 64 identified victims received some form of government assistance (63 in 2019, 89 in 2018, 88 in 2017); 41 victims entered care facilities. As a standard practice, CMM assigned a contact person to identified victims to assist them with support. Government-funded, NGO-operated facilities provided trafficking victims medical and psychological care, shelter, and financial, legal, and reintegration assistance. Although these facilities were trafficking-specific, authorities sometimes housed victims with asylum-seekers. Three shelters for female victims accommodated up to nine adults and received 7.8 million kroner (\$1.29 million) from the government. During the reporting period, CMM established counseling centers and health clinics for foreign women in commercial sex in Copenhagen and Aarhus. There was no specialized shelter for male victims, but accommodation was available if necessary. Municipal child protection authorities assisted child victims and placed them in municipal accommodation or in residential care institutions. The Danish Red Cross assisted unaccompanied children in facilities partially funded by the government and screened all unaccompanied children in asylum centers for trafficking indicators. Observers continued to express concern over the disappearance of unaccompanied children from asylum centers and reports of unaccompanied children, particularly Moroccan boys living in asylum centers, being forced into sex trafficking, forced labor, and petty criminality. Regional experts reported shortcomings, such as a lack of clear procedures, in the identification of child victims, especially among unaccompanied children. Of the 11 child victims identified, eight received accommodations – four in asylum centers and four under the auspices of relevant municipalities.

Stricter immigration policies and guidelines, including an assessment deeming parts of Syria safe, increased vulnerability among asylum-seekers and refugees, particularly those the government returned to their country of origin who could face retribution or hardship. The Aliens Act allowed the government to grant residence permits to refugees and family members, including trafficking victims, for temporary stay only, and to revoke residence permits if the need for protection no longer existed, unless contrary to Denmark's international obligations. Consequently, Syrian refugees—the highest percentage of asylum-seekers in Denmark—who received residence permits linked to their approved asylum claims had their cases reopened and reviewed, affecting approximately 1,250 Syrians. Officials and media outlets reported, by the end of 2020, 170 Syrian refugees from Damascus and Rif Damascus had their residence permits revoked or denied for renewal and more than 1,000 remained under review, exposing them to long stays in asylum centers and increased risk to trafficking.

In 2020, the government did not report granting residence permits to victims, the same as in 2019 and 2018 (one in 2017). Regional experts underscored it was “nearly impossible” for victims to receive a residence permit in Denmark, noting since 2015 the government had granted only six new residence permits. Experts also underscored the

difficulty for victims to receive work permits. As part of procedure, the government granted identified, undocumented trafficking victims a 30-day reflection period to stay in Denmark and receive support and assistance with the potential to extend another 90 days. The government required victims who accepted the subsequent 90 days extended departure deadline to leave voluntarily within 120 days. Regional anti-trafficking experts, including the Council of Europe, emphasized this period did not refer to a period of reflection and recovery necessary to determine whether victims would cooperate in the investigation of their cases; rather it was a period of time the victims had to cooperate in their repatriation. Until March 2020, an international organization served as the contracted partner for voluntary returns. Since then, the government moved the mandate to the Ministry of Immigration and Integration's Return Agency, which oversaw the return of foreigners, who received rejected residency requests, including trafficking victims, to their country of origin. While the move centralized victim support in the Return Agency, NGOs expressed concern the new agency lacked experience and capacity. Furthermore, one NGO reported the Return Agency held the passports of four trafficking victims without their consent – a practice that could potentially re-traumatize victims. During the reporting period, the ministry responded to a parliamentary inquiry about this practice, stating the Return Agency had victims who opted into the voluntary return program “deposit” their passports with the government to “ensure the alien’s presence, while the cooperation with the alien on an individual action plan leading up to the repatriation takes place.” Predictably, some victims chose not to participate in a voluntary return because they viewed it as merely preparation for deportation. Additionally, traffickers’ use of debt-based coercion and victims’ lack of protection in their home countries served as significant deterrents from accepting the return. The government allowed victims who assisted in the prosecution of a trafficker to remain in Denmark for the duration of the investigation or court proceedings. However, NGOs reported the threat of deportation prevented victims from coming forward and led some identified victims to leave shelters before the conclusion of police investigations or court proceedings in order to evade deportation. Additionally, observers noted that many victims saw no benefit to being identified and that there was little to no incentive for victims to serve as witnesses since there were no long-term residency options, the compensation process remained complex, and above all else, the government prioritized returning victims to their countries of origin.

## PREVENTION

The government moderately increased prevention efforts. Officials implemented the 2019-2021 national action plan and budgeted 63 million kroner (\$10.39 million) for the duration of the plan. In addition, a 2016 omnibus social spending resolution passed by Parliament allocated 9.4 million kroner (\$1.55 million) through 2020 for anti-trafficking efforts, such as outreach, victim identification, and shelter. CMM received 14.8 million kroner (\$2.44 million) annually as well as an additional 1.7 million kroner (\$280,300) allocated for reintegration. During the reporting period, CMM conducted awareness campaigns addressing forced labor, including outreach to businesses with at-risk employees, such as massage parlors. Additionally, CMM released guidelines on providing support to potential victims during a pandemic. Since many potential victims did not speak Danish and struggled to access and understand information on assistance, CMM released translated health guidelines and mobile health units focused primarily on outreach to individuals in commercial sex. CMM operated a hotline for reporting trafficking cases in Danish and English; in 2020, the hotline received 204 calls (316 in 2019, 277 in 2018) and identified 19 victims. Although CMM coordinated the government’s anti-trafficking efforts, multiple government agencies maintained equities and responsibilities in anti-trafficking efforts. NGOs reported challenges in coordination and referred to the issue as “politically homeless,” falling between many priority areas, such as immigration or gang violence. CMM distributed guidelines on preventing forced labor in businesses and supply chains. CMM also

supported a working group focused on combating forced labor and exchanging information on new trends among relevant authorities. Denmark participated in a regional project to support stakeholders in combating and disrupting labor trafficking by analyzing and consolidating information, improving assistance to victims, and increasing prosecution of traffickers. Authorities from Denmark, Finland, Norway, and Sweden facilitated international policing efforts and information-sharing, including on trafficking-related issues, through Nordic liaison officers stationed at 20 Nordic embassies and consulates around the world. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

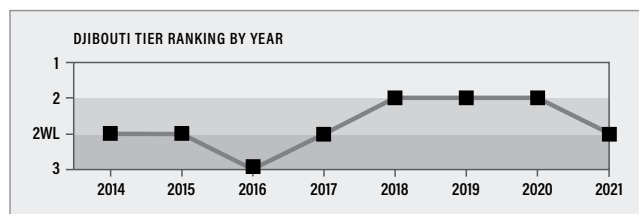
As reported over the past five years, human traffickers exploit domestic and foreign victims in Denmark and, to a lesser extent, traffickers exploit victims from Denmark abroad. Vulnerable groups include migrant and asylum-seeking women, young men, and children, and members of the LGBTQI+ community, particularly those with non-traditional gender identities. Reports indicate a drop in the number of asylum-seekers in 2020—approximately 1,547, the lowest number since Denmark began tracking in 1998—as a result of stricter policies prioritizing repatriation over integration. NGOs express concern the new immigration policies exacerbate the risk to trafficking among asylum-seekers. Reports also indicate victims without EU citizenship or residency experienced increased vulnerability throughout the pandemic due to domestic lockdowns and international border closures. Traffickers exploit migrants, typically men who come to Denmark in large groups from Eastern Europe and Southeast Asia, in labor trafficking, specifically trucking, construction, agriculture, domestic service, restaurants, hotels, and factories, through debt-based coercion, withheld wages, abuse, and threats of deportation. According to NGOs, traffickers exploit unaccompanied children, particularly Moroccan boys, in sex trafficking and forced labor, including drug trafficking, theft, and other forms of forced criminality. Traffickers exploit men, women, and children from Eastern Europe, Africa, and Southeast Asia in forced labor and sex trafficking in Denmark. The majority of women exploited in commercial sex originate from the Philippines, Romania, Thailand, and Nigeria. Reports indicate an increasing number of sex trafficking victims coming from Poland, African countries including Ghana and Uganda, and South American countries including Brazil. NGOs report an increasing trend toward online advertised commercial sex rather than in established locations.

## DJIBOUTI: TIER 2 WATCH LIST

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included funding civil society organizations to provide services to potential trafficking victims; assisting vulnerable populations or referring them to civil society protective services; and, for the first time, training the incoming class of magistrates on trafficking crimes. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government decreased the number of investigations and prosecutions related to trafficking crimes and has not convicted a trafficker since 2017. Limited understanding of trafficking indicators among front-line officials continued to inhibit law enforcement and victim identification and screening efforts; the government did not identify any trafficking victims during the reporting period and remained without specialized protection services for victims, if identified. Officials also continued to conflate human trafficking and migrant smuggling, hindering the effectiveness of overall anti-trafficking efforts. For the sixth consecutive



year, the government did not fully operationalize its national action plan to combat trafficking. Therefore Djibouti was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Vigorously increase efforts to investigate, prosecute, and convict suspected traffickers, including allegedly complicit officials, under the 2016 anti-trafficking law. • Widely disseminate and implement the standardized procedures for government personnel to proactively identify potential trafficking victims, using the established national referral mechanism. • Systematically and proactively identify trafficking victims by screening vulnerable populations for trafficking indicators, including refugees, asylum-seekers, and foreign nationals, such as Ethiopian and Somali economic migrants and Cuban medical professionals, and refer all identified victims to appropriate care. • Institute and partner with international experts to provide regular training for judges, prosecutors, and law enforcement officials on the distinctions between human trafficking and migrant smuggling and on compiling and interpreting evidence of trafficking crimes using a victim-centered approach. • Establish a training program for the Coast Guard to improve identification of potential trafficking victims among migrants transiting by sea. • Revise, finalize, resource, and implement the extended national action plan. • Strengthen protective services for victims through partnerships with NGOs or international organizations and provide support to civil society organizations providing protection services. • Increase awareness of trafficking among the public, especially transiting migrants, through government-run campaigns or financial and in-kind support for NGO-run campaigns.

### PROSECUTION

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

The government investigated 13 potential trafficking crimes, compared with 33 investigations during the prior reporting period. The government reported prosecuting 21 suspected traffickers in 13 cases under the 2016 anti-trafficking law, a significant decrease compared with 80 suspected traffickers in 33 cases in the prior year; however, it was unclear if prosecutors filed human trafficking or migrant smuggling charges in either year. For the fourth consecutive year, officials did not achieve any trafficking convictions; analogous to previous years, most prosecutions resulted in smuggling convictions. In response to the pandemic, the government closed the country's

only court from March to August 2020. Severe resource and capacity limitations impeded officials' ability to develop comprehensive investigations of trafficking indicators and crimes. During the reporting period, finite human resources and limited awareness by law enforcement of how to identify trafficking victims reduced its ability to gather and collect evidence in all potential trafficking crimes. Additionally, officials' propensity to conflate trafficking and smuggling made it likely that some reported cases involved individuals seeking to illegally cross international borders via irregular migration (migrant smuggling) and other crimes not involving exploitation through forced labor or sex trafficking. Officials also shared that the requirement for law enforcement to present an investigative report and evidence to the court within three days of a suspect's arrest (two days for crimes committed in Djibouti City) inhibited law enforcement's ability to fully investigate all crimes, including trafficking, and judges often dismissed cases on procedural grounds. Observers reported that families or village elders often settled allegations of forced labor informally through traditional arrangements between religious and community leaders, without recourse to the formal court system. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Observers reported that security forces, especially at lower levels, were susceptible to bribes and may have ignored trafficking crimes.

The National Police maintained a unit focused on vulnerable minors that had a mandate to investigate and arrest traffickers. The Ministry of Justice (MOJ) had an unspecified number of dedicated prosecutors for cases involving trafficking or vulnerable children. During the reporting period, the government, in partnership with an international organization, continued to participate in a monthly mixed-migration task force for coordination on migration, smuggling, and human trafficking. In partnership with the French government, gendarmerie and coast guard officials developed a standard operating procedure (SOP) to collaborate with international investigators on trafficking cases. The MOJ worked with an international organization to provide training seminars on trafficking to an unspecified number of judges, prosecutors, and advisors to training seminars on trafficking; this included, for the first time, training the incoming class of magistrates on trafficking crimes. The National Police and Gendarmerie continued to work with an international organization to implement training on detection and identification of trafficking crimes in all police academies in Djibouti City and in the rural areas of the country.

### PROTECTION

The government decreased efforts to identify trafficking victims, while maintaining protection services that could benefit potential victims. For the second consecutive reporting period, the government did not report identifying any trafficking victims and quickly repatriated all potential victims—most of whom were Ethiopian—to their home countries without screening for trafficking indicators. As no victims were formally identified, the government did not report referring any trafficking victims to services; however, the government, in partnership with international organizations and NGOs, continued to provide services to thousands of individuals in vulnerable populations, which may have included trafficking victims. Although it had formal SOPs to guide officials in the proactive identification of victims and their subsequent referral to care, relevant officials did not consistently use these procedures, and few officials were trained to do so; in practice, officials routinely called upon prominent points of contact for assistance in determining care options for victims rather than consulting the written procedures. The government continued to grant authority to an international organization to conduct trafficking screenings of all transiting migrants—including an unknown number of potential trafficking victims—and partnered with this entity to provide water, food, and temporary shelter during the reporting

period. During the reporting year, relevant government entities, in close cooperation with an international organization, facilitated the repatriation of 537 migrants to their respective countries of origin, the large majority of whom were Ethiopian, compared with 4,220 repatriations in 2019. Some of these individuals reportedly encountered violence, coercion, or exploitation during their travels across multiple transit countries. The government and international organization involved with repatriations attributed the significant decrease to border closures and travel and movement restrictions in response to the pandemic.

The government continued to depend on ad hoc mechanisms to refer victims to care and continued to assist potential trafficking victims through programming targeting refugees or migrants more broadly, rather than providing specialized services. The government and international organizations reported that the provision of services to vulnerable populations—including potential victims—during the pandemic was difficult, especially in crowded migrant response centers (MRCs) and refugee camps, some of which regularly accommodated double the intended capacity during the year. With governmental authorization, a locally-operated NGO continued to host unaccompanied migrant and highly vulnerable street children in Djibouti's first secure, 24-hour dormitory that could appropriately house trafficking victims; the police unit that focused on vulnerable children had a mandate to refer children to the shelter, but the government did not report referring any potential victims to the shelter during the reporting period. In prior years, the Ministry of Women and Family Affairs provided social workers to offer psychosocial support at the shelter; however, in light of pandemic restrictions, the government did not provide this service during the reporting period. Separately, the Coast Guard provided clothing and food to vulnerable migrants stranded at sea and transported them to care provided by an international organization, typically in Khôr 'Angar or Obock. The government continued its administration and funding of two MRCs, in Obock and Aour Aoussa, which included office and short-term living quarters staffed and were operated by an international organization, and other transit or processing centers along routes heavily traversed by migrants. An international organization closed two MRCs in Loyada and Khôr 'Angar, which the government previously supported, during the reporting period due lack of funding from pandemic-related budget allocations. Since 2017, the Ministry of Health has provided one full-time doctor trained to identify trafficking indicators to the National Union for Djiboutian Women counseling center, a facility that deals with trafficking cases among other crimes; the MOJ provided a prosecutor liaison to the same center to provide legal assistance to victims. Health officials, in partnership with an international organization, continued to operate five mobile clinics along dangerous migration routes that could provide vulnerable migrants with medical assistance.

Key ministries that supported groups vulnerable to trafficking continued to provide resources to support various protection services for potential victims. The government allocated more than 109 million Djiboutian francs (\$615,820) in 2020, compared with more than 110 million Djiboutian francs (\$621,470) in 2019 and 140 million Djiboutian francs (\$790,960) in 2018, to relevant ministries, MRCs, transit centers, and local NGOs, which operated counseling centers and other programs—including a hotline—that assisted potential trafficking victims. The 2016 anti-trafficking law included provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency, as necessary, as a legal alternative to removal to countries where victims might face hardship or retribution. Additionally, the 2016 law directed the government to provide victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance; the government did not report whether it applied these provisions during the reporting year. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to irregular implementation of formal identification procedures, trafficking victims, particularly vulnerable migrants

and individuals involved in commercial sex, may have remained unidentified within the law enforcement system.

## PREVENTION

The government decreased efforts to prevent trafficking. The Ministry of Interior (MOI) maintained responsibility to coordinate government efforts to monitor mixed migration and combat human trafficking; however, the government did not report convening a coordinating body to implement anti-trafficking efforts during the reporting period. In 2020, the government created a specialized office within the National Directorate of the Police, which sits within the MOI, to coordinate migration issues, including those involving human trafficking; during the reporting period the office focused on patrolling areas known for commercial sex transactions, but did not report identifying any victims or reporting potential trafficking cases to law enforcement. For the sixth consecutive year, the government did not operationalize its 2015-2022 national action plan, hindering targeted anti-trafficking efforts. The MOJ's website featured the government's trafficking-related efforts throughout the year and publicized articles on human trafficking in addition to Djibouti's anti-trafficking law. The government did not report conducting targeted awareness campaigns to combat trafficking during the reporting period. The Ministry of Women and Family Affairs operated two 24-hour hotlines to report cases of gender-based violence and refer victims to services, which could be utilized by trafficking victims; the government continued to publicize hotline information on its website and local radio and television stations. While the hotline reported it received five to 10 calls per day, the government did not report call data related human trafficking. Labor recruitment and placement companies were subject to random inspections by the inspector general; however, the government did not report how many inspections of these companies it conducted during the reporting period. The government conducted 30 labor inspections to enforce laws against forced labor during the reporting period, a decrease from 103 inspections in 2019; due to pandemic-related travel restrictions, officials conducted inspections in Djibouti City but not in the regions of Ali Sabieh, Dikhil, Tadjourah, and Obock as in previous years. The government did not report identifying any trafficking victims during these inspections or investigating any potential violations. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

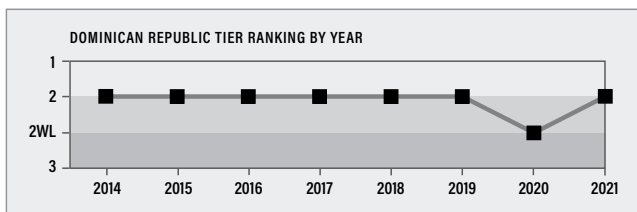
As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti. Adults and children, primarily economic and often undocumented migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. Traffickers, often outside of Djibouti, exploit an unknown number of these migrants in forced labor and sex trafficking in their intended destinations, and these irregular migrants are also at increased risk of trafficking in various transit points, particularly Yemen. Economic migrants who also pass through Djibouti to return to their respective countries of origin are vulnerable to trafficking. An international organization observed an increase in returning migrants during the reporting period due to travel restrictions or economic impacts of the pandemic in the Middle East. According to government estimates and an international organization, approximately 120,000 migrants—predominantly Ethiopian—transited Djibouti (population of less than one million) in 2020, including both land and sea crossings, putting a significant strain on the government's already limited resources. Due to the closure of Ethiopian borders in response to the pandemic, the number of entries from Djibouti's western borders significantly decreased from January to June 2020; however, the number of entries from Ethiopia sharply increased when land services resumed in July 2020. The civil war in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti; migrants voluntarily fled or were illegally, forcibly deported from Aden, and many of them reported suffering physical abuse and may

have been trafficking victims. As in previous years, the government allowed roughly 32,000 people of diverse nationalities to enter freely and take refuge, a practice dating to the start of the Yemeni war in 2015; some individuals in this population may have endured exploitation before their arrival in Djibouti and remained vulnerable to trafficking. Given the protracted political instability in Ethiopia's Oromia region, many Ethiopian nationals, including unaccompanied children, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or to continue onward to destination countries in Gulf states. In response to increasing conflict in Ethiopia's Tigray region, Ethiopians of Tigrayan ethnicity in Djibouti were unable or unwilling to return to Ethiopia during the reporting period; many of these migrants reported abuses and may have been trafficking victims at various points on their journey, particularly in Yemen and Saudi Arabia.

Migrant and local children in Djibouti City, particularly along the Siesta Beach road, remain vulnerable to sex trafficking. Traffickers exploit Djiboutian and migrant women and street children in sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure and arrival point for Yemen. Increasingly, traffickers exploit migrant women in sex trafficking at truck stops and in restaurants and guest houses in Balbala, one of Djibouti's poorest neighborhoods. Traffickers, including family members, exploit local and migrant children in forced begging and peddling. Traffickers may exploit foreign workers—including Ethiopians, Yemenis, Indians, Pakistanis, and Filipinos—in labor trafficking in the construction and food service sectors, and Cuban medical professionals working in Djibouti may have been forced to work by the Cuban government.

## DOMINICAN REPUBLIC: TIER 2

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Dominican Republic was upgraded to Tier 2. These efforts included increasing efforts to investigate official complicity in trafficking crimes, paying restitution to a trafficking victim, prohibiting child marriage to reduce girls' vulnerability to trafficking, and offering shelter and immigration relief for vulnerable Venezuelans. However, the government did not meet the minimum standards in several key areas. The government did not always apply minimum sentences as required by law; did not pass a revised trafficking law to remove the requirement to prove force, fraud, or coercion of sex trafficking victims younger than 18 years of age; did not effectively screen all vulnerable individuals for trafficking indicators or refer them to services; and did not report how many, if any, identified victims received care. Government services available for victims, including shelters, remained inadequate.



### PRIORITIZED RECOMMENDATIONS:

Increase criminal investigations and prosecutions of government officials allegedly complicit in trafficking and impose stronger sentences. • Vigorously investigate, prosecute, and convict traffickers

involved in forced labor and sex trafficking and apply appropriate sentences as ordered by law. • Proactively screen for trafficking indicators among Venezuelans, Haitians, other undocumented or stateless persons at risk of deportation, and Cuban medical and sports professionals to identify victims, refer them to care, and prevent re-trafficking. • Amend the 2003 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims younger than 18 years of age to be consistent with international law. • Adopt and fund a new national action plan. • Fully implement protocols to identify adult and child trafficking victims and refer them to protective services. • Provide a dedicated budget for trafficking victim assistance services and provide dedicated shelters for adult and child victims of trafficking. • Provide adequate human and financial resources and training to law enforcement, prosecutors, and judges to combat trafficking, particularly in areas outside of Santo Domingo. • Involve survivors when developing and implementing anti-trafficking laws, regulations, and policies.

### PROSECUTION

The government increased prosecution efforts. Dominican law criminalized sex trafficking and labor trafficking. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 15 to 20 years' imprisonment and fines. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Article 25 of the Child Protection Code of 2003 criminalized the offering, delivering, or accepting, without regard to means used, anyone younger than 18 years of age for the purpose of sexual exploitation, forced labor, or any other purpose that demeaned the individual, for remuneration or any other consideration, and prescribed a penalty of 20 to 30 years' imprisonment and a fine. All these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. During the current reporting period, the foreign ministry led a consultation process with government agencies, NGOs, international organizations, and foreign donors for the modification of the law to remove the provision requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime; while the government completed an initial draft of the amendment, it remained pending completion and passage in the National Congress.

The Attorney General's Office (AGO) reported initiating 63 investigations (59 for sex trafficking, four for labor trafficking) in 2020, compared with 26 investigations in 2019, 11 in 2018, 17 in 2017, and 25 in 2016. The police anti-trafficking unit (ATU) reported initiating 44 investigations in 2020, compared with 35 investigations in 2019, 45 investigations in 2018, and 83 in 2017. Of the 44 investigations reported by the police, 36 were co-initiated by the Special Prosecutor against Trafficking of Persons and Smuggling of Migrants' office (PETT). An NGO reported assisting the government in the investigation of one of the cases that involved child victims. The government reported one ongoing labor trafficking investigation from a previous reporting period. The government reported initiating prosecutions of 42 defendants in 2020 (36 for sex trafficking and six for labor trafficking), compared with prosecuting 47 defendants in 2019, 14 defendants in 2018, 20 defendants in 2017, and 40 defendants in 2016. The AGO secured convictions of four traffickers, compared with five in 2019, 22 in 2018, 16 in 2017, and 13 in 2016. Courts in Santo Domingo convicted two individuals in February 2020 for trafficking in persons for the purpose of sexual exploitation, psychological abuse, and sexual assault of children; they received 25 and 20 years' imprisonment, respectively, were fined 175 times the minimum salary (1.75 million Dominican pesos or \$30,100), and forfeited property to the government. The Court of Appeals upheld a 2019 guilty verdict with a 25-year sentence in one trafficking case. In addition, a local NGO—not the PETT—brought an appeal against



a trial court's sentence in a previous reporting period of six years' imprisonment for a sex trafficking conviction as inconsistent with Dominican law. The Court of Appeals ruled in favor of the NGO and increased the sentence to 15 years' imprisonment, in accord with the Dominican trafficking law. In cooperation with a foreign government, the ATU made three arrests as part of a joint operation in September 2020, resulting in the identification of three female sex trafficking victims. The government reported it prosecuted four cases of sex trafficking initiated in prior reporting periods as procuring or pandering cases because it determined the individuals involved in commercial sex were not trafficking victims.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year; the government increased efforts to investigate allegations of official complicity, although it did not initiate any prosecutions in these cases. The government reported opening one investigation into official complicity involving a regional employee of the AGO over allegations of leaks to suspects in a case involving sexual exploitation of children. The government reported it opened an investigation in November 2020 into two Dominican diplomats posted in Argentina accused of child sex trafficking of Dominican children in Argentina. The government reassigned the diplomats but did not report initiating prosecution in this case because no complaint was filed. The National Police opened a trafficking investigation into a member of the armed forces accused of accepting bribes at the border. The government completed two investigations initiated in the previous reporting period of three government employees assigned to the PETT. One prosecutor allegedly sexually abused an identified trafficking victim, while two police investigators allegedly provided confidential information to nightclub owners before planned raids to help them evade capture; the government suspended all three from their positions. The government did not prosecute the police officers due to lack of evidence; the government had not initiated prosecution of the public prosecutor by the end of the reporting period. The government did not report the status of a 2017 sex trafficking case involving police officers and members of the military.

The PETT and the ATU were the principal law enforcement bodies pursuing trafficking cases, with police units in Santo Domingo, Punta Cana, San Cristóbal, Puerto Plata, and Boca Chica. The PETT had established liaisons in each of the 35 district attorney's offices nationwide. However, the government concentrated its anti-trafficking resources in Santo Domingo, resulting in a lack of institutional capacity—including resources, training, and experience—to properly investigate and prosecute human trafficking cases in areas of the country outside of the Santo Domingo metropolitan area. NGOs reported Dominican authorities often lacked the training and technology for the identification, investigation, prosecution, and sentencing of both traditional and online trafficking crimes, sometimes favoring the rights of the defendant over those of the victim. NGOs suggested evidence of corruption and misuse of victim assistance funds, as well as the departure of specialized personnel from the PETT in recent years, including the current reporting period, significantly lowered public confidence in the government's ability to investigate and prosecute trafficking cases or protect victims effectively. NGOs stated the PETT remained the weakest link in the government's anti-trafficking response. The government also reported a lack of understanding of the nature of human trafficking among the Dominican population hindered effective identification and investigation of the crime.

The government did not have courts specifically for trafficking cases, nor was there a separate judicial budget for trafficking. In response to the pandemic, courts closed in March 2020 and began to gradually re-open beginning in July 2020. Both the government and NGOs reported the courts created protocols for virtual and in-person hearings, but the number of cases processed by law enforcement both at the investigative level and in the courts fell. The government and local NGOs reported the pandemic may

have pushed traffickers online into chat rooms and social media, which made the crime more difficult to identify. The pandemic also hindered investigators' ability to collect evidence, and NGOs reported police attention shifted to enforcing nightly curfews and other public health-related measures. The government reported a lack of adequate personnel and equipment for the anti-trafficking police for the entire reporting period affected operations. Despite this, NGOs reported the ATU remained proactive and effective in investigating suspected trafficking cases.

The government reported training 153 defense, tourism, police, and immigration officials and civil society representatives on the detection of the crime of human trafficking and on fraudulent methods traffickers employ in cooperation with an international organization. The government also reported training 50 judges, prosecutors, and public defenders from the Supreme Court, AGO, and National Office of Public Defense on the Legal Protection Course on the rights of the child, including trafficking and child sexual exploitation, in coordination with an international organization and a foreign donor, and 80 Supreme Court and AGO judges and prosecutors on human trafficking and the sexual exploitation of children and adolescents in coordination with an international organization, an NGO, and a foreign donor. An NGO reported police cadets received training on human trafficking and sexual exploitation but that the training was insufficiently detailed and inaccessible to patrol officers. Authorities began a joint project with an NGO to improve the police cadet training curriculum. The government reported assisting three foreign governments with trafficking investigations, of which one resulted in a conviction for sexual exploitation of a child. An international organization reported the government participated in an INTERPOL law enforcement operation, along with 32 countries across four continents. Police authorities signed an agreement with the Royal Canadian Mounted Police to expand cooperation against the sale of children, child prostitution and pornography, child trafficking, and other forms of child sexual abuse. The government continued cooperation with two foreign countries and an international organization on a 2019 prosecutor anti-trafficking training project.

## PROTECTION

The government maintained victim protection efforts. Authorities reported identifying 95 victims (82 for sex trafficking and 13 for labor trafficking), compared with 195 victims in 2019, 96 in 2018, 102 in 2017, and 157 in 2016. Of the 95 victims identified, 56 were Dominican and 39 foreigners; 54 were adults and 41 children. Of the victims of sex trafficking, 24 were girls, four were boys, and 54 were adult females. Of the labor trafficking victims, six were girls and seven were boys. However, experts questioned the number of reported sex trafficking victims identified in 2020 and 2019, since it may have included individuals in commercial sex present during raids of nightclubs that did not identify as victims, and it may not have included potential Haitian victims not screened or referred before deportation, despite the known prevalence of trafficking among Haitian migrants.

The government provided entrance and referred to care 12 adult female Venezuelan trafficking victims during the reporting period who were identified in a neighboring country. Upon arrival, the government, working with an international organization, provided shelter and 24-hour security for the victims. One victim remained in the country at the end of the reporting period and was working with an NGO to normalize her immigration status; the government collaborated with an NGO to return another victim to Venezuela at the victim's request.

The government did not report how many of the 83 additional identified victims received services and reported a lack of resources to provide assistance for victims, including shelters. The government reported housing trafficking victims in Ministry of Women domestic violence shelters. NGOs reported child victims went to National

Counsel for Children and Adolescents (CONANI) temporary homes until they were reunited with their families, whereupon the government did not offer the victims additional services. The government centers did not offer specialized, expert care, and the government reported it did not have a dedicated budget for victim services or a full-time government shelter for adult trafficking victims; temporary shelter and food were provided to victims from PETT's budget only after raids. Observers noted the AGO had not accounted for utilization of victim assistance donations conveyed as cash transfers from international donor organizations. The government largely relied on NGOs and religious-based organizations to provide accommodations for foreign and domestic trafficking victims in addition to psychological, reintegration, repatriation, and medical assistance and medical services. These organizations were inadequate in terms of staff skills and resources, and they lacked capacity to provide for the large number of victims in country. The government reported it started discussions with local NGOs about the need for dedicated shelters for trafficking victims. The government reported implementing health protocols for victim services in response to the pandemic. NGOs reported the pandemic did not affect the already low quality of the government's victim referral efforts although due to restrictions few, if any, victims were identified from March to May 2020.

Government officials reported having two protocols to identify and assist adult and child trafficking victims; the Ministry of Women was revising these with international technical assistance and funding. Observers noted authorities did not effectively implement the protocols, particularly with regard to detained migrants. The government worked with NGOs to screen for potential victims; although the government reported it had a process for referring victims to care with local NGOs, experts reported that it was not formal. The government had protocols to screen for trafficking victims when detaining or arresting individuals in vulnerable groups, but authorities acknowledged they had not yet applied them effectively. The government reported law enforcement conducted interviews to identify trafficking victims after raids of commercial sex establishments, but civil society representatives reported the government did not effectively implement its screening procedures. An international organization reported a joint project with the judiciary to develop an interview protocol for child victims and witnesses of crimes of sexual violence that established guidelines for abiding by applicable human rights concerns and intended to avoid re-traumatizing the victims and witnesses. The trafficking law did not provide immigration protections for trafficking victims whether or not they assisted with court cases. However, the government reported it did not detain or deport trafficking victims and if victims wished to return to their country of origin, the government would forgive the overstay fee they may have incurred. Local NGOs stated that although the government did not deport foreign trafficking victims, it also did not offer temporary residence or work permits or take constructive steps to regularize a victim's immigration status after a short period of time. As a result, foreign victims may have found themselves without legal status, which increased their vulnerability to trafficking. The pandemic slowed the government's efforts to repatriate foreign victims.

The government permitted victims to work and offered legal assistance, although there was no report of the government providing such assistance to victims. This included legal assistance for victims who wished to file civil suits for restitution against their traffickers; NGOs reported prosecutors did not always pursue restitution for victims. The government, working with NGOs, offered protection to trafficking victims during the legal process, including videotaped testimony. Witnesses could provide testimony despite limitations imposed as a result of the pandemic, although the government reported this was more challenging when victims opted to leave NGO shelters. The government reported 12 victims gave testimony by video or written statements during the reporting period, compared with approximately 20 in 2019. However, the court system lacked a sufficient number of specialized cameras to allow victims to be

interviewed in a safe environment to avoid re-traumatization. In February 2020, a court ordered two defendants to pay a child victim 500,000 Dominican pesos (\$8,600) in restitution.

The government offered diploma certificate courses to 153 National Institute of Migration (INM) employees and 45 other government employees on Trafficking in Women, Children, and Adolescents: Strategies for Protection and Assistance to Survivors, in cooperation with an international organization. The government reported pandemic response measures reduced the number of training opportunities for victim identification procedures, but these trainings resumed as the country relaxed certain restrictions and adapted the courses for virtual delivery. The government reported no Dominican victims of human trafficking were identified abroad.

## PREVENTION

The government slightly increased prevention efforts. The Inter-institutional Commission against Trafficking in Persons and Smuggling of Migrants (CITIM) continued to function normally during the reporting period after moving its meetings online in response to the pandemic. The pandemic caused across-the-board cuts in the government's budget, and the government did not allocate specific funds for implementation of its national anti-trafficking plan beyond the standard operating budgets for CITIM institutions. The plan assigned goals, responsibilities, and deadlines to each of the 14 government agencies comprising the CITIM, and it was overseen by the Ministry of Foreign Affairs (MFA). The MFA published on its website an annual evaluation of anti-trafficking efforts of each CITIM member institution. Authorities reported undertaking an assessment of the current plan and began development of the subsequent plan, which was ongoing at the end of the reporting period. Draft anti-trafficking legislation included a proposal to earmark a portion of the existing tourism tax to fund anti-trafficking efforts, and it also included a new visa category for certain human trafficking victims. In addition, a new law prohibiting child marriage took effect in January 2021; the law aimed to prevent girls from becoming trafficking victims. Local NGOs reported traffickers used child marriage to mask child sex and labor trafficking. The government also announced it would begin to implement a program to normalize the immigration status of the estimated 115,000 Venezuelan migrants in the country, another group highly vulnerable to human trafficking. The program would initially provide a 60-day extension of stay to qualified Venezuelan migrants, who would then have the opportunity to apply for one-year, renewable, non-resident work or study visas.

The government reported it continued to disseminate material on billboards and to the local press and radio through the "*Ojo Pelao*" ("Eyes Peeled") awareness and prevention campaign for potential victims, focusing particularly on commercial sex. The government instituted a state of emergency in March 2020, which reduced transit into and out of the country. However, the government reported it relaunched the national "*No Hay Excusas*" ("No Excuses") campaign against child sexual exploitation, created community groups in tourist areas to raise awareness of trafficking, and worked with Haitian counterparts to address unaccompanied children crossing the border. The government reported it canceled trainings for the Specialized Tourist Security Corps between May to July 2020 and face-to-face trainings on passport security measures between March and September 2020 due to the pandemic. The government reported that in response to the pandemic, INM expanded its course offerings in 2020 and modified the courses for distance learning. The government reported training 23 senior military officers on migration and human rights; 153 government officials and civil society representatives on awareness raising in the areas of migrant smuggling and human trafficking; 153 INM employees on basic trafficking concepts, the country's trafficking profile, and victim assistance, in cooperation with an international organization; and 330 air traffic, MFA, migration, and passport inspectors, servers, and officials linked to internal and external civil aviation on passport

security measures and mechanical reading. The government also reported the MFA implemented virtual training for 170 diplomatic and consular personnel on human trafficking and human smuggling, and it offered virtual talks on human trafficking for designated Foreign Service personnel.

The national action plan delegated responsibility to conduct research on human trafficking to the INM. In 2019, with the financial support of an international organization, INM commissioned four research projects, two of which it completed and presented to a variety of stakeholders the same year and informed recommendations to the government on trafficking. Authorities were finalizing the third study addressing foreign children at risk of trafficking in the country at the end of the reporting period. The government also reported it was working with a local university to produce a study analyzing trafficking patterns of Dominican women in Spain, Switzerland, and Costa Rica.

PETT operated a dedicated 24/7 national trafficking hotline and reported it received 37 calls during the reporting period. Four other general hotlines could also receive human trafficking calls in Spanish, English, French, and Creole. In addition, CONANI established a hotline during the reporting period for referral of children without appropriate care during the pandemic. The government reported the PETT hotline referred one case to the special tourist police, who investigated in collaboration with the National Directorate of Children, Adolescents and Family. Authorities identified and removed three victims, two girls and one boy.

The labor code prohibited the charging of fees for the recruitment of workers; the recruitment of workers through fraudulent offers of employment; misrepresentation of wages, working conditions, location or nature of work; and the confiscation or denial of workers' access to identity documents. The government worked with an international organization and a foreign donor to improve operations and capacity at the Ministry of Labor (MOL) to investigate potential labor violations. The government reported 41,953 labor inspection visits in 2020, a 45 percent decrease from 2019, due to the pandemic. Complaints about child labor could be made electronically, by telephone, or in person at any of the 40 offices of the MOL, and the government reported it had a system of referring children found during labor inspections to appropriate social services. The government did not make efforts to reduce the demand for commercial sex acts. The government continued to participate in a multi-country operation to identify and investigate individuals traveling overseas who had been convicted of sexual crimes against children and may engage in sex tourism. The government denied entry to such persons at the second highest rate in the program. In 2020, the government reported two open investigations for the sale of tourist packages to individuals in the United States, Canada, and Europe, with the apparent inclusion of sexual contact with individuals identified as children. Authorities reported increasing personnel assigned to the protection and rescue program for children and adolescents run by the specialized tourist police, who also received additional equipment and opened a new facility in a popular tourist location for this program. Laws did not provide for the prosecution of Dominican citizens who engage in child sex tourism abroad.

### TRAFFICKING PROFILE

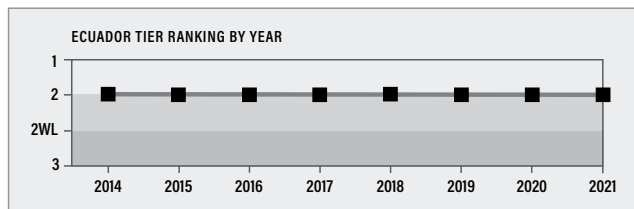
As reported over the past five years, human traffickers exploit domestic and foreign victims in the Dominican Republic, and traffickers exploit victims from the Dominican Republic abroad. Dominican women and children were sex trafficking victims throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. Foreign victims from Haiti and other parts of the Caribbean, Asia, and Latin America were trafficking victims in the Dominican Republic. Experts noted an increase in the number of Venezuelan trafficking victims in the Dominican Republic since the onset of

Venezuela's economic and political crisis. Cuban nationals working as doctors and baseball players may have been forced to work by the Cuban government. The Dominican Republic is a destination for sex tourists primarily from North America and Europe for child sex trafficking. Sex trafficking of 15- to 17-year-old girls occurs in streets, in parks, and on beaches. Traffickers operating in networks continue to employ methods to mask their activities, including the use of catalogs to sell victims to potential clients, using private homes, rented private apartments, or extended stay hotels to house victims. In cases of sexual exploitation of children, WhatsApp chats and social media are used to attract children and exploit them. NGOs report police complicity in areas known for child sex trafficking. Government officials and NGOs report an increase in traffickers recruiting Colombian and Venezuelan women to dance in strip clubs and later coerce them into sex trafficking. Traffickers lure Dominican women to work in nightclubs in the Middle East, Africa, the Caribbean, and Latin America and subject them to sex trafficking. The pandemic forced many companies to idle workers at partial salaries or lay them off entirely, increasing their vulnerability to trafficking. The government offered unemployment benefits, but many households sought informal labor opportunities; this, along with the fact that schools were closed entirely between April and November 2020 and did not offer an extended school day, likely increased the incidence of child labor. Dominican officials and NGOs documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics. During the reporting period, the government described an increase in Dominican trafficking victims, specifically children brought from the interior of the country to coastal tourist areas. There are reports of forced labor of adults in construction, agricultural, and service sectors. Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings. Unofficial border crossings remain unmonitored and porous, leaving migrants, including children, vulnerable to trafficking.

## ECUADOR: TIER 2

The Government of Ecuador does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Ecuador remained on Tier 2. These efforts included increasing funding for victim protection and assistance; developing assistance protocols outlining minimum standards of care for trafficking victims in specialized and non-specialized shelters; amending the trafficking provision in the penal code to better align with the definition of trafficking under international law; adapting the interagency protocol to include COVID-19 testing and medical care for victims; establishing three provincial anti-trafficking committees; and cooperating with foreign governments to bring traffickers to justice. However, the government did not meet the minimum standards in several key areas. The Ministry of Labor (MOL) did not make sufficient efforts to address forced labor; authorities did not investigate, prosecute, or convict cases of labor trafficking; and specialized services for all victims remained unavailable in most of the country, including for adults who made up the majority of the victims identified.





### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including public officials complicit in trafficking.

- Increase training for labor inspectors on indicators of forced labor, expand the MOL's mandate to include inspections of the informal sector, and conduct proactive and unannounced labor inspections in formal sectors vulnerable to exploitation, such as banana plantations, floriculture, and mining.
- Provide specialized services for victims of forced labor and sex trafficking, including adults, boys, and girls younger than the age of 12.
- Amend legal provisions to explicitly prohibit employers from withholding passports, or travel documents from workers.
- Appoint a specialized prosecutor to focus solely on trafficking crimes.
- Create an anti-trafficking committee sub-working group focusing on prosecution.
- Adopt comprehensive stand-alone anti-trafficking legislation that criminalizes all forms of trafficking in line with international definitions and stipulates protection measures and preventive techniques to combat trafficking.
- Increase proactive identification and services for trafficking victims among vulnerable populations, such as irregular migrants, indigenous communities, LGBTQI+ individuals, some foreign workers, and individuals in commercial sex.
- Increase victim-centered anti-trafficking training for police officers, judges, labor inspectors, immigration officials, social workers, and other government officials, particularly to enhance victim identification.

### PROSECUTION

The government maintained prosecution efforts. Articles 91 and 92 of the 2014 Criminal Code (COIP) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties ranging from 13 to 16 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. Article 91 defined trafficking broadly to include all labor exploitation, child pornography, child labor, illegal adoption, and the sale of tissues, fluids, and genetic materials of living persons. During the reporting period, the government amended the definition of trafficking within Article 91 to better align with the definition of trafficking under international law. The amendment correctly established the use of force, fraud, or coercion as an essential element of an adult trafficking offense. However, the amendment did not include a necessary provision indicating that the element was unnecessary in the case of sex trafficking offenses involving child victims. Therefore, all forms of child sex trafficking were no longer explicitly criminalized under Article 91. Observers indicated that the absence of comprehensive anti-trafficking legislation remained a challenge in the fight against trafficking, due to confusion over the fact that different legal provisions, including the Human Mobility Law, the penal code, and the labor code, cover different aspects of the government's response to trafficking.

The Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling, the lead anti-trafficking office within the Ministry of Government (MOG), indicated authorities initiated 126 investigations into alleged trafficking cases in 2020, compared with 132 in 2019. Police conducted 18 anti-trafficking operations and arrested 22 suspected traffickers, compared with 15 operations and 25 suspected traffickers arrested in 2019. In 2020, authorities prosecuted seven trafficking cases involving eight individuals, compared to eight trafficking cases involving 12 individuals in 2019. Authorities did not prosecute any cases of forced labor, compared with one in

2019. The government convicted and sentenced eight traffickers, compared with nine in 2019. Authorities reported 13 ongoing appeals for convictions in trafficking cases from 2020 and previous years. During the year, sentences for traffickers ranged from four to 25 years' imprisonment. Most traffickers received serious and stringent punishments for their crimes, but during the reporting period, an appeals court revoked a four-year sentence prescribed for a trafficker. Some of the investigations, prosecutions, and convictions may have been for crimes that did not meet the definition of trafficking according to international law.

The National Investigative Unit for Trafficking in Persons and Illicit Migrant Smuggling (NIU), under the National Police Unit for Crimes against Children and Adolescents, was the primary law enforcement unit responsible for investigating trafficking cases. The National Specialized Unit for Investigation to Combat Transnational Organized Crime also investigated transnational trafficking crimes. Officials from the NIU received training in victim-centered investigative techniques but remained understaffed and under-resourced. In 2020, the NIU increased the number of investigators to 56 from 49; however, the frequent rotation of staff for mandatory police training reduced the number of operational staff for most of the year. The Specialized Prosecutor's Office in Transnational and International Organized Crime had prosecutorial responsibility for trafficking cases at the national level; however, due to its broad mandate, most of its work focused on the prosecution of non-trafficking crimes. Authorities recognized sex trafficking was most prevalent in coastal provinces; however, government efforts to investigate and prosecute traffickers, and identify and protect victims in major port cities such as Guayaquil were deficient. The MOG—in some cases with the support of an international organization—trained 1,092 government officials, including police officers, community police chiefs, prosecutors, and judges in victim identification, victim-centered engagement, and investigating and prosecuting trafficking crimes, compared with 605 trained in 2019.

The government did not report any investigations, prosecutions, or convictions of government employees complicity in human trafficking offenses; and most complicity cases from previous years remained unresolved, including a case involving officials in Guayaquil who allegedly issued fraudulent identity documents to girls later exploited in sex trafficking. With support from an international organization, the MOG, the national police, and the Attorney General's Office (AGO) drafted a guide to help law enforcement officials identify, handle, and use evidence in trafficking cases. The government developed protocols to coordinate the prosecution of transnational trafficking crimes with Colombia and Peru. Officials reported cooperating with Peruvian counterparts on the investigation of 10 transnational trafficking cases. In 2020, the AGO joined the Ibero-American network of specialized prosecutors working on human trafficking and migrant smuggling.

### PROTECTION

The government maintained strong protection efforts, despite a slight decrease in the number of victims identified. In 2020, authorities identified 140 victims and assisted 126 (compared with 186 identified and 125 assisted in 2019), of which an NGO identified 10 and assisted 23. The government had a victim identification manual to aid with the proactive identification of victims, and authorities regularly referred victims to services. The MOG updated the interagency cooperation protocol to guide officials on how to test trafficking victims for the COVID-19 virus and provide those infected with appropriate medical care. In 2020, authorities dedicated \$1.450 million for victim protection and assistance, compared with \$422,700 in 2019. The government—in some cases with the support of international organizations—offered 11 training sessions on victim protection and identification, reaching 748 government officials from agencies in several provinces around the country. In partnership with NGOs, authorities continued to provide emergency and medium-term services to victims, including medical, legal, psychological, and educational support, in addition to specialized shelter for underage female victims.

The Human Rights Secretariat (SDH) was the entity responsible for assisting adult victims of trafficking. It operated five non-specialized shelters and 46 care centers where trafficking victims had limited options for general ambulatory services by interdisciplinary teams that comprised psychologists, social workers, and attorneys. The Ministry of Social and Economic Inclusion (MIES) was responsible for assisting adolescent trafficking victims. Three specialized shelters provided services to female adolescent sex trafficking victims. The government exclusively funded two shelters and provided limited funding for a third. Civil society organizations noted government assistance for victims was good but limited in most parts of the country. Police reported challenges finding shelters for victims, particularly in provinces outside the capital; thus, police sometimes placed victims in non-specialized shelters until space in a shelter became available. In 2020—with the support of a foreign government and the EU—the SDH and MIES officials developed two separate assistance protocols to outline minimum standards of care given to female adult and adolescent victims of trafficking in specialized and non-specialized shelters. During the pandemic, government officials reported identifying and assisting victims but noted measures taken to mitigate the spread of the virus, such as lockdowns and travel restrictions, hindered these efforts. International organizations expressed concern over the lack of protection for all victims, including victims of forced labor, boys, adults, individuals with disabilities, and girls younger than 12. According to an international organization, in 2020, NGOs played a crucial role in helping the government carry out victim protection services during the pandemic.

The Office of the Prosecutor General's formal witness protection program (SPAVT) provided immediate support to victims, allowing them a 30-day reflection period before deciding whether to participate in the penal process against their traffickers. If victims chose to assist in the prosecution of their traffickers, the government continued to provide services through SPAVT; otherwise, officials referred child victims to MIES and adult victims to SHD to help with their reintegration. During the reflection period, services offered by the SPAVT included shelter, medical assistance, legal support, psychological care, job placement, and assistance with school or university admissions. The SPAVT program assisted 32 victims during the year, including five who received shelter, compared with 44 assisted in 2019. The law entitled foreign victims to the same services as domestic victims. The government had mechanisms to repatriate victims, and Ecuadorian diplomatic and consular missions abroad had funding to provide food, lodging, and airplane tickets to Ecuadorian victims seeking repatriation. In 2020, authorities did not repatriate any victims identified abroad and reported six foreign victims requested temporary residency status. Officials could seek reparations for victims. However, authorities did not report any cases where courts ordered restitution compared with the previous year when judges sought reparations for victims in eight of the nine convictions, totaling \$1.28 million. The Human Mobility Law guaranteed protection against refoulement to countries where the lives of victims' or their relatives were at risk, including foreign victims of trafficking. Authorities reported they could grant temporary or permanent residency to foreign victims, and in cases where the victims wished to repatriate, the government assisted.

## PREVENTION

The government increased prevention efforts. The MOG chaired the Inter-Institutional Committee for the Prevention of Trafficking in Persons. In 2020, the national committee's sub-working groups met virtually and with less frequency due to the pandemic. The prosecution working group met three times, and the protection and prevention working groups met twice. During the year, the national committee established three new provincial anti-trafficking committees in Azuay, Imbabura, and Santo Domingo de los Tsachilas. The government continued implementing the 2019-2030 national action plan for the elimination of trafficking (PACTA) and allocated funding for all interagency members of

the anti-trafficking committee to implement PACTA-mandated activities. Authorities reported 90 percent progress in the PACTA work-plan developed for the year; however, pandemic-related funding cuts hindered some of the anticipated activities. The MOG began implementing a database to track human trafficking and human smuggling cases, an effort officials indicated improved interagency coordination. Authorities conducted 21 awareness-raising events targeting the public, including employees in vulnerable sectors, teachers, and some youth; the events reached 2,188 individuals. The criminal code prohibited sex tourism, but the government reported no investigations of child sex tourism cases and no prosecutions or convictions of child sex tourists in 2020. The Ministry of Tourism worked on a protocol to help hotels detect cases of sexual exploitation of children, including trafficking. In 2020, authorities shared the protocol for input with an international organization's regional action committee focused on the prevention of child sexual exploitation in the tourism sector.

Efforts to combat forced labor were deficient. The government did not have labor inspectors dedicated to identifying forced labor. While the MOL provided limited training to labor inspectors on trafficking indicators in 2019, authorities did not strengthen those efforts or close the significant institutional gap in their fight against labor trafficking. In 2020, the MOL conducted 522 labor inspections reportedly focused on foreign workers, but authorities did not report identifying any victims of forced labor or if those inspectors received training on trafficking indicators. The MOL reported inspecting some banana plantation and flower farms but did not report screening for trafficking indicators or inspecting other vulnerable sectors, such as hemp, mining, and palm plantations. The pandemic led to an economic crisis that created income loss for at-risk communities working in the informal sector, increasing their vulnerability to labor exploitation and human trafficking. NGOs and some government officials expressed concern the MOL did not make sufficient efforts to investigate forced labor. In addition, the MOL required employers to register the contracts of all foreign workers so authorities could verify they had adequate work conditions and salaries. While the law did not explicitly prohibit employers from confiscating workers' passports or travel documents, additional provisions against collecting, archiving, processing, distributing, or disseminating personal data without an individual's consent existed. However, the absence of a specific prohibition against the confiscation of workers' passports or travel documents by a recruiter or employer increased the vulnerability of workers to remain on the job. The government did not report efforts to reduce the demand for commercial sex acts. With the support of an international organization, authorities developed a guide for journalists to improve reporting on trafficking crimes, and separately, began developing an interactive map to track trafficking and smuggling cases. The government operated a hotline for the public to report crimes. In 2020, calls to the hotline led to an investigation that concluded with the arrest of one trafficker and the identification of three victims. In 2020, authorities shared the new protocols for the care of victims of trafficking in specialized and non-specialized shelters with Colombian officials, its communication strategy to mitigate trafficking of vulnerable populations with Peru, and details of a project for the intervention and restitution of rights for child victims of trafficking with Chilean counterparts.

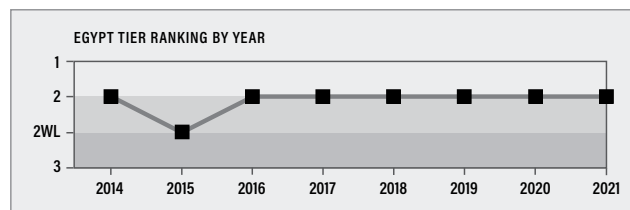
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ecuador, and traffickers exploit victims from Ecuador abroad. Traffickers exploit Ecuadorian adults and children in sex trafficking and forced labor within the country, including in domestic service; begging; banana, hemp, and palm plantations; floriculture; shrimp farming; fishing; sweatshops; street vending; mining; and other areas of the informal economy. Sex trafficking was most prevalent in coastal provinces, including El Oro, Guayas, Manabí, Los Rios, and northern border provinces, including Carchi,

Esmeraldas, Loja, and Sucumbíos. Sixty percent of child female sex trafficking victims, whom one of the specialized shelters identified and assisted, originated from Quevedo, Los Rios province. Indigenous and Afro-Ecuadorians, Colombian refugees, and Venezuelan migrants are particularly vulnerable to trafficking. Women, children, LGBTIQ+ individuals, refugees, and migrants continued to be the most at risk for sex trafficking; indigenous persons and Chinese workers are vulnerable to forced labor. Traffickers promising a better life to migrants from South and Central America, the Caribbean, and to a lesser extent, Africa and Asia, confiscate documents, impose debts, and threaten or force migrants into prostitution upon the victims' arrival in Ecuador. Traffickers exploit Colombian, Peruvian, Venezuelan, and to a lesser extent Central American, women and girls in sex trafficking and domestic servitude and forced begging. Traffickers increasingly use social media networks to recruit and groom individuals to later exploit them in sex and labor trafficking. Haitians migrate through Brazil into Ecuador to seek jobs on banana plantations, where they are vulnerable to forced labor. Traffickers use Ecuador as a transit route for trafficking victims from Colombia, Venezuela, and the Caribbean to other South American countries and Europe. Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced begging, domestic servitude, or forced labor in sweatshops and street and commercial vending in Ecuador and other South American countries. Ecuadorian children are subjected to forced labor in illicit activities, such as drug trafficking and robbery. Traffickers exploit Ecuadorian adults and children in sex trafficking and forced labor abroad, including in the United States and other South American countries, particularly Chile and Colombia. Traffickers exploited Ecuadorian children in sex trafficking and forced labor in Chile, Colombia, Peru, and to a lesser degree in Argentina, Spain, and Suriname. Some Ecuadorian trafficking victims are initially smuggled and later exploited in commercial sex or forced labor in third countries, including forced criminality in drug trafficking. Allegedly, some corrupt Ecuadorian officials have alerted traffickers to law enforcement operations, and some local authorities assisted traffickers in procuring falsified identity documents, which resulted in victims' lack of confidence in the police and a reluctance to report potential cases. Colombian illegal armed groups targeted and forcibly recruited Ecuadorian children living along the northern border. Traffickers lured vulnerable displaced Venezuelans with fraudulent employment opportunities, particularly those in irregular status, and later exploited them into sex trafficking and forced labor.

## EGYPT: TIER 2

The Government of Egypt does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Egypt remained on Tier 2. These efforts included inaugurating a new specialized shelter for female and child trafficking victims, increasing prosecutions, and expanding efforts to train officials and raise public awareness. The government increased convictions, although convictions data included organ trafficking cases. However, the government did not meet the minimum standards in several key areas. The government reported referring a limited number of victims to services. Shelter and services for male and foreign victims remained insufficient. The government remained without effective victim identification and referral procedures; as a result, at times authorities penalized potential victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations.



### PRIORITIZED RECOMMENDATIONS:

Draft, finalize, disseminate, implement, and utilize country-wide procedures and guidelines for law enforcement, judicial, and other relevant officials to proactively identify and refer trafficking victims to appropriate care. • Increase investigations, prosecutions, and convictions of sex and labor trafficking, and punish offenders—including complicit officials and child sex tourists—with sufficiently stringent sentences. • Provide protection services and shelters to victims of all forms of trafficking—including male and foreign victims—and allocate adequate resources and staffing for these services. • Implement measures to ensure authorities do not penalize trafficking victims for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations. • Fully utilize specialized trafficking courts and continue to train judicial officials in these courts on a victim-centered approach for the treatment of victims and witnesses of trafficking crimes during investigations and court proceedings. • Continue to train all government officials, including police, security officials, judges, prosecutors, and social workers, on implementation of the anti-trafficking law, victim identification techniques, and victim referral procedures. • Provide a legal and regulatory environment that allows NGOs to provide services to trafficking victims and populations vulnerable to human trafficking. • Increase efforts to address and reduce the demand for “summer marriages” and commercial sex acts. • Amend the labor law to include labor protections for Egyptian and foreign domestic workers. • Improve data collection for human trafficking cases and disaggregate sex, labor, and other forms of trafficking.

### PROSECUTION

The government maintained uneven law enforcement efforts. The 2010 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties from three to 15 years' imprisonment and a fine of between 50,000 and 200,000 Egyptian pounds (\$3,190 and \$12,750) for offenses involving an adult victim, and up to life imprisonment and a fine of between 100,000 to 500,000 pounds (\$6,370 and \$31,870) 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.

During the reporting period, the government investigated 259 cases of alleged sex and labor trafficking crimes involving at least 373 suspects; this was an increase compared to 154 investigations initiated during the previous reporting period. The 259 investigations included at least 52 adult sex trafficking cases, nine child sex trafficking cases, two domestic servitude cases, 136 child forced begging cases, one adult forced labor case, and two child forced labor cases. In addition, the government investigated 16 forced marriage cases. Despite a three-month partial closure of courts due to pandemic-related restrictions, the public prosecutor referred 41 trafficking cases to criminal courts in 2020, an increase from the 25 alleged perpetrators the government prosecuted during the previous reporting period. The government reported convicting 330 perpetrators for forced labor and sex trafficking in 2020, a significant increase from 67 convictions during the previous reporting period. However, convictions data included organ trafficking cases. Sentences ranged from one-year imprisonment and a fine of 100,000 Egyptian Pounds (\$6,370) to 15 years to life imprisonment (in absentia). The government reported appellate courts heard 125 trafficking cases between January 2019 and



February 2021 resulting in 25 acquittals. In addition, the government reported convicting nine officials for child trafficking and organ trafficking in public hospitals but did not provide additional details.

The Ministry of Justice (MOJ) maintained 8 specialized judicial circuits in the courts of appeal with 30 judges assigned to prosecute human trafficking cases. The government continued to distribute updated legal guidelines for evidence collection, prosecution of trafficking cases, and victim protection to relevant authorities. During the reporting period, the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM & TIP) linked the 10 main prosecution offices to the main prosecution courts in Cairo via videoconferencing equipment to conduct remote capacity-building training in response to COVID-19 pandemic-related restrictions. The NCCPIM & TIP, at times in partnership with international organizations, organized at least 24 anti-trafficking training sessions and capacity-building workshops for more than 675 officials, including prosecutors, judges, diplomats, healthcare workers, and aviation officials during the reporting period. Despite these training efforts, NGOs and international organizations reported limited awareness of trafficking and victim-centered approaches impeded government efforts to hold traffickers criminally accountable. NGOs also reported law enforcement and judicial officials overly focused anti-trafficking investigations on transnational cases rather than more prevalent internal forms of trafficking. In addition, local officials often did not consider internal forms of trafficking to be criminal due to cultural acceptance or lack of awareness, and therefore did not consistently pursue investigations or prosecutions in these cases.

## PROTECTION

The government increased victim identification and protection efforts but services remained insufficient for male and foreign victims and unidentified victims continued to be penalized for crimes their traffickers compelled them to commit. The government reported identifying 519 potential trafficking victims during investigations in 2020. Of the 519 victims, at least 362 were Egyptian and three foreign nationals; at least 123 were adults (81 men and 42 women) and at least 242 were children (148 boys and 94 girls). The government reported providing assistance to all potential victims but did not specify what that assistance was. The government did not report disaggregated data on the type of trafficking involved. In the previous reporting period, the government only reported victims identified through the National Council for Childhood and Motherhood (NCCM) hotline which identified 49 potential child trafficking victims. Although NCCPIM & TIP reported providing victim identification training to officials, the government did not have standardized victim identification procedures operational. NCCM – in cooperation with an international organization – used standard operating procedures for handling child protection cases, which included instructions on handling child trafficking victims. NCCM also maintained 339 child protection committees around the country and worked with 38 NGOs to identify potential child trafficking cases. Despite these efforts, the government remained without an effective country-wide victim identification and referral system. Although the government maintained a national victim referral mechanism, authorities did not use it consistently throughout the reporting period. While some NGOs reported they received some victim referrals from various governmental entities, NGOs continued to report the referral mechanism was ineffective and underutilized, and various government stakeholders were unaware that it existed.

NGOs reported victim identification became more challenging due to pandemic-related movement restrictions that inhibited protection efforts and screenings for trafficking indicators. Authorities typically relied on NGO referrals or for victims to self-identify; however, NGOs reported that Egyptian and foreign female victims – particularly those among African migrants and refugees – were hesitant to report or file criminal complaints against traffickers or speak to interpreters

due to fear of social stigmas. Ineffective victim identification and referral procedures contributed to authorities potentially punishing or penalizing unidentified victims for illegal acts traffickers compelled them to commit, such as immigration violations and prostitution. For example, NGOs reported police officers arrested and detained female victims of sex trafficking on wrongful charges of prostitution or debauchery; judges typically released these victims due to insufficient evidence to support the charges of the crimes. Foreign embassies in Egypt reported the government required foreign victims to pay overstay fees, thus preventing them from leaving the country and potentially hindering them from leaving situations of trafficking.

In November 2020, the NCCPIM & TIP inaugurated a specialized trafficking shelter in Cairo in cooperation with the Ministry of Social Solidarity (MoSS), NCCM, an NGO, an international organization, and a foreign government but did not receive victims during the reporting period. The shelter could accommodate 30 women and girls and was staffed by female psychologists, social workers, and medical staff. The government provided 1.25 million pounds (\$79,670) for shelter operations during its fiscal year (July 2020 through June 2021). Foreign victims could not access the shelter, despite recommendations from stakeholders to allow foreign victims care at the shelter. Eight shelters for violence against women (VAW) run by the MoSS could receive female and child trafficking victims; foreign victims could access all eight VAW MoSS shelters; and male victims could access the remaining 45 MoSS shelters throughout the country. Several NGOs stated that MoSS shelters were not appropriate for some trafficking victims due to concerns about security and privacy procedures and a lack of adequately trained staff. In addition, these shelters sometimes required victims to provide identification, creating a significant barrier to access for some victims such as foreign victims whose traffickers had confiscated their identification documents; MoSS bylaws stated victims were able to access the shelters without identification documents for up to three days. Despite the new shelter, the government's ability to provide services to trafficking victims, especially foreign victims, remained limited and the government was dependent on international organizations and NGOs to provide victim services, including repatriation. In some cases, embassies, including the embassies of Philippines and Indonesia, provided shelter to their nationals on a case-by-case basis. Egyptian labor law did not include protections for domestic workers, which continued to create greater vulnerabilities to trafficking among this population. The government continued to rely on international and civil society organizations to provide and fund victim assistance, but it did not provide financial assistance to these organizations, which affected their ability to offer protective services to victims. The government did not report efforts to support victim assistance in investigations and prosecutions aside from basic services; female victims of domestic servitude or sex trafficking reported a reluctance to cooperate in pursuing trafficking charges against their traffickers due to the fear of social stigma and retaliation. However, in at least one case, the government assigned an NCCM expert to provide child victims and their families with psychological support throughout the prosecution, including during their questioning by prosecutors. In addition, the government piloted a courtroom in Giza specialized for child victims of crime, including trafficking, which included video conferencing, separate waiting rooms for child victims, and a barrier allowing children to give testimony while protecting their identity and privacy. Article 27 of the 2010 anti-trafficking law provided for a victim compensation fund but the government did not report establishing the fund. The government did not report whether prosecutors could pursue restitution in trafficking cases. Victims could file civil suits against their traffickers; however, the government did not report whether any victims received damages from civil suits during the reporting period.

## PREVENTION

The government maintained efforts to prevent human trafficking. The government continued to implement the 2016-2021 National Strategy for Combating and Preventing Trafficking in Persons; the

strategy was implemented using the budget allocated to NCCPIM & TIP and the 29 member agencies of NCCPIM & TIP. NCCPIM & TIP continued to coordinate inter-ministerial anti-trafficking efforts throughout the reporting period. The government allocated 3.6 million pounds (\$229,450) to NCCPIM & TIP's budget during its fiscal year (July 2020 through June 2021 for technical staff's salaries and allocated an additional 20 million pounds (\$1.27 million) to anti-trafficking public awareness campaigns in 2020. This represents an increase from NCCPIM & TIP's budget in 2019 of 2.6 million pounds (\$165,710). NCCPIM & TIP's mandate to address both smuggling and trafficking crimes may have impeded the government's overall efforts to raise awareness about human trafficking as a distinctly different crime. NCCPIM & TIP and other governmental entities continued to conduct multiple awareness-raising activities throughout the reporting period, which included some campaigns in partnership with international organizations; one such campaign was a panel during the Cairo International Film Festival that reportedly reached millions of online viewers. The government also partnered with international organizations to produce and widely distribute to the public videos featuring former league champions of the Egyptian national handball team to raise awareness of sex and labor trafficking crimes in Egypt. During the reporting period, NCCPIM & TIP also continued distributing an anti-trafficking manual for Egyptian diplomatic missions and Egyptian laborers abroad. NCCPIM & TIP submitted semi-annual reports on its anti-trafficking efforts to the Prime Minister during the reporting period. In November 2020, the NCHR launched a trafficking-specific hotline; the National Council for Women (NCW), NCCM, and Administrative Control Authority also operated hotlines to which the public could report trafficking cases. NCCPIM & TIP reported the hotlines received 61 potential trafficking cases during the reporting period but did not report if any victims were identified or referred to protection services as a result. The government did not report whether Egyptian law prohibited employers, recruiters, or labor agents from switching contracts without workers' consent or withholding wages, and labor laws did not include protections for domestic workers. In March 2021, the Parliament introduced draft labor legislation to improve protections for Egyptian and foreign domestic workers; the bill was pending at the end of the reporting period. In the absence of labor law protections for domestic workers, the government continued to promote a voluntary labor contract that employers of domestic workers could choose to use, which offered some protections for Egyptian domestic workers, but the voluntary labor contract did not provide protections for foreign domestic workers. The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism. The government reported providing anti-trafficking training to its troops prior to their deployment as peacekeepers. Although not explicitly reported as human trafficking, the government investigated one Egyptian peacekeeper serving in the UN peacekeeping operation in the Central African Republic for potential sexual exploitation involving transactional sex in an incident from April 2020 with trafficking indicators; the investigation was ongoing at the end of the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Egypt, and traffickers exploit victims from Egypt abroad. Traffickers subject Egyptian children to sex trafficking and forced labor in domestic service, street begging, drug trafficking, quarrying, and agricultural work in Egypt. Traffickers, including some parents, force Egyptian children to beg in the streets of Cairo, Giza, and Alexandria, or exploit girls in sex trafficking. NGOs report the lack of economic and educational opportunities cause family members, including parents, husbands, and siblings, to subject women and girls to sex trafficking to supplement family incomes; in some cases, family members rape women and girls to coerce or force them into prostitution. Child sex tourism occurs primarily in Cairo, Alexandria, and Luxor. Individuals from the Arabian Gulf,

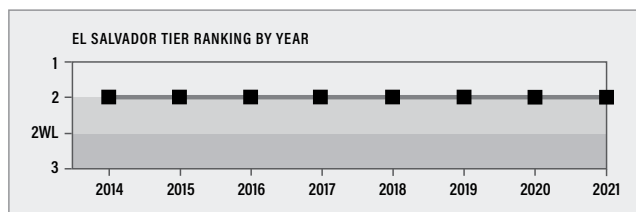
including Kuwait, Saudi Arabia, and United Arab Emirates, purchase Egyptian women and girls for "temporary" or "summer marriages" for the purpose of commercial sex, including cases of sex trafficking, as well as forced labor; the victims' parents and marriage brokers, who profit from the transaction, often facilitate these arrangements. Traffickers reportedly exploit Egyptian children in sex trafficking and forced begging in Europe. Traffickers subject Egyptian adults to forced labor in construction, agriculture, domestic work, and low-paying service jobs in the region.

Traffickers subject men and women from South and Southeast Asia and East Africa to forced labor in domestic service, construction, cleaning, and begging, as well as sex trafficking. In 2017, observers reported an increase in West African trafficking victims, although it was unclear if this was the result of increased victim identification or an actual increase in numbers. Male refugees and migrants are vulnerable to exploitative labor practices, including forced labor. Foreign domestic workers – who are not covered under Egyptian labor laws – primarily from Bangladesh, Eritrea, Ethiopia, Indonesia, the Philippines, Nigeria, Sudan, South Sudan, and Sri Lanka are highly vulnerable to forced labor; employers at times require them to work excessive hours, confiscate their passports, withhold their wages, deny them food and medical care, and subject them to physical, sexual, and psychological abuse. Some employers file false claims of theft to further exploit domestic workers. Traffickers subject women and girls, including refugees and migrants from Asia, Sub-Saharan Africa, and the Middle East to sex trafficking in Egypt. In 2018, an international organization reported Colombian nationals were smuggled into Egypt to work in the entertainment industry, and in 2019, an NGO reported that employers in resort towns, such as Sharm El Sheikh, sexually exploit dancers from Colombia. Refugees from Syria, Sudan, South Sudan, and Yemen who live in Egypt are at risk of trafficking. For example, increasingly traffickers target Syrian refugees who have settled in Egypt for forced child labor, sex trafficking, and transactional marriages of girls that can lead to sexual exploitation, including sex trafficking and forced labor. NGOs reported in January 2020 that unaccompanied minors (UAMs) among the African migrant population are increasingly at risk of trafficking in Egypt; Sudanese gangs reportedly target UAMs to force or coerce the children to sell drugs or commit other petty crimes. Irregular migrants and asylum-seekers from the Horn of Africa, who transit Egypt en route to Europe, are increasingly at risk of trafficking along this migration route. During the reporting period, there were reports trafficking networks fraudulently recruited women from Guinea for employment in Egypt; the traffickers then exploited the women in domestic servitude or sex trafficking.

## EL SALVADOR: TIER 2

The Government of El Salvador 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore El Salvador remained on Tier 2. These efforts included a significant increase in new prosecutions and an increase in forced labor investigations. The government coordinated with NGOs to provide assistance to the majority of identified victims. However, the government did not meet the minimum standards in several key areas. The government identified and assisted significantly fewer victims than the previous year. Only two of the 23 child victims identified received care at the government's shelter. The government did not implement procedures to identify potential trafficking victims among children apprehended for illicit gang-related activity, and it decreased its anti-trafficking training for officials. The government

did not initiate any investigations, prosecutions, or convictions of officials for involvement in human trafficking or report progress on investigations from previous years.



### PRIORITIZED RECOMMENDATIONS:

Increase specialized services for trafficking victims, including shelters and access to services for adults, boys, and LGBTQI+ victims. • Develop and implement procedures to proactively identify victims among vulnerable groups—including individuals in commercial sex, children apprehended for illicit gang-related activities, and irregular migrants returning to El Salvador—and refer them to service providers for assistance. • Increase and institutionalize anti-trafficking training for police, prosecutors, and judges, with a focus on applying trauma-informed, victim-centered procedures. • Strengthen efforts to investigate, prosecute, and convict traffickers, including complicit officials, and obtain restitution for victims. • Provide reintegration services to support victims' long-term wellbeing and extend witness protection services beyond the duration of a trial, particularly for victims who testify against members of organized criminal groups. • Amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law. • Develop and allocate resources toward a new national action plan to combat trafficking. • Develop a case management system to improve data collection, sharing, security, and analysis related to trafficking cases. • Expand prevention measures, including through raising awareness of fraudulent recruitment for employment in El Salvador and abroad and enforcing laws against illegal labor practices that facilitate trafficking.

### PROSECUTION

The government maintained law enforcement efforts. The 2014 Special Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 14 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law considered the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime; the penalties increased to 16 to 20 years' imprisonment for trafficking offenses involving these factors. The law defined trafficking broadly to include fraudulent adoption without the purpose of exploitation. The government also prosecuted trafficking crimes under other parts of its penal code.

Police investigated 30 suspected trafficking cases (16 for sex trafficking, five for forced labor, and nine undetermined) in 2020, compared with 80 cases investigated in 2019 and 74 in 2018. Despite an overall decline in investigations, this marked an increase in the number of forced labor cases investigated compared with previous years. At least one case, which included the arrest of 10 suspects in November 2020, involved gang-related child sex trafficking crimes; however, authorities failed to adequately investigate whether one of the suspects—who was a child at the time of the alleged crimes—may have been a victim compelled to commit unlawful acts. In 2020, authorities initiated prosecution of 39 sex trafficking cases involving 31 suspects and convicted 12 traffickers, compared with nine traffickers prosecuted and 12 convicted in 2019 and nine cases prosecuted and seven traffickers convicted in 2018. Authorities did not initiate any labor trafficking prosecutions during the year.

The government did not report sentences for convicted traffickers. Authorities arrested several officials and convicted one for smuggling crimes that may have increased migrants' vulnerability to trafficking. However, the government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offences nor progress in investigations from previous years. Corruption and complicity, including within law enforcement, the prison system, and local government, remained significant obstacles to anti-trafficking law enforcement efforts.

The government had 25 active staff members in its specialized anti-trafficking police unit and 15 specialized prosecutors in its anti-trafficking prosecution unit. Both units lacked sufficient human and material resources to effectively investigate and prosecute all cases, and the absence of an electronic case-management system limited efforts to collect, share, and analyze law enforcement information. However, the government relocated the specialized anti-trafficking prosecution unit to a building that included improved spaces for conducting interviews, including a child-friendly space for young victims and witnesses. The specialized prosecution unit initially suspended investigations and court proceedings for three months in response to the pandemic, then later adapted its efforts to continue investigations by phone. The government directed most anti-trafficking police to focus on pandemic mitigation efforts rather than identifying and investigating suspected cases of trafficking.

Observers noted the attorney general's office frequently assigned different prosecutors to handle different phases of a single criminal case, which hampered its ability to prosecute cases in an efficient and cohesive manner and provide consistency to victims. Experts noted some police used harsh questioning during victim interviews, leading to re-traumatization. Observers reported judges did not have an adequate understanding of trafficking laws or sufficient expertise in the evidentiary processes for trafficking cases, including the use of non-testimonial evidence to corroborate victim testimony. The government did not provide sufficient training for law enforcement or criminal justice officials, relying primarily on donors to fund trainings. The anti-trafficking prosecution unit suspended all scheduled trainings due to the pandemic and fewer than half of the members of the specialized police unit had been trained in basic aspects of human trafficking. The government reported unspecified law enforcement cooperation with Costa Rica, Dominican Republic, Guatemala, Honduras, Mexico, Panama, and the United States.

### PROTECTION

The government decreased victim identification and protection efforts. The government identified 37 victims, including 23 children and 14 adults, compared with 124 victims identified in 2019 and 53 victims identified in 2018. Authorities identified 26 of the victims via calls to the police 911 emergency division. The attorney general's office provided psychological care to 27 victims and collaborated with NGOs to provide financial assistance for lodging, food, basic necessities, and job placement to 36 victims; in comparison, the government provided assistance to 111 victims in 2019 and 50 victims in 2018. The government maintained one trafficking victims' shelter, which had the capacity to house 12 girls between the ages of 12 and 18, and provided services to two residents in 2020. The government repatriated two victims to Guatemala, and an international organization facilitated the repatriation of two victims to Costa Rica.

The government's 2018 Inter-Institutional Action Protocol for the Immediate Comprehensive Care of Trafficking Victims outlined the roles and responsibilities of government agencies in responding to trafficking victims. Immigration agents had a manual to guide identification of possible trafficking victims in border regions. However, the government lacked formal procedures to identify trafficking victims among most vulnerable groups, including individuals in commercial sex and children apprehended for gang-related activity. The government provided victim identification



training to officials responsible for receiving returned migrants and held a session on basic trafficking concepts for employees and residents of the government's shelter, while an international organization conducted a virtual training for 335 front-line law enforcement officials in border regions on identifying and investigating suspected trafficking. Local experts reported police, immigration agents, and other first responders lacked sufficient training to properly identify, interact with, and protect victims, who were often mistaken for criminals and may have been punished for crimes their traffickers compelled them to commit. The Directorate General for Migration and Foreigners relocated its two-person anti-trafficking unit to the migrant reception center to improve its ability to identify potential trafficking victims among returned migrants and refer them to service providers, some of whom were co-located in the reception center. The center closed temporarily in 2020 due to the pandemic and reopened in January 2021. In December 2020, the Ministry of Labor (MOL) conducted a series of inspections in bars, nightclubs, and restaurants in San Salvador to identify child trafficking victims. These efforts were not effective in identifying any victims, and the ministry failed to coordinate with law enforcement or social service agencies, despite the potential for encountering child crime victims. Unlike last year, labor inspectors did not receive training on human trafficking. Also in December 2020, police and immigration officials encountered five Cuban citizens they suspected to be trafficking victims. Officials did not follow appropriate procedures to investigate the case or refer the individuals to protective services, and the subsequent whereabouts of the potential victims remained unknown.

The government provided limited assistance to victims. The government shelter had a budget of \$167,375 and provided residents with education and recreation, psycho-social care, and protective materials to prevent COVID-19 transmission. There were no trafficking shelters that accepted adults, boys, or LGBTQI+ persons of any age or gender, and access to government services for these groups was nearly nonexistent. The government offered few long-term support or reintegration services to trafficking victims, leaving them at risk of re-trafficking. Judges did not order any convicted traffickers to pay restitution to victims in 2020. The government provided witness protection and support to identified victims—including disguising victims' identities in court and allowing victims to provide testimony by deposition or via teleconference—but such protection measures were only available through the duration of a trial. Observers reported instances of victim information being leaked from judiciary systems, undermining victims' privacy and putting their safety at risk.

Due to a lack of formal identification procedures, particularly among children apprehended for gang-related criminal activity, authorities may have detained or jailed some unidentified victims for unlawful acts their traffickers compelled them to commit. The 2014 trafficking law provided foreign victims the right to seek residency status, which would allow them to work legally. A 2019 immigration law granted foreign victims the right to obtain residency—with multiple entry and exit permission and the ability to work—for an initial period of up to two years with the option to extend; no foreign victims received residency benefits during the year.

## PREVENTION

The government decreased prevention efforts. The national anti-trafficking council, led by the Ministry of Public Security and Justice, coordinated anti-trafficking efforts among 12 government institutions. However, the country's national anti-trafficking action plan ended during the previous reporting period, and the council did not draft a new plan as required by law. The council did not produce or share information on its legally required annual report on anti-trafficking efforts for 2020. The government coordinated with civil society organizations to conduct awareness campaigns

for children and young adults, but it did not provide funding for these efforts.

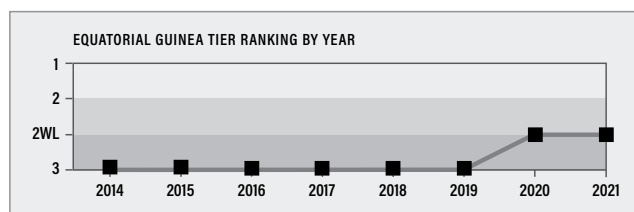
Neither the Labor Code nor the Penal Code specified fines or punishment for fraudulent recruitment of workers. The MOL managed the majority of El Salvador's H-2A visa recruitment process and maintained its website, which included information on Salvadorean workers' rights and warnings against fraudulent recruitment tactics. The MOL did not make similar statements against fraudulent recruitment practices for domestic employment. The Labor Code prohibits withholding pay, but the government did not effectively enforce this provision. In February 2020, the supreme court issued a decision requiring within 12 months the establishment and implementation of a minimum wage for domestic workers through executive decree; the government did not issue such a decree during the reporting period. Local experts reported the National Registry of Natural Persons closed temporarily as a result of the pandemic, creating difficulties for registering births, and the government's imposition of a fee for birth certificates after 90 days posed a financial barrier to some individuals for obtaining documentation for their children, increasing their vulnerability to human trafficking. Salvadoran law criminalized sex tourism and prescribed penalties of four to 10 years' imprisonment, but authorities did not report any investigations or prosecutions of sex tourism crimes. 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 El Salvador, and traffickers exploit victims from El Salvador abroad. Traffickers exploit adults and children in sex trafficking within the country; children without parents, adolescent girls, and LGBTQI+ persons, especially transgender persons, are at particular risk. NGOs reported sex trafficking occurred in the tourism industry. Traffickers often exploit victims within their own communities or homes, sometimes their own children or other family members. Traffickers exploit Salvadoran adults and children in forced labor in agriculture, domestic service, begging, and the textile industry. Traffickers exploit adults and children from neighboring countries—particularly Honduras, Guatemala, and Nicaragua—in sex trafficking and forced labor in construction, domestic service, or the informal sector. Traffickers recruit victims in regions of the country with high levels of violence and capitalize on existing fears to coerce victims and their families through threats of violence. Limited government presence in gang-controlled territory exacerbates trafficking risks among vulnerable groups and limits their access to justice and protection. Gangs use the pretense of domestic employment to lure women into forced labor; gangs force some victims to marry strangers and convince their spouse to take out life insurance policies, which the gang members collect after murdering the spouse. Transnational criminal organizations and gangs recruit, abduct, train, arm, and subject children to forced labor in illicit activities—including assassinations, extortion, and drug trafficking. These groups subject women and children, including LGBTQI+ children, to sex trafficking and forced labor in domestic service and child care. Traffickers exploit Salvadoran men, women, and children in sex trafficking and forced labor in Belize, Guatemala, Mexico, and the United States. Traffickers exploit some Salvadorans who irregularly migrate to the United States in forced labor, forced criminal activity, and sex trafficking en route or upon arrival. Traffickers exploit some Central and South American, African, and Asian migrants who transit El Salvador to Guatemala and North America in sex and labor trafficking. Individuals without personal identification documents are highly vulnerable to trafficking. Traffickers increasingly use social media and messaging platforms to lure victims, including through false employment offers, and facilitate their exploitation. Corruption and complicity, including within law enforcement, the prison system, and local government, remained significant obstacles to law enforcement efforts.

## EQUATORIAL GUINEA: TIER 2 WATCH LIST

The Government of Equatorial Guinea does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting two potential trafficking cases, developing formal victim screening and referral procedures, expanding the inter-ministerial coordinating body to include more agencies, and allocating more funding for anti-trafficking efforts. Additionally, authorities investigated two potential cases of trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government has never convicted a trafficker under its 2004 anti-trafficking law and authorities did not identify any confirmed victims during the reporting period. Official awareness of trafficking remained low despite increasing sensitization and training efforts, and the government's anti-trafficking law did not criminalize all forms of trafficking. Further, there were allegations military officials were complicit in a sex trafficking ring in Spain. Therefore Equatorial Guinea remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate and prosecute traffickers.

- Establish as a policy priority the proactive identification of victims of trafficking—separate from fraudulent adoptions or other forms of abuse—including in vulnerable communities such as child laborers in markets; women in commercial sex; domestic and construction workers; undocumented immigrants; and North Korean and Chinese workers.
- Amend the 2004 anti-trafficking law—or pass amendments to the penal code—removing the requirement of a demonstration of force, fraud, or coercion in child sex trafficking cases.
- Form and provide resources to an independent agency mandated to improve the government's capacity to investigate and prosecute traffickers and identify victims.
- Draft, finalize, and resource an updated anti-trafficking national action plan to enhance governmental coordination.
- Improve coordination between the Ministry of Social Affairs and Gender Equality and the Ministries of Interior and Local Corporations, Labor, National Security, and other agencies, as well as international organizations and civil society, to disseminate and implement formal procedures for law enforcement and first responders to identify and refer trafficking victims to care.
- Continue to expand training for law enforcement and judicial officials to increase their capacity to investigate, prosecute, and—following a fair and transparent trial—sentence convicted traffickers under the anti-trafficking law.
- Continue to train social workers, law enforcement, labor inspectors, and immigration officials on trafficking indicators.
- Increase funding for victim services and coordinate with civil society as well as NGOs to provide shelter for all identified trafficking victims.
- Continue to include local officials in the nation-wide anti-trafficking public awareness campaigns to educate more individuals on trafficking indicators and enhance their ability to report potential victims to first responders using the government's hotline or web-based portal.
- Further research the extent and nature of human trafficking within the country according to the national action plan, and draft an annual public report describing the government's efforts.

### PROSECUTION

The government decreased anti-trafficking law enforcement efforts. The 2004 Law on the Smuggling of Migrants and Trafficking in Persons criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed penalties of 10 to 15 years' imprisonment and a fine of at least 50 million Central African francs (CFA) (\$94,470) if the offense involved an adult victim; an additional five years would be added to the principal penalty for offenses involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Equatorial Guinea's legal framework required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore it did not criminalize all forms of child sex trafficking. Additionally, the law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The government drafted new penal code articles in 2019 with increased victim protection requirements; however, parliament had not approved the articles at the end of the reporting period.

The government did not maintain comprehensive law enforcement statistics and had severely limited information management capabilities. Officials did not report investigating any confirmed trafficking cases during the reporting period compared with arresting and prosecuting two suspected traffickers in 2019. The Ministry of Justice stated it opened investigations into two cases of illegal sale of a child that may have included aspects of human trafficking in 2020. Judicial authorities dismissed an additional possible trafficking case in 2021 due to a lack of evidence. Further, officials coordinated with a foreign government on a possible trafficking case involving an Equatoguinean national and launched a commission of inquiry into reports of soldiers sexually exploiting minors; the commission referred the case to judicial officials and the investigation was ongoing at the end of the rating period. The government has never convicted a trafficker under its 2004 trafficking law. Judicial officials noted a lack of training results in authorities frequently prosecuting and convicting potential trafficking cases under related statutes, such as kidnapping, illegal adoption, or physical abuse.

In October and November 2020, the Director General of Human Rights provided training to approximately 200 law enforcement officers on victim-centered approaches; in 2019, the government provided a related training for 170 individuals. Also during the reporting period, Ministry of Justice officials facilitated a training workshop for 50 judges and state prosecutors on basic trafficking principles.

The government did not report any prosecutions or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In February 2021, Spanish authorities reported investigating a sex trafficking network exploiting women and girls in Spain, allegedly perpetrated with assistance from Equatoguinean military officials who may have falsified the victims' identity documents; the investigation was ongoing at the close of the reporting period. Equatoguinean authorities opened a formal inquiry into the allegations but stated there was insufficient evidence to prosecute any of the suspects at the close of the rating period.

### PROTECTION

The government maintained limited efforts to identify victims. In 2020, the government did not report identifying any confirmed trafficking victims, compared with identifying and providing basic services for one potential victim in 2019. Over the course of the reporting period, the Ministry of Social Affairs coordinated with the ministries of National Security and Health to develop standard screening and referral procedures to help first responders identify victims more effectively; the government did not implement these procedures widely. Ministry of Social Affairs representatives stated

reporting channels for community leaders to share cases of domestic violence and other abuses to regional delegates could be used to relay suspected trafficking cases; officials disclosed no cases were reported via these channels. Pandemic-related movement restrictions affected the government's protection efforts by limiting officials' ability to inspect key sectors for trafficking victims.

Unlike the previous reporting period, the government did not screen individuals employed in the regulated commercial sex trade for trafficking indicators, despite reports of sex trafficking occurring in that sector. Officials continued to designate government housing as temporary shelters for victims of trafficking and domestic violence, although authorities did not report referring any victims to these shelters.

The government increased its allocated budget for NGOs from \$100,000 to \$566,829 in 2020 to bolster their capacity to provide services to trafficking victims and to raise awareness of the crime among vulnerable populations. The government had no formal policies to provide foreign trafficking victims legal alternatives to their removal to countries where they might face retribution or hardship. In 2020, there were no reports authorities penalized trafficking victims for unlawful acts traffickers compelled them to commit; due to a lack of widely used formal victim identification procedures, however, officials may have deported or arrested some unidentified trafficking victims. During the reporting period, government officials in Spain provided assistance to Equatoguinean victims identified in a case that allegedly involved complicity by some members of the military.

## PREVENTION

The government maintained efforts to prevent trafficking. Civil society and government officials' minimal awareness of the crime, as well as the lack of a leading government entity to coordinate key actors' efforts, continued to impede the country's anti-trafficking efforts. To address this deficiency, the government continued its nationwide sensitization campaign in 2020 and early 2021 using radio and television to increase Equatoguineans' understanding of human trafficking. The Prime Minister's Office and the Ministry of Information, Press, and Radio initiated multiple awareness raising programs leveraging the government's national television and radio station, including interviews with senior officials such as the Minister of Foreign Affairs and Cooperation, the Director General of Human Rights, and with senior officials from a foreign government. The Ministry of Labor's web-based reporting platform and hotline remained active and available for individuals to anonymously report potential trafficking cases as did the Ministry of National Security's new hotlines for reporting crimes to the police. The government disclosed that it did not receive any trafficking-related calls in 2020. Restrictions on in-person gatherings to slow the spread of COVID-19 resulted in authorities postponing multiple planned sensitization and training events. Some events, such as a training by international experts for government officials, took place virtually.

Per the country's 2019-2021 national action plan, the government created an interdepartmental committee including representatives from the attorney general's office, Department of Human Rights, as well as the Ministries of Foreign Affairs, Social Affairs, Interior, National Security, Information, Health, Labor, Justice, Education, Finance, National Defense, Culture, and Civil Aviation; the committee convened monthly to monitor action plan activities. The government reported allocating 50 million CFA (\$94,470) for the Ministry of Justice to bolster its anti-trafficking efforts and 300 million CFA (\$566,830) for NGOs, compared with allocating \$149,000 for NGOs to implement trainings during the previous reporting period.

In September 2020, the Ministry of Interior, in collaboration with an NGO and a foreign government, hosted two three-day seminars for civil society actors on human trafficking in the country's two largest cities: Malabo and Bata. Additionally, officials collaborated with an international organization as well as a foreign government to host

a three-day training seminar in November 2020 to strengthen the country's institutional capacity to combat human trafficking. During the previous reporting period, the government funded a nationwide anti-trafficking initiative for more than 700 government workers and civil society actors to address a widespread lack of knowledge of trafficking among officials and the general population.

The Ministry of Labor continued to implement regulations requiring all companies to sign formal labor contracts with their employees. During the reporting period—except during the March to July 2020 pandemic lockdown and the partial lockdown that started in February 2021—Ministry of Labor officials inspected some businesses in the formal and informal sectors for human trafficking; ministry representatives did not report identifying any victims through their inspections.

Border security officials stated they increased cooperation with Gabonese and Cameroonian counterparts on screening for potential victims of trafficking; however, they did not report identifying any victims resulting from this coordination during the reporting period though they identified potential victims the government suspected were in fact fraudulent adoptions. Additionally, the government signed an agreement with Burundi in 2020 to formalize labor recruitment standards. Commercial sex was legal in the country and, in an attempt to decrease exploitation of vulnerable individuals and demand for commercial sex acts, the government continued implementing regulations requiring all commercial sex establishments to register and provide contracts to their workers. Ministry of Culture, Tourism and Artisanal Promotion reported that in 2020, it implemented preventive measures to fight against sex tourism involving children at the national level, including through awareness programs for representatives of hotels, hostels, and all tourist venues.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Equatorial Guinea, and traffickers exploit victims from Equatorial Guinea abroad. Many civil society members and government officials lack an understanding of human trafficking, hindering the country's ability to identify victims and address the crime. Observers reported Equatoguineans exploit the majority of trafficking victims in forced labor in domestic service and commercial sex in the cities of Malabo, Bata, Mongomo, and Ebebiyin, where relative wealth and security attracts Central and West African migrant workers. Equatoguinean traffickers exploit local and foreign women in commercial sex in these cities, with the Malabo neighborhoods of Banapa, Paraiso, and the city center primary areas of concern.

Experts noted the sustained economic downturn due to decreasing oil prices and oil production—exacerbated by the global economic contraction caused by the pandemic—resulted in Equatoguineans in urban centers replacing some foreign domestic workers with children from rural areas in Equatorial Guinea, whom they then exploited in forced labor. Some business owners involved in the hospitality and restaurant sectors exploit hotel and bar workers in forced labor and commercial sex within the country's urban centers. Experts report LGBTQI+ youth are often left homeless and stigmatized by their families and society, increasing their vulnerability to trafficking. Measures to control the pandemic's spread—including a months-long border closure and mandatory curfews for the populace—likely increased the vulnerability of migrants and informal sector workers.

Equatoguinean business owners reportedly exploit children from nearby countries—primarily Benin, Cameroon, Gabon, Nigeria, and Togo—in forced labor as domestic workers, market laborers, vendors, and launderers. Observers reported Equatoguinean traffickers—some of whom may be associated with the country's elites—may exploit women from Brazil, Cuba, Dominican Republic, Venezuela, and China in commercial sex at nightclubs, bars, and brothels in the country. Traffickers may exploit Equatoguineans in Spain. During the reporting period, there were reports alleging members of the

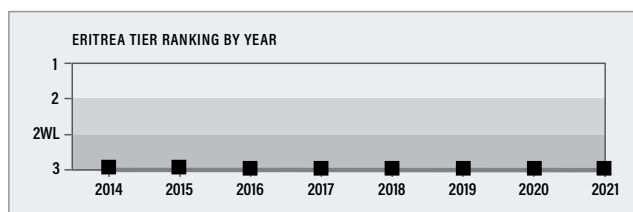


Equatoguinean military falsified identity documents to facilitate a sex trafficking ring in Menorca, Spain involving women and girls.

Some business owners recruit women from Benin, Cameroon, Ethiopia, and other African countries for work in Equatorial Guinea, and exploit them in forced labor or sex trafficking in markets, hair salons, or commercial sex. Chinese firms recruit Chinese nationals to migrate to Equatorial Guinea for work or to engage in commercial sex; some of these businesses then confiscate workers' passports, which increases their vulnerability to forced labor or sex trafficking. A small number of North Koreans working in Equatorial Guinea may have been forced to work by the North Korean government. Companies in the construction sector, among others, also sometimes held the passports of foreign workers, increasing their vulnerability to forced labor. Experts reported some corrupt and complicit government workers—including senior officials as well as elected representatives—participated in trafficking-related crimes during the reporting period.

## ERITREA: TIER 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Eritrea remained on Tier 3. During the reporting period, there was a government policy or pattern of human trafficking. The government continued to exploit its nationals in forced labor in its compulsory national service and citizen militia by forcing them to serve for indefinite or otherwise arbitrary periods. Despite the lack of significant efforts, the government took some steps to address trafficking, including coordinating with an international organization to contribute to an East Africa regional action plan. However, the government did not report any trafficking investigations, prosecutions, or convictions and did not identify any victims of trafficking. The government did not report holding any complicit officials accountable for trafficking crimes. Authorities did not report the development of formal procedures for the identification and referral of victims to care, nor did the government report providing any services directly to victims.



### PRIORITIZED RECOMMENDATIONS:

Enact and implement an anti-trafficking law that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with respect to forced labor, commensurate with those prescribed for other grave crimes. • Enforce existing limits on the length of active national service to 18 months as set forth in the Proclamation of National Service 11/199. • Extend existing labor protections to persons performing National Service and other mandatory citizen duties. • Develop and implement procedures to identify trafficking victims and refer them to services, including both domestic and foreign victims. • Provide protective services to all trafficking victims, including domestic and foreign victims. • Train all levels of the government to identify and address trafficking crimes. • Increase partnerships with international organizations and NGOs to combat human trafficking.

### PROSECUTION

The government maintained negligible anti-trafficking law

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

The government has not reported investigating, prosecuting, or convicting any suspected traffickers for the last 13 years. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, official complicity in trafficking crimes remained a significant concern, inhibiting law enforcement action during the year. The government continued to enforce arbitrary limits to the compulsory National Service for the 23rd consecutive year. Reports alleged some partially or wholly government-funded enterprises employed National Service workers. The government did not report on efforts to train law enforcement during the reporting period, compared with conducting at least two anti-trafficking trainings and participating in a regional workshop on police cooperation during the previous reporting period.

### PROTECTION

The government maintained inadequate victim protection efforts. The government has not reported any efforts to identify or protect trafficking victims since reportedly providing repatriation assistance to Eritrean victims in 2015. The government did not report having formal procedures to proactively identify trafficking victims among vulnerable groups. Eritreans fleeing the country and Eritrean refugees in neighboring countries remained particularly vulnerable to the government indiscriminately arresting, detaining, harassing, or forcibly recalling them into the National Service. The government did not report having or developing a systematic mechanism for the referral of identified trafficking victims to care. In addition, it did not provide information on its funding for victim protection or provision of incentives for victims to assist in trafficking investigations or prosecutions. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship; however, Eritrea maintained a policy against forced deportations. Eritrean law requires offenders in all crimes to pay restitution, although victims have the option of suing for such in civil court rather than have the criminal court impose it. If an offender's assets are too limited to pay both restitution and the associated fines, the government mandates restitution be paid first. There were no reports that courts imposed this penalty for trafficking crimes during the reporting period.

### PREVENTION

The government maintained minimal efforts to prevent trafficking. The government continued to subject its nationals to forced labor by forcing them to serve for indefinite or otherwise arbitrary periods in its compulsory national service and citizen militia. The government maintained an interagency steering committee on trafficking and migration issues; however, the government did not report any action taken by the steering committee during the reporting period. The government remained without a formal national action plan to combat human trafficking. For the second consecutive year, the government participated in a regional anti-trafficking meeting sponsored by an international organization. Officials continued to coordinate with an international organization's regional anti-trafficking project, intended to create an East Africa region-wide action plan with complementary national-level plans. The government did not report conducting any anti-trafficking awareness campaigns, compared with reports in previous years that the government

educated its citizens on the dangers of human trafficking through awareness-raising events, poster campaigns, and mass convocations and exhortations. The government did not report operating a hotline to provide potential victims of trafficking with a number to call for assistance or information about human trafficking. The government did not report on its efforts to reduce the demand for commercial sex acts, nor did it report providing anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims and may exploit foreign victims in Eritrea, and traffickers exploit victims from Eritrea abroad. Perennially, thousands of Eritreans who flee the country are smuggled migrants seeking to be reunited with family members already overseas; are those who sought to escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; were in search of better economic opportunities; or hoped to avoid the often indefinite periods of service in the government's mandatory National Service. Proclamation 82 of 1995 requires all persons aged 18 to 40 years to perform compulsory active national service ostensibly for a period of 18 months—six months of military training followed by 12 months of duty in a variety of military, security, or public service positions. However, since the 1998-2000 Eritrean-Ethiopian border conflict, the 18-month limit has been suspended; most individuals are not demobilized from government work units after their mandatory period of service but rather are forced to serve indefinitely under threats of detention, torture, or familial reprisal. An international organization assesses that many Eritrean asylum seekers, particularly those who deserted the National Service when they fled, expressed well-founded fears of persecution in Eritrea. There are unconfirmed reports that returnees have disappeared. An international organization assessed in 2019 that traffickers exploited Eritreans in forced labor and sex trafficking primarily in Sudan, Ethiopia, and Libya.

National Service takes a wide variety of forms, and active military duty constitutes a small and diminishing percentage; office work in government agencies and enterprises (functions ranging from lawyers, diplomats, and mid-level managers to skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals and support workers; elementary and secondary school teachers; and construction or other unskilled physical labor. Reports also allege that officials force National Service workers to labor in mining enterprises partially owned by the government; specific instances alleged to date have involved white collar occupations in mine management, technical analysis, and/or government oversight responsibilities. Conditions are often harsh for those in military service or physical labor, although some National Service members experience normal, civilian workplace conditions, albeit with low pay and, in many cases, negligible to complete lack of freedom to pursue alternative employment opportunities. International organizations report that the government often subjects conscripts in the National Service to inhuman and degrading punishment, including torture, without recourse and punishes individuals that conscientiously object to service; the government continues to force conscripts to serve for indefinite or otherwise arbitrary periods. Discharge from National Service is arbitrary and procedures opaque. Additionally, the government broadly restricts recruitment of Eritreans to work abroad, denying travel to most Eritreans, including those enrolled in National Service and those who have not yet performed National Service. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects on a part-time basis. Eritreans may be released from National Service after an indefinite number of years by petitioning the government based on criteria that shift periodically and are not fully transparent; policies and practices for obtaining release from National Service are inconsistent across organizations and job fields, but officials generally release expectant mothers and

individuals who can show they have become the sole or primary source of familial support. Certain professions (e.g., medicine and teaching) exist almost exclusively within the ranks of the National Service. Wages are low, although pay scales have been revised for a number of job functions in recent years, particularly for those with higher education or skilled training credentials. Reports suggest that approximately 50 percent of National Service workers are eligible to receive such pay raises—which range from 800 to 5,000 nafka (\$53-\$330) per month. National Service workers without educational or vocational qualifications continue to be paid extremely low wages, and the government often substitutes food or non-food rations for wages. Eritrean officials reportedly have discussed hard-capping National Service to 18 months; however, changes in policy have never been publicly announced, and those serving in the obligatory government program beyond 18 months have yet to be demobilized.

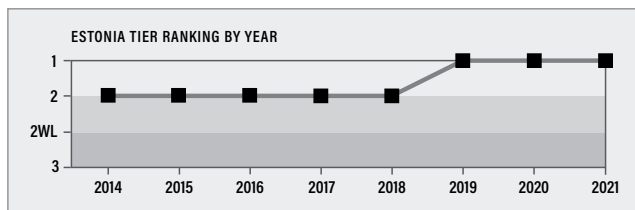
All 12th-grade students are required to complete their final year of high school education at the *Warsay-Yikealo* Secondary School, which is embedded within the *Sawa* military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. The program comprises seven months of academic instruction, followed by five months of basic military training. Upon graduation from *Sawa*, the government requires all students to participate in National Service, either civilian or military. Although it remains likely some of the students are age 17 at the time of their participation in the military training component of the *Warsay-Yikealo/Sawa* academy, there are no reports anyone under age 18 began military service. Government policy bans persons younger than 18 from military conscription; however, as National Service is mandatory starting at age 18, the government does not report recruiting any members of the armed forces, and it remains unclear if there is an age verification procedure that is consistently applied prior to it sending new *Sawa* graduates to active military service. Unaccompanied children continue to be vulnerable to violence and exploitation. Some officials detain or force into military training children who attempt to leave Eritrea, despite some of them being younger than the minimum service age of 18. Previous reports alleged international criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where traffickers subject them to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report traffickers force them to work as cleaners or on construction sites during their captivity.

In 2018, the government opened various land border crossing points with Ethiopia and ceased requiring exit visas or other travel documents for Eritreans crossing to Ethiopia. By January 2019, the government unilaterally closed those borders; Ethiopia closed the same border in March 2020 in light of the COVID-19 pandemic. During the reporting period, on the Eritrean side, both official border crossings with Sudan remained closed. Most Eritreans consensually commence their outbound journeys by paying smugglers, with the ultimate goal of seeking asylum in Europe or, at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, Israel, or Uganda; some also strive to reach the United States. In many cases, once outside Eritrea, traffickers subject them to forced labor or sex trafficking. Eritrea's strict exit control procedures and limited issuance of passports compel those who cannot obtain exit visas or passports to travel clandestinely and increase their vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and to a lesser extent Djibouti.

## ESTONIA: TIER 1

The Government of Estonia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic, if any, on its

anti-trafficking capacity; therefore Estonia remained on Tier 1. These efforts included investigating and prosecuting more trafficking cases and convicting more traffickers under Section 133 of the penal code. In addition, the government issued a regulation granting third-country nationals temporary stay; extended the permissible length of short-term foreign worker employment; and amended the Aliens Act to enable foreigners with short-term work visas in specified industries to continue working past the expiration of their visas. Furthermore, the government increased funding for victims' support services, courts ordered traffickers to pay restitution to trafficking victims, and the Police and Border Guard implemented a tool to identify trafficking indicators among asylum-seekers. Although the government meets the minimum standards, only 43 percent of convicted traffickers received sufficiently stringent sentences, and authorities identified fewer trafficking victims. Moreover, authorities struggled to quantify the number of child trafficking victims involved in criminal cases.



### PRIORITIZED RECOMMENDATIONS:

Sentence convicted traffickers to significant prison terms, and ensure they serve those sentences in practice. • Proactively identify potential child trafficking victims and report the number of child trafficking victims involved in criminal cases. • Increase efforts to investigate, prosecute, and convict traffickers under the anti-trafficking provision of the penal code. • Improve sentencing norms by sensitizing judges to the severity of trafficking crimes and the full range of penalties available. • Expand efforts to train law enforcement, prosecutors, judges, and front-line personnel to understand different forms of trafficking. • Establish a specialized unit to collect and verify information on trafficking-related crimes and allocate funding for investigations. • Broaden public awareness efforts to educate at-risk communities, such as migrant workers, on the risks of trafficking. • Develop, publish, and implement a national action plan for 2021.

### PROSECUTION

The government maintained law enforcement efforts. Sections 133, 133<sup>1</sup>, and 175 of the penal code criminalized sex trafficking and labor trafficking. Section 133 (trafficking in human beings) criminalized placing a person in a situation of exploitation through force, fraud, or coercion, and prescribed penalties of between one and seven years' imprisonment for offenses involving an adult victim, and three to 15 years' imprisonment for those involving a child victim. Section 133<sup>1</sup> (support to human trafficking) separately criminalized the transportation, delivery, escorting, acceptance, concealment, or accommodation of an individual into a situation of exploitation through force, fraud, or coercion, and prescribed penalties of up to five years' imprisonment for offenses involving an adult victim, and between two and 10 years' imprisonment for those involving a child victim. Section 175 (human trafficking in order to take advantage of minors) criminalized inducing a child to engage in a criminal offense, begging, prostitution, or the production of pornography without requiring a demonstration of force, fraud, or coercion and prescribed penalties of two to 10 years' imprisonment. The penalties under Sections 133, 133<sup>1</sup> and 175 were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape.

Overextension of personnel remained the government's primary constraint, limiting specialization and knowledge of trafficking; police expressed the need to establish a centralized unit that would collect and verify information on trafficking-related crimes and create

a separate budget line for investigation efforts. During the reporting period, police investigated nine new cases (all labor trafficking) under Section 133, an increase from five in 2019. Authorities prosecuted 15 cases, an increase from seven in 2019, and courts convicted 14 traffickers (two labor trafficking, 12 sex trafficking), compared with 12 in 2019. Of the 14 convicted traffickers, only six received prison terms (43 percent), ranging from three to nine years; the remaining received probation, which did not deter the crime or adequately reflect the nature of the offense. Similarly, in 2019, only four of 11 convicted traffickers received prison sentences (36 percent). As in previous years, government data regarding Section 175 did not differentiate between cases exclusively related to trafficking or cases related to other crimes, such as child pornography. Under Section 175, authorities investigated 26 cases (all sex trafficking), prosecuted 19 cases, and convicted eight traffickers, compared with 32, 23, and three, respectively, in 2019. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. Estonian and Finnish authorities cooperated on a labor trafficking case in Finland, which resulted in the arrest and conviction of two traffickers. Experts reported the need for increased training for law enforcement, prosecutors, judges, and front-line personnel on understanding different forms of exploitation. The police included a trafficking module, covering national and international law, forms of exploitation, and protecting victims, as part of the curriculum for future officers.

### PROTECTION

The government marginally increased protection efforts. In 2020, authorities identified 34 presumed victims, compared with 67 in 2019, 14 in 2018, and 12 in 2017. Of the 34 identified victims, 29 were foreign nationals from Eastern Europe (12 labor trafficking, 17 sex trafficking), compared with 54 in 2019. Authorities attributed the decrease in the number of identified victims to pandemic-related travel restrictions enforced at the borders. Separately, authorities identified one child labor trafficking victim, the same number as in 2019. All identified victims received government-sponsored assistance. In 2020, the Social Insurance Board (SIB) allocated €158,000 (\$193,870) to an NGO providing trafficking victims' support services, such as shelters, an increase from €125,000 (\$153,370) in 2019. During the reporting period, the government implemented a new information and data sharing system to expedite the exchange of information from the police to social services. The government provided identification and referral guidelines, describing all relevant authorities' responsibilities in assisting victims. The Victim Support Act and the penal code allowed multiple actors, including NGOs, to identify victims and refer them to the SIB, permitting victims to receive comprehensive, government-funded, trafficking-specific services without first requiring the victim's cooperation with police or the commencement of criminal proceedings. Victims who cooperated with law enforcement received services, such as accommodation, psychological, medical, and legal assistance, for an unrestricted period, while presumed victims who did not participate in criminal proceedings could receive government-funded services for up to 60 days. Authorities placed child trafficking victims and unaccompanied children in alternative care facilities, including three dedicated centers for child victims of abuse, including sexual violence and trafficking, offering specialized services for up to 60 days. Officials noted the need to increase procedural capacity regarding child sex trafficking victims. Subsequently, the government organized four trafficking-related training seminars for child protection and victim support personnel; the seminars focused on recognizing trafficking indicators and best practices in identifying and supporting child victims. The Aliens Act enabled foreign victims to receive temporary residence permits, accommodation, and education; the government did not grant temporary residence permits to any foreign victims, the same as in 2019. The Police and Border Guard implemented a questionnaire and checklist to identify trafficking indicators among asylum-seekers. Due to the pandemic, the Police and Border Guard issued a regulation granting foreign nationals, who were staying in the country legally at the time the government declared a state of



emergency and whose return was suspended or not possible due to travel restrictions, temporary stay for up to 10 days following the end of the state of emergency. The right to stay was automatic, requiring no application process. In 2020, courts ordered traffickers to pay four victims' restitution in the amount of €125,000 (\$153,370), compared with zero in 2019 and €21,000 (\$25,770) in 2018.

## PREVENTION

The government increased prevention efforts. The government continued to fund and implement its 2015-2020 plan for reducing violence, which included trafficking. The anti-trafficking working group, comprising 35 government agencies and NGOs, developed a violence prevention accord for 2025-2030, which awaited approval from the government, and published an annual report of its activities. The government conducted awareness-raising activities and training programs targeting students, youth workers, and teachers. The SIB created a podcast, in Estonian and Russian languages, discussing trafficking and available related social services. In collaboration with other Baltic Sea Region countries, the government participated in a project establishing long-term cooperation between stakeholders and academia to educate future journalists on trafficking issues through workshops, panel discussions, and competitions. The government made efforts to reduce the demand for commercial sex acts by creating a program aimed to change the behavior of sex buyers through social measures. Due to the pandemic, the government extended the permissible length of short-term foreign worker employment to a maximum of 730 days within 913 consecutive days, compared with 365 days within 455 consecutive days prior to the pandemic. Furthermore, the government amended the Aliens Act to enable foreigners with short-term work visas working in crop and plant production, hunting, and related services to continue working past the expiration of their visas with the potential to extend. Additional amendments to the Aliens Act prevented the misuse of employment regulations and ensured enterprises pay taxes and migrant workers the average monthly salary required by the law. Estonian law prohibited recruitment agencies from charging fees to job seekers for placement services and required the labor inspectorate to monitor agencies for compliance. The inspectorate provided migrant or local workers with free legal services regarding work-related problems, such as unpaid salary, and maintained an informational phone line and website on workers' rights. In an effort to decrease the number of illegal foreign workers, reduce cases of delayed or under payment, and improve occupational safety and health, the government established a new electronic registration system for construction site employees to provide insight into subcontracting relationships and working hours. The government conducted a training session for 37 labor and occupational safety and health inspectors on recognizing labor trafficking among migrant workers. The government managed an NGO-operated anti-trafficking hotline, which received 608 calls from vulnerable individuals and identified 12 potential trafficking victims; the hotline provided counseling and services in Estonian, Russian, and English.

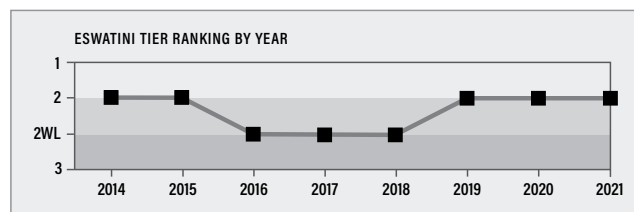
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Estonia, and, to a lesser extent, traffickers exploit victims from Estonia abroad. Traffickers tend to recruit and exploit their victims, including children with promises of money or video games, via the internet and social media. Authorities report a rise in the number of online traffickers from foreign countries. Trafficking victims originate from Eastern Europe, Asia, and Africa. Observers noted the majority of trafficking cases in Estonia are sex trafficking and involve women from Ukraine and Russia. The majority of cases involving child victims are sex trafficking committed against children as young as nine years old. In general, women and children are mainly at risk of sex trafficking and men of labor trafficking. Due to the pandemic, the number of migrant workers coming to Estonia decreased by 31 percent, from 32,272 persons in 2019 to 22,158 in 2020. Migrant workers are vulnerable to labor exploitation within

Estonia, particularly in the construction and transportation sectors. Officials noted foreign "posted workers," hired by temporary agencies and placed in Estonian companies, and their family members are especially vulnerable to trafficking.

## ESWATINI: TIER 2

The Government of Eswatini 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Eswatini remained on Tier 2. These efforts included investigating and prosecuting suspected traffickers, convicting an official for sex trafficking, and sentencing him to a 55-year prison term. In addition, the government identified trafficking victims, referred them to care, and allocated funding for victim services. However, the government did not meet the minimum standards in several key areas. The government did not have adequate shelter facilities or guidelines to ensure quality of care for trafficking victims, and officials demonstrated an inconsistent understanding of victim protection, at times further traumatizing victims. The government did not make efforts to implement its anti-trafficking national action plan. Labor inspections, particularly in the informal sector, and oversight of the labor recruitment process remained insufficient.



## PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of trafficking, including internal cases and allegedly complicit officials. • Improve shelter and care for trafficking victims, including by developing shelter policies or guidelines and allowing victims freedom of movement. • Cease the practice of forcing victims to remain in the country to assist with law enforcement efforts. • Implement the national anti-trafficking action plan. • Address leadership issues at the anti-trafficking secretariat and enable the taskforce to fulfill its statutory responsibilities. • Identify key NGO partnerships for protective services and strengthen coordination. • Train law enforcement, social workers, and other front-line officials to proactively identify trafficking victims among vulnerable populations, including Cuban medical workers. • Improve trafficking data collection and analysis of anti-trafficking law enforcement efforts. • Conduct anti-trafficking public awareness campaigns.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2009 People Trafficking and People Smuggling (Prohibition) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment for offenses involving an adult victim, and up to 25 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Sexual Offences and Domestic Violence Act prescribed penalties of up to 20 years' imprisonment, a fine of up to 100,000 emalangeni (\$6,820), or both, for the commercial sexual exploitation of an adult and up to 25 years' imprisonment with no option of a fine if the offense involved a child.

The government initiated three trafficking investigations and

two prosecutions, compared to initiating five investigations and prosecutions in the previous reporting period. Of the two cases that went to prosecution each involved one defendant. One case involved suspected internal trafficking and the other was transnational. The government concluded both prosecutions. In the first case, the court convicted and sentenced one trafficker, the Director of the Children's Unit in the Deputy Prime Minister's office, to 55 years in prison for kidnapping and sex trafficking a girl from 2017 through 2019. In the second case, allegedly transnational trafficking, the government awaited the court's verdict at the close of the reporting period. This is comparable to conviction of one trafficker in the previous reporting period. The third case remained in the investigation phase. One additional prosecution initiated in a previous reporting period was delayed because the pandemic prevented the participation of foreign witnesses. The government did not report updates on three other prosecutions it had initiated in the previous reporting period. There were reports of trafficking-related government corruption, including immigration officials seeking bribes to issue government documents such as visas.

Systemic judicial issues, including weak data and evidence collection, a shortage of judges and courtrooms, and defense attorneys' tactics to create protracted trials, contributed to delays in all cases, including trafficking. Rural women often faced substantial obstacles obtaining relief for various crimes because communities pursued family intervention first and then traditional courts, which viewed female victims of crime as "unruly" and "disobedient." Due to poor performance by leadership at the anti-trafficking secretariat that impeded anti-trafficking law enforcement efforts during most of the reporting period, the cabinet maintained temporary policies to remove the secretariat's obstacles to such efforts and enhance communication. Due to the pandemic, the government postponed most planned trainings, compared to training police, prosecutors, immigration officers, and social workers on trafficking in the previous reporting period. The government continued to provide anti-trafficking training at the police college for all in-service and pre-service officers. The government continued to cooperate with authorities in Taiwan to support and repatriate Swati victims of exploitation in Taiwan.

## PROTECTION

The government maintained victim protection efforts. The government identified and referred four trafficking victims to care, compared to six in the previous reporting period. All identified victims were girls, including three from Eswatini and one from Mozambique. The government first referred identified victims to a government facility for initial food, clothing, toiletries, psychosocial support, and medical care. It then reunified the three Swati victims with their families. The government owned one facility that provided short-term care for victims of crime, including trafficking, and had a second training facility with a residential component that could house victims. The shelters, however, lacked operational guidelines and were of an insufficient quality to house victims, particularly for longer term stays; shelter residents did not have a choice of shelter or freedom of movement within the shelters. The government continued to assist an international organization in constructing a shelter for victims of trafficking and gender-based violence. The government had formal procedures to identify trafficking victims and refer them to care. Government officials continued to proactively screen for trafficking at the airport, although they did not identify any victims.

A criminal case remained pending against the government's primary protection officer, who had allegedly threatened and assaulted three foreign national trafficking victims while they resided in the government's temporary shelter during the previous reporting period. The government had procedures to assist victim-witnesses during the court process, including court preparation and counseling and use of recorded testimony. The government did not report providing any of these protections to trafficking victim-witnesses during the reporting period and demonstrated an inconsistent understanding of victim rights. For example, the government has refused to repatriate

foreign trafficking victims until they provide testimony against their traffickers. The government did not have formal procedures to provide residency to foreign trafficking victims but could do so on an ad hoc basis. The government continued to allocate 80,000 emalangeni (\$5,450) annually to a victim protection fund. While Eswatini law allowed judges to order restitution for trafficking victims, none did so during the reporting period. There were no reports the government arrested, fined, or penalized trafficking victims for crimes their traffickers forced them to commit, and law enforcement reportedly screened for trafficking when arresting individuals for prostitution, immigration, and other related offenses.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. Although the interagency anti-trafficking taskforce, composed of government ministries and NGOs, had the mandate for anti-trafficking efforts, in practice, the anti-trafficking secretariat, housed within the Prime Minister's office, led efforts. Prior to the pandemic, a few taskforce members met regularly. The taskforce did not report any efforts to implement its 2019-2024 anti-trafficking national action plan, although it did have funding devoted to the plan's implementation. Long-standing bureaucratic delays and communication gaps within the taskforce and secretariat continued to hamper coordination efforts. In addition, while taskforce member agencies had individual mandates to address trafficking, only the secretariat received funding and staff to implement its trafficking mandate. Even the secretariat often received less than requested.

The pandemic limited most public awareness campaigns, including for trafficking, so the government conducted fewer such events than in previous reporting periods. The secretariat continued to have anti-trafficking posters at various land borders and the airport, and anti-trafficking secretariat and immigration authorities continued to discuss trafficking through television, radio, and print media programs. While the government had a trafficking-specific hotline, it was not operational during the reporting period. With support from an international organization, the government contributed information to a centralized anti-trafficking database that collected national data on criminal cases and victims identified and shared it with countries in the region. The labor inspectorate made insufficient efforts to monitor for forced and child labor. It did not have any funds dedicated for inspections and had to request funds from the general Department of Labor budget. In addition, when it did receive funds, it focused nearly all efforts on the formal sector, while forced labor almost exclusively occurred in the informal sector. The government did not make efforts to reduce the demand for commercial sex acts.

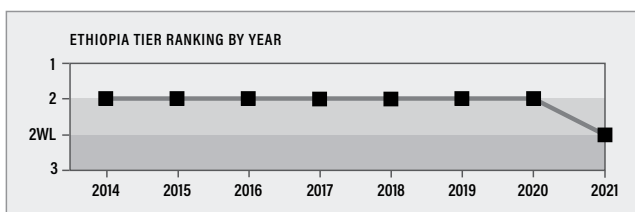
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Eswatini, and traffickers exploit victims from Eswatini abroad. Traffickers target poor communities with high HIV/AIDS prevalence rates. Traffickers exploit Swati girls, particularly orphans, in sex trafficking and domestic servitude, primarily in Eswatini and South Africa. Some Swati girls in forced domestic work are physically and sexually abused by their employers. Sex traffickers exploit orphaned Swati girls in "survival sex" in exchange for food and money. Traffickers force Swati boys and foreign children to labor in agriculture, including cattle herding, and market vending within the country. Swati boys, particularly in rural areas, who work on small marijuana ("*dagga*") farms are vulnerable to employers. Mozambican boys migrate to Eswatini for work washing cars, herding livestock, and portering; traffickers exploit some in forced labor. Cuban nationals working on medical missions in Eswatini may have been forced to work by the Cuban government. Traffickers use Eswatini as a transit country to transport foreign victims, primarily Mozambicans, to South Africa for forced labor. Traffickers reportedly force Mozambican women into commercial sex in Eswatini or transport them through Eswatini to South Africa. Traffickers entrap Swati forced labor and sex trafficking victims with promises of economic opportunities in

Eswatini or abroad, particularly South Africa. Some traffickers force Swatis, including orphaned girls and girls from poor families, into commercial sex in South Africa after voluntarily migrating in search of work. Reports suggest labor brokers fraudulently recruit and charge excessive fees to Swati nationals for work in South African mines, means often used to facilitate trafficking crimes. Swati men in border communities are recruited for forced labor in South Africa's timber industry. Swati students have been fraudulently recruited for educational opportunities in Taiwan and been coerced to work in exploitative conditions in chicken factories.

## ETHIOPIA: TIER 2 WATCH LIST

The Government of Ethiopia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included partnering with international organizations and foreign donors to train police, prosecutors, and judges on trafficking crimes; continuing efforts to raise awareness of trafficking risks among vulnerable populations in rural communities; and conducting meetings of the newly established National Council and National Partnership Coalition. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government significantly decreased the number of trafficking investigations and prosecutions and did not convict any traffickers at the federal level during the reporting period; overall law enforcement efforts across regional-level actors also decreased. The government did not report officially identifying any trafficking victims or referring any trafficking victims to protection services during the reporting period; additionally, officials did not report disseminating or implementing standard operating procedures for victim identification or the national referral mechanism for the second consecutive year. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action. Officials did not report taking any actions to address internal trafficking crimes, including domestic servitude and child sex trafficking, despite the scale of the problem. Therefore Ethiopia was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Amend Proclamation 1178/2020 to bring the definition of human trafficking in line with international law. • Increase training for police, prosecutors, judges, immigration officials, and service providers to improve their ability to differentiate between human trafficking and migrant smuggling. • Vigorously investigate and prosecute traffickers who exploit victims within Ethiopia, as well as illicit labor recruiters who facilitate the transport of Ethiopians to the Middle East for exploitative labor, and sentence convicted traffickers to adequate penalties. • Disseminate, implement, and train officials to use the standard operating procedures for victim identification and the national referral mechanism to refer all victims to appropriate care. • Systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including individuals in commercial sex, Ethiopian migrant workers returning from overseas work, unaccompanied children, and foreign nationals such as Eritreans, Somalis, South Sudanese, and Cuban medical workers, and refer all victims to appropriate services. •

Coordinate with international organizations to prevent trafficking crimes and potential recruitment and use of child soldiers in Tigray.

- Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and protective services to more trafficking victims, including adult males and foreign nationals.
- Fully implement the overseas employment proclamation by continuing to strengthen oversight of overseas recruitment agencies, deploying labor attachés, and investigating and prosecuting illicit recruiters.
- Improve screening procedures in the distribution of national identification cards and passports to prevent their fraudulent issuance to children.
- Incorporate information on human trafficking and labor rights in Middle Eastern and other countries in pre-departure training provided to all migrant workers.
- Increase efforts through the Attorney General's Office to accurately report the government's anti-trafficking statistics, including authorities' efforts to hold accountable internal traffickers, and disaggregate data on trafficking crimes and migrant smuggling.
- Coordinate with NGOs and international organizations to research the extent of human trafficking within Ethiopia and produce a publicly available annual report.

### PROSECUTION

The government decreased anti-trafficking law enforcement efforts. The 2015 anti-trafficking proclamation, No.909/2015, criminalized sex trafficking and labor trafficking and prescribed penalties of 15 to 25 years' imprisonment and a fine of 150,000 to 300,000 Ethiopian birr (\$3,830 to \$7,660) for offenses involving an adult male victim, and 25 years' to life imprisonment and a fine of 200,000 to 500,000 Ethiopian birr (\$5,100 to \$12,760) for those involving an adult female victim or a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Employment Exchange Services Proclamation No.923/2016, which governed the work of licensed labor recruitment agencies, contained various penalties for an employment agency's failure to comply with its provisions and provided that furnishing falsified evidence or documents, or advertisements used to recruit or deploy a worker, entailed criminal liability; however, it did not specify what portion of the Criminal Code applied. In April 2020, the government enacted Proclamation 1178/2020, A Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and the Smuggling of Persons. However, soon thereafter, the government initiated processes to correct definitional issues within the proclamation. The government had not approved the corrections at the end of the reporting period.

In 2020, the government provided data from the federal level and three regions, compared with providing data from the federal level and six regions in 2019; additionally, the government continued to report information on human trafficking and migrant smuggling cases without a mechanism to disaggregate. At the federal level, the government reported investigating 27 potential trafficking cases in 2020, compared with zero federal investigations reported in 2019. The government reported initiating the prosecution of five federal cases under the 2015 anti-trafficking proclamation during the reporting period, compared with zero cases prosecuted at the federal level reported in 2019; all five prosecutions remained ongoing at the end of the reporting period. The government did not convict any traffickers in federal cases in 2020, compared with 121 potential traffickers convicted in 2019. In a high profile case, the government, in partnership with an international organization, reportedly arrested and prosecuted an internationally known Eritrean trafficker; however, the suspected trafficker escaped during trial and remained at-large at the end of the reporting period. At the regional level, the government reported investigating 145 potential trafficking cases, initiating prosecution of 103 potential trafficking cases, and convicting 48 potential traffickers from July to December 2020. This compared with 699 potential trafficking investigations, 30 potential trafficking cases prosecuted, and 921 potential traffickers convicted at regional levels during the previous reporting period. As reported in prior years, officials' propensity to conflate trafficking and smuggling made it probable that some reported cases involved individuals



seeking to illegally cross international borders via irregular migration (migrant smuggling) and other crimes not involving exploitation through forced labor or sex trafficking. Unlike the previous reporting period, the government did not provide separate law enforcement data encompassing both transnational and internal trafficking crimes. The government did not report law enforcement efforts related to trafficking crimes involving Ethiopians exploited within the country during the reporting period, compared with 2,272 case investigations—2,119 for sex trafficking and 153 for forced labor—and convictions of 711 traffickers—558 for sex trafficking and 153 for forced labor—in the prior year. In response to the pandemic, the government imposed a state of emergency (SOE) from April to September 2020. During this time, officials reassigned all anti-trafficking police units to enforce the SOE and closed all courts, except those hearing cases related to gender-based violence. The government also redeployed anti-trafficking police units to enforce a six-month SOE that began in November 2020 in response to the ongoing conflict in Tigray.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Corruption among police and judicial officials, especially the solicitation of bribes, remained of significant concern. Since the Tigray conflict began in November 2020, international organizations increasingly reported armed actors, including Eritrean forces, regional forces, the Ethiopian National Defense Force (ENDF), and the Tigrayan People's Liberation Front (TPLF) were reportedly responsible for committing human rights abuses and gender-based violence, and gender-based violence in Tigray, including potential trafficking crimes. Observers reported unspecified military personnel and other officials forced women to have sex in exchange for basic commodities and humanitarian assistance. Although not explicitly reported as human trafficking, an international organization reported receiving one allegation of sexual exploitation with trafficking indicators by one Ethiopian peacekeeper serving in the UN peacekeeping operation in Abyei during the reporting period; the government did not report investigating the allegations during the reporting period.

For the second consecutive year, the government did not report any actions taken by the Migration and Human Trafficking Crime Team, established in 2019 with 35 investigators and six prosecutors to address both human trafficking and smuggling crimes. Financial and capacity constraints continued to impede data collection by regional police, and ineffective coordination between the regions and the federal government hindered law enforcement efforts. The government continued to partner with international organizations to conduct anti-trafficking trainings, funded by foreign donors, for regional and federal government officials. At least 173 legal professionals—80 in Dire Dawa, 75 in West Oromia, and 18 in Addis Ababa—attended trainings on the root causes of human trafficking, preventing trafficking, and prosecuting trafficking cases.

## PROTECTION

The government decreased efforts to identify and protect trafficking victims and continued to disproportionately focus on transnational trafficking versus internal sex trafficking and forced labor cases. The government did not report officially identifying any trafficking victims during the reporting period. The government considered more than 14,518 individuals returning to Ethiopia during the reporting period to be vulnerable, compared with identifying 27,877 vulnerable migrants in 2019; however, it was unclear if traffickers had exploited these individuals in sex trafficking or forced labor, and the government did not formally distinguish potential trafficking victims from other vulnerable returnees, including those potentially involved in smuggling crimes. The government also did not report identifying any victims of internal trafficking crimes, compared with identifying 2,119 potential sex trafficking victims and 153

potential victims of forced labor exploited within the country in 2019. Additionally, the government did not report widely disseminating or implementing its standard operating procedures for the proactive identification of trafficking victims during the reporting year. Despite not identifying trafficking victims during the reporting period, the government reported focusing efforts on identifying victims of transnational trafficking cases during the year. Officials at Bole International Airport and at land border crossings coordinated with an international organization to screen Ethiopians returning from abroad for trafficking indicators. Observers noted the time allotted for interviews—approximately five minutes—was insufficient to screen potential victims and the high number of returnees, which an international organization reported was more than 73,000 individuals in 2020, created challenges to expanding the time for screening. The government and international organizations reported the number of Ethiopian returnees significantly increased in 2020 due to pandemic-related economic impacts in destination countries. The government and observers also reported pandemic-related measures, such as social distancing, and limited funding led to staff reductions at screening checkpoints, which exacerbated existing victim identification challenges.

As no victims were formally identified, the government did not report referring any trafficking victims to services; however, the government, in partnership with international organizations and NGOs, continued to provide services—such as counseling, family reunification, and job training—to thousands of individuals in vulnerable populations, which may have included trafficking victims. During the previous reporting period, the government finalized a national referral mechanism (NRM) in partnership with a donor and an international organization; however, it did not report disseminating or using the NRM for the second consecutive year. Officials continued to jointly operate five migration response centers (MRCs) in Dire Dawa, Metema, Moyale, Semera, and Togochale with an international organization; the government supported the MRCs in various ways, including donating land for infrastructure, providing rent-free usage of government facilities, participating in MRC management committees, and facilitating referral linkage with front-line agencies. The government maintained operation of child protection units in Addis Ababa and several major cities. While the units aimed to intercept and care for child trafficking victims identified en route from rural to urban areas, the government did not report actions taken by the units during the year. The government and NGOs could provide shelter, food, education, medical assistance, and familial reunification to the child trafficking victims, where feasible, but it did not report how many children received these services. One NGO reported providing basic needs, medical assistance, and education services to an unspecified number of adult and child trafficking victims during the year. There continued to be a dearth of care available for male trafficking victims. Despite reliance on civil society organizations to provide victim services, the government did not report providing financial or in-kind support to such organizations.

The government, in partnership with NGOs and international organizations, provided repatriation assistance to at least 1,588 Ethiopians in several Gulf states, compared with 7,545 repatriations in 2019; however, the government did not report if these individuals included potential trafficking victims. The government reported coordinated repatriations previously funded by Gulf states did not take place during the year; instead, Gulf states conducted mass deportations of Ethiopians due to pandemic-related stigmatization of migrants and economic impacts among employers. Officials reportedly attempted to negotiate with foreign governments to repatriate Ethiopians in smaller numbers, but the deportations continued at a rate that overwhelmed the Ethiopian response system. Some Ethiopian diplomatic missions in Gulf states provided temporary shelter for potential victims on respective mission compounds and expanded these accommodations in Lebanon from one to three centers during the reporting period. The missions engaged with host government authorities on behalf of the victims, including facilitating repatriation flights. The 2020 anti-trafficking proclamation established a fund to support victim

protection and care. The victim support fund received funding through a government budget allocation; fines imposed on, and the sale of, confiscated property from traffickers; and foreign donors; however, the government did not report administering funds for victim services during the reporting period. For the second consecutive year, the government did not report whether the specialized witness protection unit—established in 2018—took any action to protect trafficking victims. Supreme Court officials previously stated children could testify against traffickers via video; however, the government did not report implementing this protection in 2020. Officials maintained a memorandum of understanding (MOU) with NGOs to improve coordination between law enforcement agencies and service providers intended to ensure service providers delivered appropriate care to victims throughout the course of legal proceedings; however, the government did not report implementing the MOU during the reporting period.

Proclamation 1178/2020 allowed foreign national victims to receive temporary residence permits or repatriation assistance on an as-needed basis. The government did not report whether any victims received deportation relief during the reporting period. The 2020 anti-trafficking proclamation provided protections to trafficking victims as outlined under the Witness and Whistleblowers Protection Proclamation (No.699/2010), which included protection from prosecution for crimes committed as a direct result of unlawful acts traffickers compelled them to commit. There were no reports the government summarily deported any trafficking victims without proper screening or detained, fined, jailed, or otherwise penalized victims for unlawful acts traffickers compelled them to commit in 2020. However, in previous years, the government housed some victims at police stations while they were waiting to provide testimony in their respective trafficking cases, and, given ad hoc implementation of formal identification and referral procedures, authorities may have detained or deported some unidentified trafficking victims.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. Between June and December 2020, the government reorganized its anti-trafficking structure in accordance with Proclamation 1178/2020. The proclamation established the National Council, chaired by the Deputy Prime Minister and responsible for the creation of policies and strategies for the prevention of migrant smuggling and human trafficking, as well as issuing directives. The proclamation also established the National Partnership Coalition, which was led by the attorney general's office and mandated to research policies and strategies, develop directives for the national referral system, prepare program and action plans for implementation, and lead awareness raising. The National Council met once during the reporting period to formally establish its structure, while the National Partnership Coalition met twice in 2020. The government remained without an anti-trafficking national action plan (NAP) for at least the fifth consecutive year; despite Proclamation 1178/2020 requiring the National Partnership Coalition to draft a NAP, the government did not report initiating efforts to do so during the reporting period. The 2016-2020 National Human Rights Action Plan, which included some anti-trafficking activities, expired; the government never allocated funding to implement this action plan. The government, in partnership with international organizations and foreign donors, conducted various awareness campaigns on trafficking risks, primarily targeted toward children in school, rural communities, teachers, and religious leaders. The government did not operate a hotline for potential victims of trafficking and did not report tracking trafficking-related call data from hotlines operated by civil society.

Despite the government amending the employment proclamation in 2016, it did not fully implement the proclamation for the fifth consecutive reporting period. The revised overseas employment proclamation required greater oversight of private employment agencies, placement of labor attachés in Ethiopian embassies abroad to assist victims employed there, and establishment of an

independent agency to identify and train migrant workers. The Ministry of Labor and Social Affairs (MOLSA) trained approximately 13 labor officers during the previous reporting period to serve abroad as foreign service officers and represent Ethiopians working in Qatar, Saudi Arabia, and the United Arab Emirates (UAE); however, the government did not deploy labor officers in 2020 due to pandemic-related travel restrictions. The government reported an international organization provided continued training to the labor officers as deployment remained delayed. MOLSA regional labor officers continued to educate rural communities on the risks posed by illicit labor recruiters. As reported in previous years, two additional components of Proclamation 923/2016 stipulated rules for licensing and advertising for overseas employment, as well as penalties for employment agencies that contravened the revised employment proclamation (e.g., false advertisement, passport confiscation, and rights violations). The revised proclamation required employment agencies to deposit 1 million Ethiopian birr (\$25,520) in a bank as insurance, which officials would use to assist and repatriate trafficking victims. The government did not report applying these requirements to any employment agencies for the second consecutive reporting period.

During the reporting year, the government maintained bilateral labor agreements with Jordan, Qatar, Saudi Arabia, and the UAE on employment treaties. These agreements reportedly required signatories to commit to ethical recruitment, legal remedies against those who violated the law, and equal protection of Ethiopian workers, to include equal wages for equal work, reasonable working hours, and leave time; however, the government did not report any instances of their implementation. Ethiopian officials maintained efforts to implement a 2012 law requiring registration of all births nationwide; however, the lack of a uniform national identity card continued to impede implementation of the law and allowed for the continuous issuance of district-level identity cards, which were subject to fraudulent production to exploit potential trafficking victims, including children. A foreign donor provided Ethiopian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not 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 Ethiopia, and traffickers exploit victims from Ethiopia abroad. Some families and brothel owners exploit girls from Ethiopia's impoverished rural areas in domestic servitude and commercial sex within the country, while some businesspeople exploit boys in forced labor in traditional weaving, construction, agriculture, and street vending. Brothel owners exploit girls in commercial sex in Addis Ababa's central market. Labor recruiters frequently target young people from Ethiopia's vast rural areas with false promises of a better life; increasingly, traffickers are replicating legitimate app-based recruitment tools to illegally recruit vulnerable populations and exploit them in forced labor. Local NGOs assess the number of internal trafficking victims, particularly children exploited in commercial sex and domestic servitude, exceeds that of external trafficking; experts report a lack of research hinders a more complete understanding of the extent of the crime as well as the government's response.

Since November 2020, ongoing internal conflict in the Tigray region has resulted in more than 63,000 Ethiopians seeking asylum in Sudan, where protection services are limited; this population is increasingly vulnerable to trafficking as displacement, food insecurity, and lack of economic opportunity continue. International organizations increasingly report armed actors, including Eritrean forces, regional forces, the ENDF, and the TPLF are reportedly responsible for committing human rights abuses and gender-based violence and gender-based violence against women and girls in Tigray, including potential trafficking crimes. Observers report unspecified military personnel and other officials force women to have sex in exchange

for basic commodities and humanitarian assistance. Unaccompanied children in the conflict areas may be vulnerable to recruitment by non-state armed groups in areas where armed conflict is continuing. As of January 2021, an international organization reported there were more than 1.9 million IDPs in Ethiopia as a result of internal conflict and drought; individuals in resettlement camps or otherwise affected are increasingly vulnerable to trafficking due to a lack of access to justice and economic opportunity. Ethiopia hosts more than 814,000 refugees—the majority of whom are from South Sudan, Somalia, Eritrea, and Sudan—in 26 camps; international organizations report the Hitsats and Shimelba camps closed after being destroyed as a result of conflict in the Tigray region during the reporting period. Refugees without economic opportunity and those further displaced by camp closures are increasingly vulnerable to trafficking. Cuban medical professionals working in Ethiopia may have been forced to work by the Cuban government.

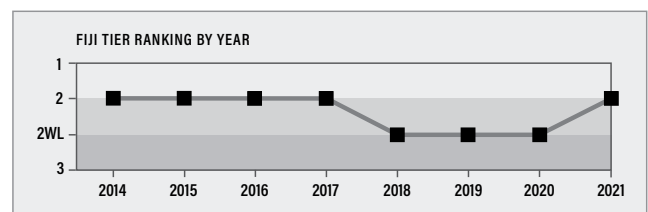
Trusted community members, known as *manamasas*, recruit and groom vulnerable youth on behalf of local and international human trafficking syndicates by exaggerating the advantages of working abroad. Scarce economic opportunities and dire poverty, coupled with familial encouragement, compel thousands of Ethiopians, including a substantial percentage of unmarried individuals under age 30, to transit out of Ethiopia via three main routes, where they are vulnerable to trafficking. Irregular migrants primarily take the northeastern route via Djibouti or Somalia, to Yemen and onward to Saudi Arabia and Europe. The southern route often involves individuals taking illegal border crossings into Kenya and onward to South Africa in hopes of finding work or to connect to onward flights. The northwestern route, the most dangerous and least common, has traditionally been taken by men through Sudan to Libya and onward to Europe; however, during the reporting period, observers reported an increase in women using this route to reach Khartoum, where they apply for and receive visas to Lebanon. Observers have not been able to discern how these women acquire visas or if the process is legitimate. Across all three of these migration routes, traffickers exploit Ethiopian migrants, who often begin their journeys voluntarily, in commercial sex or forced labor in transit countries and in their intended destinations. In 2020, use of these routes reportedly decreased due to pandemic-related border closures and travel restrictions. Additionally, international organizations reported the number of Ethiopian returnees significantly increased compared with the previous year due to pandemic-related economic impacts; more than 73,000 Ethiopians returned in 2020, many of whom likely faced increased trafficking vulnerabilities in their destination country, along their route, and once back in Ethiopia. Families continue to play a major role in financing irregular migration, and they may force or coerce their children to go abroad. An international organization assesses most traffickers are small local operators, often from the victims' own communities, but well-structured, hierarchical, organized crime groups also facilitate irregular migration and likely exploit individuals, who may consent to smuggling, in forced labor or commercial sex.

Saudi Arabia remains the primary destination for irregular migrants, representing 80-90 percent of Ethiopian labor migration; observers report approximately 400,000-500,000 Ethiopians reside there without valid travel documentation, which increases their vulnerability to traffickers exploiting them in forced labor or commercial sex. Some Ethiopians arrive in Saudi Arabia through licensed Ethiopian employment agencies but are susceptible to trafficking by employers or illegal employment agencies. The *kafala* sponsorship system—common in Bahrain, Jordan, Kuwait, Lebanon, Saudi Arabia, and the UAE—binds domestic workers to one employer and prevents their freedom of movement. Some families in Lebanon, Saudi Arabia, and other Middle Eastern countries exploit Ethiopian women working in domestic service and subject them to physical and emotional abuse. Ethiopian women who migrate for work or flee abusive employers in the Middle East are also vulnerable to sex trafficking. Ethiopian men and boys migrate to Gulf states and other African nations, where

traffickers exploit some in forced labor. As a result of the pandemic, Ethiopians abroad—especially in Lebanon and Saudi Arabia—face increased stigmatization and abuse, leading to loss of employment and potential deportation. In Lebanon, employers forcibly removed Ethiopian domestic workers from their homes, leaving them trapped in the country due to pandemic-related travel restrictions, border closures, and economic scarcity; unable to find new work or a safe way home, these individuals are increasingly vulnerable to trafficking. During the reporting period, thousands of Ethiopians—including domestic workers and migrant laborers who lost their employment due to the pandemic and migrants pushed out by Houthi attacks in Yemen—faced increasing vulnerabilities to trafficking after being placed in abusive detention centers in southern Saudi Arabia. Some families and pimps exploit Ethiopian girls in domestic servitude and commercial sex in neighboring African countries, particularly Djibouti and Sudan. Some business owners, families, and criminals exploit Ethiopian boys in forced labor in Djibouti as shop assistants, domestic workers, and street beggars, in addition to forcing children to take part in criminal activities. Traffickers exploit women and children in forced begging, sometimes via organized begging rings, in Saudi Arabia.

## FIJI: TIER 2

The Government of Fiji 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Fiji was upgraded to Tier 2. These efforts included including investigating 10 suspected trafficking cases involving 102 potential victims, formally endorsing a national anti-trafficking strategy for 2021-2026, and creating a trafficking case management coordinator office, which was set to assume responsibility of coordinating victim support. However, the government provided services to only three victims of labor trafficking and did not provide services to any victims of sex trafficking, despite reports that Fijian children continued to be exploited in commercial sex. The government did not convict any traffickers during the reporting period and has only convicted one trafficker since 2014. Some reports suggested official complicity impeded anti-trafficking efforts.



### PRIORITIZED RECOMMENDATIONS:

Finalize and implement formal victim identification and referral procedures for police, immigration, customs, and labor officials.

- Proactively screen groups vulnerable to trafficking, including persons in commercial sex, migrant workers, and child laborers.
- Increase efforts to prosecute trafficking crimes, and convict and punish traffickers.
- Amend trafficking-related provisions of the Crimes Act to criminalize all forms of trafficking.
- Increase the provision of victim services, including by ensuring victims are referred to the Case Management Coordinator Office.
- Seek methods to improve collaboration between police and prosecutors working trafficking cases to improve the success of prosecutions.
- Deliver effective anti-trafficking training to police, prosecutors, immigration, customs, and labor officials, including on the case management mechanism.
- Increase the oversight of the working conditions of



foreign construction workers and increase investigation of labor violations involving children and migrant workers for forced labor.

- Proactively investigate potential official complicity in trafficking-related crimes.
- Enable identified foreign victims to work and earn income while assisting with investigations and provide a legal alternative to victims' removal to countries in which they would face retribution or hardship.
- Increase dissemination of labor and sex trafficking awareness campaigns, including to raise awareness of sex trafficking laws among foreign tourists.

## PROSECUTION

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

Police initiated investigations of 10 suspected trafficking cases during the reporting period, an increase compared to two investigations in 2019. The government initiated prosecutions of two suspected sex traffickers (one prosecution in 2019) but did not convict any traffickers (one conviction in 2019). The formalization of the police's human trafficking unit (HTU) in 2019, as well as increased information sharing between HTU and the department of immigration during the reporting period, likely contributed to the increased number of investigations, especially for suspected cases of labor trafficking among migrant workers. Nonetheless, police did not proactively investigate trafficking cases consistently and the government has only convicted one trafficker since 2014. The government reported that under Fiji's legal system, the prosecutor's office acted independently from law enforcement investigations, including in cases involving human trafficking, which prevented effective coordination between police and prosecutors and continued to impair the government's pursuit of trafficking cases. Inadequate victim support, including insufficient resources, also weakened the success of prosecutions. The government hosted and funded two anti-trafficking trainings for immigration officials in March 2021.

Restrictive policies limiting law enforcement officials' access to child victims staying in government shelters may have hindered the ability of police and prosecutors to build rapport with victims, obtain statements, and prepare victims for trials against their traffickers. HTU continued to conduct anti-trafficking trainings for police recruits; however, observers reported the one-day anti-trafficking trainings provided to police recruits were insufficient. Law enforcement were often not aware of the definition of trafficking, procedures for interviewing victims, or how to proactively identify victims. HTU began drafting formal standard operating procedures for investigating trafficking cases but these were not completed during the reporting period. The office of the director of the public prosecution continued to consider charges in a case involving leaders of a church that allegedly confiscated the passports of its members who worked in various companies owned by the church without pay. The Fiji Independent Commission Against Corruption investigated one allegation of official complicity by immigration officials in a suspected trafficking case during the reporting period. However, the government did not report any prosecutions or convictions of government employees complicit in trafficking offenses.

## PROTECTION

The government maintained efforts to identify and protect victims. The government investigated cases involving 102 potential victims of trafficking; however, it reported only identifying and providing assistance to three victims of labor trafficking, compared with one victim identified during the previous reporting period. Authorities did not provide assistance to any victims of sex trafficking. The police anti-trafficking unit had informal guidelines in place to assist officers to identify victims, and the Office of the Director of Public Prosecutors reported an informal policy that police officers must refer any identified victims to the HTU. However, government officials did not proactively screen for victims of trafficking among vulnerable populations, and the government did not have formal victim identification procedures for all relevant agencies. In addition, the government's new anti-trafficking strategy, completed in January 2021, contained a list of trafficking indicators for officials to use for victim identification; however, authorities did not distribute these indicators or use them during the reporting period. The Ministry of Defense, National Security, and Policing created a Case Management Coordinator office (CMC), as well as a case management mechanism that created formal procedures for officials to refer victims to the CMC. The government reported the CMC would assume responsibility of coordinating victim support and overseeing the progression of investigations and prosecutions. However, the CMC did not oversee any cases or coordinate victim services during the reporting period, and the case management mechanism was not implemented in practice.

The government made available to victims accommodation, legal aid, medical care, interpreters, and allowances for basic necessities. However, observers reported that because the law did not specifically mandate the provision of services to victims of trafficking and because the government did not allocate funds specifically for trafficking victims, victims often relied on NGOs for services. The Department of Immigration operated safe houses for foreign individuals awaiting deportation, including trafficking victims. The government could place victims younger than 21 under the custody of the Department of Social Welfare, which operated four children's homes. There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, the absence of proactive screening meant authorities may have detained and deported some unidentified victims. The government did not offer permanent legal alternatives to foreign victims' removal to countries in which they would face retribution or hardship but could issue renewable six-month work visas to victims assisting with investigations. However, during the reporting period the government did not permit identified foreign victims to work while authorities investigated their cases.

## PREVENTION

The government modestly increased efforts to prevent trafficking. In January 2021, the Fijian Cabinet formally endorsed the national anti-trafficking strategy for 2021-2026, as well as a revised national action plan, which set annual, specific actions for the government to take to achieve the broader objectives outlined in the accompanying strategy. The Interagency Working Group on Human Trafficking, which convened for the first time in years during the previous reporting period, continued to meet. The police anti-trafficking unit continued to conduct public awareness campaigns and seminars aimed at children and young adults. It was unclear if labor officials continued to conduct awareness programs targeted at Fijians who work overseas to prevent labor exploitation. The Ministry of Employment, Productivity, and Industrial Relations employed 45 labor inspectors dedicated to identifying labor law violations, including wage violations. Inspectors reportedly did not have an adequate understanding of forced labor and the government did not provide training on the enforcement of laws related to child labor. Labor inspectors conducted 843 inspections in 2020, a significant decrease compared with 3,562 inspections in 2019, and did not identify any child labor violations (41 identified in 2019). Authorities did not adequately monitor the labor conditions of worksites, including construction sites, of companies with foreign owners or that had connections to foreign investors and employed migrant workers. The Permanent Secretary for Labor issued certificates of authorization for employment agencies, which required agencies meet standards under the Employment Relations Regulations of 2008; agencies convicted of operating without authorization could be fined 20,000 Fijian dollars (\$9,980), imprisoned for up to four years, or both; however, no agencies were convicted during the reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The government trained some diplomatic personnel on trafficking. With assistance from two foreign defense forces, the government incorporated training on sexual exploitation into pre-deployment training but did not provide trafficking-specific training to Fijian military personnel prior to their deployment abroad as part of international peacekeeping missions.

## TRAFFICKING PROFILE

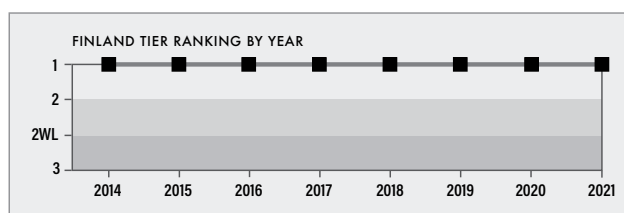
As reported over the past five years, human traffickers exploit domestic and foreign victims in Fiji, and traffickers exploit victims from Fiji abroad. Family members, taxi drivers, foreign tourists, businessmen, crew on foreign fishing vessels, and other traffickers have allegedly exploited victims from Thailand and China, as well as Fijian women and children, in sex trafficking. Traffickers exploit victims in illegal brothels, local hotels, private homes, and massage parlors, and traffickers sometimes utilize websites and cell phone applications to advertise victims for commercial sex. Some Fijian children are at risk of sex and labor trafficking, as families follow a traditional practice of sending them to live with relatives or families in larger cities, where they may be subjected to domestic servitude or coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees. Fijian children were at risk for forced labor in agriculture, retail, or other sectors. Rising levels of poverty also contributed to increased risks of Fijian children being exploited in commercial sex and forced labor. Economic crisis related to the pandemic, as well as weather-related natural disasters, increased the number of street children compelled to seek incomes to sustain their families; these children are at risk of being exploited in sex trafficking or forced labor. Reports indicated children as young as 12 years old were exploited in sex trafficking. Observers reported a practice where taxi drivers transported Fijian child sex trafficking victims to hotels in popular tourist areas at the request of foreign tourists seeking commercial sex acts. Foreign yacht owners and foreigners hiring locally-owned yachts dock in rural Fijian islands seek young women, usually children, for marriage; some of these women and children subsequently become at risk to forced labor or sex trafficking. However, border restrictions related to the pandemic led to a reduction of the number of foreign yachts entering Fiji, subsequently resulting in fewer reports of this practice occurring during the reporting period. Traffickers exploit Fijian and Chinese women and children in Chinese-operated massage parlors

and brothels, particularly in Suva. In some cases, massage parlor owners arrange for female Fijian employees to engage in commercial sex acts with clients in local hotels and brothels. Anecdotal reports indicated traffickers transported Chinese victims into Fiji on small boats, avoiding ports.

Some Fijian men reportedly marry women from Nepal and Pakistan and subject them to domestic servitude in Fiji. Labor traffickers exploit workers from South and East Asian countries in small, informal farms and factories, and in construction. Recruitment agencies operating in victims' home countries, vessel owners, and other crew exploit migrant fisherman from Southeast Asian countries, especially Indonesia, in forced labor on Fijian flagged fishing vessels, or foreign flagged fishing vessels (mainly China- and Taiwan-flagged) transiting Fijian ports and waters. Victims of forced labor experience threats of violence, passport confiscation, debt-based coercion, excessive working hours, and abusive living and working conditions. Reports indicated low-level official complicity impeded anti-trafficking efforts. Corruption among some officials prevented the investigation of trafficking, including in Chinese-operated brothels. In addition, immigration officials allegedly took action that indirectly facilitated or enabled human trafficking. Fijian workers in Australia and New Zealand were at risk of labor trafficking.

## FINLAND: TIER 1

The Government of Finland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period while considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Finland remained on Tier 1. These efforts included identifying more trafficking victims; investigating more trafficking cases; and establishing anti-trafficking units in the police and prosecutor's office. Additionally, the government developed guidelines and a checklist for identifying labor trafficking, established a working group focused on due diligence regulation for company supply chains and commissioned related training courses, and approved the hiring of 15 new labor inspectors. Although the government meets the minimum standards, courts convicted fewer traffickers and reports persisted that police penalized trafficking victims for crimes their traffickers compelled them to commit. Municipalities continued to lack the capabilities to address the needs of victims, and implementation of the national referral mechanism remained at a standstill.



## PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute sex trafficking and labor trafficking cases using the trafficking statute, and sentence convicted traffickers to significant prison terms. • Enforce the non-punishment provision and cease prosecuting victims for unlawful acts their traffickers compelled them to commit. • Ensure all municipalities have policies and procedures consistent with national standards and allocate resources so that local service providers and municipal government officials are familiar with victims' rights to assistance and know how to offer high-quality services. • Implement the national referral mechanism for identification and assistance with improved identification and referral guidelines, train front-line workers, particularly social workers at the municipal level, on its use, and allocate sufficient funding for

implementation. • Ensure all victims have full access to services, such as residence permit applications, shelters, and health and social services, regardless of whether and under which statutes a suspected trafficker is prosecuted. • Develop clear guidance for national victim assistance system personnel on treating victims who do not choose to involve the police. • Train judges, law enforcement officials, and prosecutors on applying the trafficking law. • Develop and implement a centralized database on trafficking that allows for the disaggregation of data, including the demographics of victims and type of exploitation. • Publish, resource, and implement a national action plan for 2021. • Conduct public awareness campaigns targeting vulnerable populations.

## PROSECUTION

The government increased law enforcement efforts. Chapter 25, Section 3 of the penal code criminalized sex trafficking and labor trafficking and prescribed sentences of between four months and six years' imprisonment for offenses involving an adult victim and between two and 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to use laws against pandering, discrimination, and usury, among others, to investigate and prosecute some suspected traffickers; the penalties for these crimes were generally far less severe than those for trafficking crimes. In 2020, the National Bureau of Investigation (NBI) investigated 87 cases, an increase from 81 cases in 2019. Authorities prosecuted 14 cases (15 cases in 2019). Finnish courts convicted one trafficker (two in 2019) and issued a sentence of three years and two months' imprisonment. The NBI cooperated with foreign governments on transnational investigations, which resulted in prosecutions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

During the reporting period, the government established a 20-person anti-trafficking task force, comprising members from the Helsinki police and the NBI, to investigate major trafficking cases. In addition, the prosecutor's office of Southern Finland established a parallel anti-trafficking unit composed of 10 specialized prosecutors and developed a plan to create a detailed database for all trafficking-related cases. Southern Finland, which included Helsinki, remained the most populous district in the country and the primary location for trafficking crimes. As in previous years, experts raised concerns that police prioritized other types of conventional cases and crimes and prosecutors were often unwilling to pursue trafficking charges due to the high legal standard for trafficking-related convictions. At the height of the COVID-19 pandemic, district courts closed, which delayed judicial processing and compounded the perennial problem of lengthy investigations and prosecutions, possibly leading to law enforcement prosecuting trafficking cases under less serious offenses. The government supported educational efforts during the reporting period by providing annual training for prosecutors, police, and immigration officers.

## PROTECTION

The government maintained protection efforts. Multiple actors within the government and civil society were empowered to identify and refer trafficking victims. Although police and immigration officials used written guidelines for identification and referral, the national anti-trafficking coordinator acknowledged authorities required more training on these guidelines. As a result, the government created a national referral mechanism for victim identification and assistance but did not implement it due to the pending completion of the national action plan. The victim assistance system was the main channel for identifying victims via referrals, and through it, the government provided both direct care and funding for third-party care. The government received 394 potential trafficking victim referrals, and the assistance system admitted 247 potential trafficking

victims (10 children), a notable increase from 303 and 229 (14 children), respectively, in 2019. The assistance system reported 25 percent of new recipients were sex trafficking victims, 49 percent were labor trafficking victims, and the remaining percentage were victims of forced marriage or other crimes classified as trafficking under Finnish law. Authorities noted 120 of the new recipients (49 percent) became trafficking victims in Finland rather than abroad, a sharp increase from 70 in 2019 and the most recorded since 2015. Of the 120, authorities registered 11 as sex trafficking victims, the same number as in 2019. All victims accepted into the assistance system consented to cooperate with police in the prosecution of their traffickers; however, in cases where victimization occurred outside of Finland and the conditions of the relevant jurisdiction made law enforcement cooperation unlikely, police did not open a criminal investigation. Finnish law required police to pursue cases specifically as trafficking crimes in order for victims to receive services through the assistance system. The government did not provide guidance to assistance system personnel regarding referrals of victims who were exploited in trafficking domestically and did not wish to contact the police. Furthermore, according to the national rapporteur, the placement of the assistance system within immigration services misrepresented trafficking as a crime requiring migration and reduced the focus on trafficking committed within Finland. The government continued to consider the transfer of the victim assistance system to the Ministry of Social Affairs and Health to address this concern and to weaken the link between the provision of assistance to victims and their participation in the justice process, which acted as an obstacle to victims' willingness to come forward. Finnish police were not prohibited from prosecuting victims who, as a result of being trafficked, committed acts that violate national law. Observers continued to point out that the non-punishment provision existed in theory, but in practice, the police treated users of illegal drugs, potential victims who had been forced into criminality, and foreigners in the commercial sex industry as perpetrators of crimes.

Once victims were referred to the assistance system, consultants evaluated the case and decided on the victim's course of care, which could include transportation to a safe house; psychological, medical, and legal assistance; or shelter. There was one government-funded shelter specifically for trafficking victims, though it accepted only women and their children—there were no shelters dedicated to male victims. Care providers sheltered most trafficking victims in private accommodations. Child services assigned unaccompanied child victims a guardian to serve as a legal representative. Authorities placed Finnish children who could not return to their families in foster care, while authorities placed unaccompanied migrant children in a migrant reception center specifically for children. Officials noted some municipalities lacked the knowledge and resources to provide assistance to trafficking victims. The Parliamentary Ombudsman reprimanded the City of Helsinki for failing to provide adequate support to victims and indicated that social workers employed by the city often did not know what benefits were available to victims and that benefits were in some cases denied even when the assistance system told the municipality what the victim was entitled to and that the state would reimburse the costs. Helsinki's head of adult social work noted the legislation concerning benefits for victims was unclear and originally intended to assist undocumented victims and not legal residents of Finland. Observers noted municipalities experience difficulties with victim service provision because they functioned under the general framework of social welfare and were not sufficiently equipped with the resources to deal with crime-related issues such as trafficking or victims of trafficking. In 2020, the government spent €1.1 million (\$1.3 million) on trafficking victim assistance and protection, approximately the same as in 2019 and 2018. In addition, the government allocated €200,000 (\$245,400) for services to multiple organizations, compared with €292,520 (\$358,900) in 2019.



Finnish Immigration Services conditioned eligibility to receive a specialized residence permit on the victim's cooperation with police to commence a criminal investigation. Delayed investigations and police failure to submit the appropriate paperwork requesting victims to remain in the country left victims susceptible to deportation. Finnish law allowed foreign victims a six-month reflection period during which they could receive care and assistance while considering whether to assist law enforcement, and the law allowed legal residents a recovery period of up to three months. According to the assistance system, 24 victims took advantage of the reflection period in 2020 (23 in 2019). Victims could receive renewable temporary residence permits, which were valid for six to 12 months and allowed victims to seek employment. Authorities provided temporary residence permits to seven victims and renewed 11 permits, compared with 15 and three, respectively, in 2019. During the reporting period, the government in partnership with NGOs and other organizations developed a pilot project to provide training and full-time jobs to victims residing in Finland; the project was not yet operational.

## PREVENTION

The government increased prevention activities. The national anti-trafficking coordinator reported a new national action plan was pending approval and publication; the government's previous action plan expired in 2017. The government continued to implement and fund anti-trafficking initiatives. However, the government did not conduct or fund any domestic anti-trafficking awareness campaigns. Globally, the government funded a wide range of anti-trafficking programs, including training in Laos and a prevention project in Burundi, investing nearly €335,000 (\$411,000) in 2020. As a result of a multi-year international project profiling trafficking in regional supply chains, the government developed guidelines and a checklist for law enforcement and labor inspectors to better identify and counter labor trafficking. During the reporting period, the Ministry of Economic Affairs and Employment published a judicial analysis outlining due diligence obligations that could be imposed on companies. The report explored possible regulatory options, their scope of application, supervision, and sanctions under corporate social responsibility legislation. The ministry established a working group supporting the preparation of mandatory due diligence regulation and commissioned two training courses for companies. Following an incident involving seasonal berry pickers, the ministry began an investigation into the exploitation of migrant workers and initiated changes to strengthen the regulation of seasonal workers, including new protections for laborers and legal obligations for those contracting their services, such as banning the use of recruitment fees and requiring employers to accept responsibility for the condition and treatment of the laborers. The government approved hiring 15 new labor inspectors to monitor forced labor. In 2020, the Occupational Safety and Health Agency conducted approximately 800 inspections related to the use of foreign labor and 408 related to the proper payment of salaries to foreign workers. The government did not make efforts to reduce the demand for commercial sex acts. The national assistance system maintained a hotline and website in multiple languages exclusively for trafficking victims and reported assisting approximately 25 potential victims.

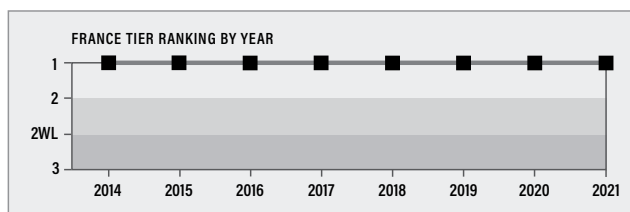
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Finland, and to a lesser extent, traffickers exploit victims from Finland abroad. Traffickers operate from abroad using threats of violence, debt leverage, and other forms of coercion. Authorities express concern about Romanian criminal organizations exploiting individuals from their home countries in Finland. Experts note most labor trafficking involves small-scale operations in businesses, rather than larger criminal syndicates. Victims primarily originate in Eastern Europe, Africa, South and Central Asia, and the Middle East. Authorities report asylum-seekers and other migrants, many of whom continue to reside in Finland for years after receiving a negative decision on their asylum claim, are the two groups most vulnerable to trafficking. Traffickers threaten to

expose their unlawful residency if they complain of their exploitation in sex or labor trafficking. Foreign-born workers and immigrants, many of whom arrive in Finland legally, are especially vulnerable to exploitation in the construction, restaurant, agriculture, and transport industries and as cleaners, gardeners, and domestic workers. Staff at the Ombudsman for Nondiscrimination report traffickers force victims to pay for jobs and unpaid internships, particularly in the construction industry, before transporting them to Finland. Authorities report the recruitment and exploitation of foreign workers from Nepal in the restaurant sector. Seasonal berry pickers continue to be especially vulnerable to labor exploitation and trafficking.

## FRANCE: TIER 1

The Government of France fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore France remained on Tier 1. These efforts included increasing its funding to one NGO that provided victim protection assistance, providing assistance to more victims than the prior year, and increasing efforts to address official complicity. The government also established a new inter-ministerial working group on child sex trafficking. Although the government meets the minimum standards, it prosecuted fewer suspects and convicted fewer traffickers compared to the prior year, which could not be attributed to the pandemic. For the second year, the government did not report investigating any traffickers, and it did not report sufficiently disaggregated data on the number of trafficking victims it identified. The government continued to lack a national victim identification and referral mechanism to ensure proactive referral to care; it lacked coordinated and comprehensive data on trafficking; and it did not increase its efforts to address labor trafficking. Police continued to arrest and prosecute child victims of forced begging and forced criminality and deport irregular migrants from Mayotte, an overseas French department, without screening for trafficking indicators. Further, the government again did not take steps to address the 3,000 to 4,000 unaccompanied Comorian children at risk for sex and labor trafficking in Mayotte.



## PRIORITIZED RECOMMENDATIONS:

Coordinate and centralize the timely collection of trafficking data across the government, including sufficiently disaggregating data between trafficking and other forms of exploitation, as well as between sex and labor trafficking. • Create a national identification and referral mechanism for all forms of trafficking and increase efforts to proactively identify and provide assistance to trafficking victims in all regions and departments, both domestic and overseas. • Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Increase funding and resources specifically for anti-trafficking coordination and victim assistance, including adequate funding for NGOs providing assistance. • Increase interagency coordination to investigate and prevent labor trafficking. • Ensure adequate training for law enforcement investigators on techniques to dismantle human trafficking organizations operating on the internet and other technologies. • Systematically train all front-line officials, including labor inspectors, police, prosecutors,

and judges, on a victim-centered approach to investigating and prosecuting labor trafficking and identifying victims. • Vigorously investigate labor trafficking and prosecute these crimes as trafficking rather than labor code violations. • Allow formal victim identification without requiring cooperation or interaction with law enforcement and by entities other than law enforcement officials, including by civil society, social workers, and healthcare professionals. • Consistently screen all migrants for trafficking indicators, including unaccompanied children in Mayotte. • Implement the second national action plan and include a defined timeframe and dedicated budget as well as other recommendations from the national rapporteur. • Provide adequate resources for child victims, including improving the quality of shelters and specialized assistance, especially of forced begging and criminality. • Increase efforts to award restitution to all victims of trafficking and ensure victims lacking legal status were eligible to receive restitution and damages. • Offer the reflection period to all victims, including migrants and victims of forced begging and criminality. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism and continue to prosecute and convict perpetrators. • Ensure sufficient resources are provided to the national rapporteur and the anti-trafficking coordinator. • Utilize the witness protection program for trafficking victims and improve assistance provided during court trials. • Increase worker protections by eliminating recruitment or placement fees charged to workers by French labor recruiters and ensuring employers pay any recruitment fees. • Given significant concerns about forced labor indicators in Cuban Medical Missions, screen Cuban medical professionals in all regions and departments and refer them to appropriate services. • Establish adequate accommodation centers dedicated to adult male trafficking victims that take into account the specific needs of these trafficking victims.

## PROSECUTION

The government decreased law enforcement efforts. Article 225-4 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment and a fine of up to €1.5 million (\$1.84 million). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The increased occurrence of other crimes, notably domestic violence, during the pandemic lockdowns caused a shift in government priorities and resources away from human trafficking—although NGOs asserted the government had prioritized other crimes for many years prior to the pandemic. The government did not report comprehensive and disaggregated law enforcement data, but provided information from all French departments and territories, including those overseas. The government did not report the number of cases it investigated in 2020 or 2019, compared with 313 cases involving 944 suspects in 2018. In 2020, the government reported investigating and dismantling 53 networks involved in facilitating human trafficking and commercial sex crimes, leading to the arrests of 875 suspects. In 2020, the government changed its methodology for recording trafficking prosecutions and convictions to include cases heard in courts of first instance as well. The government reported prosecuting 129 trafficking suspects in 2019, the most recent year data was available, a decrease compared with 184 suspects in 2018. The government reported convicting 91 traffickers in 2019, the most recent year for which data was available; compared with 104 in 2018. While the government did not report comprehensive and specific sentencing data in a format that allowed for an accurate assessment of significant sentencing, it provided a five-year average (2015-2019) of 3.6 years' imprisonment. However, the media reported on sentences for 55 of 91 convicted traffickers in 2019, the year required to be assessed, of which at least 51 of 91 (56 percent) traffickers received significant prison sentences, compared with significant sentences issued to 40 percent of traffickers in 2018, as reported by the media.

In 2020, the government reported it took steps to address government complicity in human trafficking crimes by indicting a high-level court official on sex trafficking-related charges; authorities also

indicted a high-level magistrate, and former children's judge, on child sex trafficking-related charges. The National Consultative Commission for Human Rights (CNCDDH) urged courts to issue more consistent and stringent penalties to convicted human traffickers and NGOs expressed concerns about the inconsistency of anti-trafficking prosecutions across the country, which could vary depending on the level of engagement of local prosecutors. The media also reported that in October 2019, the government convicted a former Burundian diplomat and his spouse for labor trafficking and the exploitation of a domestic worker and sentenced them to 10 years' imprisonment. Courts suspended both sentences and issued a fine; the defendants appealed the sentences in 2020, which remained pending at the end of the reporting period. During the reporting period, the government, through Operation Barkhane, provided support to Malian armed groups who used and recruited child soldiers. The pandemic caused courts to shut down for two months in 2020, which delayed the processing of all cases. The government did not report the amount of assets seized from convicted traffickers in 2020, but in 2019, the government seized €250 million (\$306.75 million) and €10 million (\$12.27 million) in 2018.

The government had several bodies that were responsible for investigating trafficking crimes: the Ministry of Interior's Central Office for Combating Human Trafficking, comprising 25 investigators, was responsible for cases of sex trafficking, and the Central Office for Combating Illegal Labor and the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants were responsible for labor trafficking cases. The government continued anti-trafficking training programs, some of which included victim identification training, for magistrates, prosecutors, police, social workers, civil servants, NGOs, and the hospitality sector; however, the government did not report the number of individuals who received training during the reporting period. In September 2020, the government reported hosting a conference on forced labor with representatives from 24 European countries as well as a training on identifying sex trafficking victims for 40 members of the French and Belgian security forces. Further, a local government hosted a training conference for 30 lawyers on the recognition of refugee status for female sex trafficking victims, especially from the Democratic Republic of the Congo and Nigeria. These training efforts compared with 88 people trained in 2019. The CNCDDH and several other government bodies raised concerns regarding the lack of adequate training for many police investigators on techniques to dismantle human trafficking organizations that operated on the internet and other technologies—a trend that rapidly increased during the pandemic. A June 2020 government report asserted law enforcement also lacked sufficient awareness of trafficking organizations that exploited male and transgender victims, despite the extreme violence often used by these organizations. The CNCDDH recommended training on the use of new technologies in human trafficking cases and for investigators who already had the capacity to track these networks to prioritize human trafficking cases over other crimes. Further, an NGO asserted police sometimes recorded sex and labor trafficking complaints as lesser crimes that did not necessitate an official investigation or failed to register the complaint at all. NGOs also observed that judges and prosecutors were sometimes reluctant to formally certify forced labor victims because of the protections subsequently granted to them and recommended additional targeted training. In 2020, the government collaborated in international investigations, including with EUROPOL, INTERPOL, Bulgaria, Hungary, Luxembourg, and Romania, which resulted in the identification of 11 victims and the arrest of 10 trafficking suspects; a decrease compared with four identified victims, 42 arrests, four prosecutions, and 17 convictions in 2019. The government continued to maintain a French police liaison in Nigeria to facilitate cooperation with local law enforcement on investigations of human trafficking. The government also signed an information sharing agreement with the United Kingdom on human trafficking and cooperated with the Government of Georgia, but did not report any concrete results.

## PROTECTION

The government maintained inadequate victim identification and protection efforts. The government reported police identified 892 victims of exploitation in 2020, including 217 children; however, contrary to prior years, the number of trafficking victims identified by the government was not sufficiently disaggregated and a broader data set was reported, which may have included victims of adult and child sex trafficking. This compared with 175 victims of trafficking, 717 victims of aggravated sexual exploitation, and 39 victims of exploitation in 2019, for a total of 931. Gaps in victim identification remained, as the government did not report identifying any French national or labor trafficking victims. Victim protection data included all French departments and territories, including those overseas. Pandemic lockdowns led to decreased use of bars and nightclubs and the increased use of private locations and the internet as venues for exploitation, which exacerbated vulnerabilities for sex trafficking victims and decreased victim visibility to authorities. The pandemic also exacerbated vulnerabilities for labor trafficking victims through increased isolation of migrant and domestic workers, which complicated detection by officials and NGOs.

The Ministry of Solidarity and Health and the City of Paris provided funding for the Ac-Se system, an NGO-managed network of 50 NGO-run shelters and specialized NGOs assisting adult victims of sex and labor trafficking. Both police and NGOs referred victims to Ac-Se. The government provided Ac-Se with €234,000 (\$287,120) in 2020, in addition to an unreported amount of funding it dispersed to individual NGOs supporting the Ac-Se network. This amount compared to €240,000 (\$294,480) provided in 2019. In addition to its regular funding, the government provided Ac-Se with an additional €563,000 (\$690,800) in November 2020 for an 18-month period to provide additional victim assistance; this funding was confiscated from seized assets of convicted traffickers. However, NGOs criticized the amount of funding generally provided by the government to all NGOs for victim assistance as insufficient and asserted that the government often funded anti-trafficking efforts from the women's rights budget with little transparency in how much it allocated specifically to human trafficking. NGOs also raised concerns pertaining to the lack of a dedicated budget allocation to NGOs providing victim assistance to trafficking victims, resulting in their need to continually obtain private funding. In addition to victims identified by the government, NGOs reported identifying at least 6,457 human trafficking victims and assisting 2,573 in 2020, but many of the NGOs did not receive government funding and the government did not provide further details. Experts and NGOs expressed concerns regarding the government's national statistics on victim identification and asserted the scale of human trafficking in France was likely much higher.

Only the police, gendarmerie, judiciary, and labor inspectors could formally identify victims and formal victim identification was dependent upon cooperation with law enforcement. The CNCDDH, which functioned as the independent national rapporteur, urged the government to allow formal victim identification without a requirement to cooperate with law enforcement and also by entities other than law enforcement, including by civil society, healthcare workers, and social workers; however, the government did not report efforts to allow other entities to formally identify victims. Further, NGOs reported that recognition as a trafficking victim was difficult; such status offered additional protections and in practice was necessary to obtain asylum or a residence permit, residency papers, healthcare, and housing.

In both its 2013 and 2017 reports, GRETA urged the government to adopt a national identification and referral mechanism. The government has never had a national identification and referral mechanism to ensure uniform and equal treatment of victims and did not take concrete steps in the reporting period to adopt one. However, most ministries and regions had formal procedures for identifying victims and authorities continued to use an NGO-run

referral mechanism. Experts, NGOs, and the national rapporteur reported gaps in authorities' proactive victim identification efforts persisted during the reporting period; they called for improving victim identification as a top priority in the anti-trafficking national action plan. The government assumes the majority of individuals in commercial sex and all foreign adult individuals in commercial sex are trafficking victims, and the government systematically screens this population for trafficking indicators. However, this assumption could have led to a misunderstanding of sex trafficking amongst front-line officials and conflation with commercial sex. Further, authorities often mischaracterized victims of forced criminality as delinquents or illegal workers and consequently excluded them from assistance. Victims of forced labor experienced difficulty in formal recognition as victims.

Both police and NGOs referred victims to Ac-Se. While only partial data on victim assistance was available, government-funded NGOs reported assisting 260 trafficking victims in 2020, an increase compared with 64 victims in 2019, 86 in 2018, and 79 in 2017. Ac-Se provided victims with shelter, legal, medical, and psychological services; in 2020, 48 victims and nine child dependents received shelter and three victims were assisted with voluntary repatriation. This compared with 57 victims, including 12 children, who received shelter and seven who were assisted with voluntary repatriation in 2019. In 2020, a government-funded NGO reported providing assistance to more than 200 victims, including 51 new victims, most of whom were victims of forced labor and domestic servitude. Not all trafficking victims were eligible for admittance into Ac-Se's shelter program, unless they were in immediate danger or in a highly vulnerable situation that required geographic relocation; NGOs observed that migrants without legal status often struggled to find housing, which increased their risk of exploitation. Although formal victim identification required law enforcement cooperation, victims who chose not to cooperate could still receive free medical attention. Local governments provided French language classes to victims, and some victims could qualify for subsidized housing and job training programs, but the government did not report the number of victims provided with these benefits. The national employment agency provided some foreign victims with an initial stipend of €350 (\$429) a month but did not report the number of victims that received this stipend during the reporting period; civil society organizations reported the conditions for being granted a stipend were not uniform and varied by region. Although NGOs sometimes provided psychological support to victims, the government did not fund this service and NGOs raised concerns the government provided little psychological counseling to victims. The central and municipal governments continued to partially fund the operation of a shelter in Paris that could accommodate 12 victims, as well as a small number of emergency apartments external to the Ac-Se system. There were no accommodation centers dedicated to adult male trafficking victims, but communal homes or homeless shelters were sometimes used; however, these accommodations did not take into account the specific needs of trafficking victims. Police referred child trafficking victims to the Child Welfare Services (ASE) system, which provided the children with shelter. However, following a documentary revealing ASE's past practice of placing child victims alone in hotels, the government ceased this practice in January 2021 and began placing children in secure housing. GRETA and the national rapporteur reported a lack of adequate resources for the special assistance needs of child trafficking victims. To adapt to pandemic-related restrictions, the government found new lodging accommodations for 50 child victims of trafficking. Some shelters were required to limit capacities to adhere to pandemic-related social distancing requirements and ensure the continued safety of victims.

The government had an NGO-run referral program to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short-term care. Judges heard criminal trials for trafficking in private at the victim's request and testimony by video or remotely was also available. To



limit re-traumatization, victims usually had access to a psychologist during court proceedings and the law limited the interview of child victims to one time. NGOs noted the government did not consistently provide interpreters to victims or information in a language they understood, the responsibility of which would then pass to the NGO. The government had a witness protection program that trafficking victims could use; however, despite the government reporting that traffickers often threatened trafficking victims and their families to not speak to law enforcement, especially if the trafficker was wealthy, well-connected, or had diplomatic immunity, authorities rarely used the program. The government did not report utilizing the witness protection program for any trafficking victims during the reporting period, which may have decreased the willingness of some victims to cooperate with law enforcement. The CNCNDH urged the government to improve assistance provided to victims during their trials, but the government did not make efforts to do so during the reporting period. Victims were entitled to receive a 30-day reflection period during which they could decide whether to lodge a complaint or participate in criminal proceedings against a trafficker; however, some authorities were not familiar with the reflection period and did not offer it.

The government did not report the number of temporary residence permits granted to formally recognized trafficking victims; it issued such permits only when victims cooperated with police investigations or enrolled in the government's reintegration program, which required ceasing engagement in commercial sex and often required paperwork victims could not obtain. Authorities generally offered permanent residency to trafficking victims following a successful conviction of their trafficker. Trafficking victims were also eligible for international protection under refugee status or subsidiary protection status in cases where victims had a credible fear of retaliation, including from public authorities in their country of origin, if returned; however, the government did not report the number of victims granted such status during the reporting period. The government offered a specialized support program for asylum-seekers who were also victims of violence or human trafficking, but it required the victims to be formally recognized; the program provided secure lodging, psychological support, and a path to request asylum, but the government did not report how many asylum-seekers utilized this program during the reporting period. In response to the pandemic, the government extended the expiration dates of residence permits for asylum-seekers by six months in 2020. The government had internal guidelines to evaluate and process asylum claims on the basis of labor trafficking. A large collective of anti-trafficking NGOs believed the new law on asylum and immigration, which eased restrictions on migrant deportation, limited victims' ability to receive temporary residence due to new time-bound restrictions on permit applications and more stringent approval criteria. The government reported conducting an unknown number of training sessions for the French Office for the Protection of Refugees and Stateless Persons on identifying human trafficking victims and included training on internal guidelines pertaining to protection needs. GRETA reported police arrested and prosecuted child victims of forced begging and forced criminality without screening for trafficking indicators. In 2020, the government did not report uniformly screening irregular migrants, who were vulnerable to trafficking, in Mayotte for trafficking indicators prior to their deportation, which could have left some trafficking victims unidentified. The government also did not report taking steps to address the 3,000 to 4,000 unaccompanied Comorian children at risk for sex and labor trafficking in the French department of Mayotte by offering protection services such as medical care, shelter, or education. Further, the government did not uniformly screen vulnerable migrants from settlements in Calais prior to their removal, nor allow NGOs the opportunity to do so, which could have left some trafficking victims unidentified. Criminal courts could order traffickers to pay restitution to victims who were citizens of France or when the act was committed on French territory, the European Economic Community (ECC), or had legal immigration status; the government reported awarding restitution to at least three victims

in 2020. Victims who were citizens of France, the ECC, or had legal immigration status could also bring a civil suit against a trafficker for damages; however, authorities did not report awarding damage to any victims during the reporting period. Victims lacking legal status were ineligible for restitution or damages. GRETA and NGOs reported victim restitution was rare.

## PREVENTION

The government maintained uneven prevention efforts. MIPROF continued to coordinate government-wide efforts on anti-trafficking and the prevention of violence against women; however, NGOs expressed concern regarding insufficient personnel and resources allocated to the office. MIPROF's anti-trafficking steering committee included national, regional, and local governments, as well as NGOs; it met once during the reporting period, but NGOs noted an overall decrease in the government's engagement with NGOs. In September 2020, the government established a new inter-ministerial working group on child sex trafficking, which included NGOs, targeting improved victim identification. The CNCNDH continued to serve as the independent national rapporteur for trafficking, but resources remained insufficient. The government had a national anti-trafficking action plan; however, the rapporteur criticized the plan, noting obstacles and deficiencies including the absence of a defined timeframe or budget. Further, the national rapporteur noted the action plan did not address the flaws of the first plan, which included prioritizing sex trafficking over labor trafficking, unequal efforts that varied by region, and the continued conflation of commercial sex and human trafficking by authorities. In the prior reporting period, the national rapporteur recommended annual plans incorporating specific deadlines, detailed measures, monitoring indicators, separated costs, and a dedicated source of funding; however, the government did not report taking any concrete steps on these recommendations.

The continued prioritization of sex trafficking led to insufficient efforts to combat labor trafficking and the CNCNDH recommended increased training on labor trafficking for all front-line officials as labor trafficking was often categorized as labor code violations, undeclared work, undignified work conditions, or employing illegal migrants. The tendency for authorities to categorize labor trafficking as lesser crimes resulted in decreased deterrence. The government continued to make limited efforts to raise national awareness of human trafficking; efforts included continued participation in an awareness campaign implemented by an international organization and the dissemination of a previously published trafficking awareness manual, as well as an unknown number of awareness-raising seminars. During the reporting period, the government continued participation in a joint awareness campaign on sex trafficking with the Government of Sweden that was supplemented by a joint cooperation action plan in 2020; however, the government did not provide further information or results of this international cooperation. The government continued to lack a comprehensive and centralized data system on trafficking.

The government did not report having a licensing or accreditation process for labor recruiters, and they could charge recruitment or placement fees to workers. Passport withholding, contract switching, and wage withholding was illegal, and workers could pursue legal recourse. Although fraudulent labor recruitment remained a concern during the reporting period, the government did not report holding any labor recruitment or placement agencies accountable for labor trafficking during the reporting period. In 2020, the government conducted 31,390 labor inspections, which resulted in the initiation of 16 trafficking investigations and the identification of 450 victims of exploitation; however, the government did not report whether it identified any trafficking victims as a result. This compared with 49,522 inspections conducted in 2019. NGOs reported satisfactory cooperation with labor inspectors on human trafficking. French law required large companies (with more than 5,000 employees) to have plans to eliminate labor exploitation by subcontractors. The government made efforts to reduce the demand for child sex tourism by funding programs to raise awareness in airports and

with tourism operators of the illegality of and penalties associated with child sex tourism, as well as requiring students to complete an awareness course on sex tourism prior to their departure abroad. For destinations with higher incidences of child sex tourism, like Cambodia, Indonesia, Laos, and Madagascar, the government included warnings on its website for travelers. In 2020, the government also convicted one French national for child sex tourism in Cambodia and Nepal; however, the government did not provide further details on previously reported investigations into at least 16 suspects of child sex tourism. The Government of Indonesia reported arresting a French national for child sex tourism in June 2020. The government made efforts to reduce the demand for commercial sex by convicting 464 purchasers of commercial sex and requiring 176 to attend an awareness-raising course to combat the purchase of commercial sex, though efforts were inconsistent throughout the country. The government maintained several liaisons and advisors located in source countries to facilitate international anti-trafficking efforts.

The government continued to contribute to several anti-trafficking programs, implemented in partnership with international organizations, including in Morocco and Nigeria, as well as implementing a regional cooperation strategy for 11 countries in Southeast Europe. The government also continued to station liaison officers and judges abroad, including in Cote d'Ivoire, Nigeria, and Southeast Europe, who helped coordinate law enforcement efforts against traffickers. The government continued to fund anti-trafficking capacity-building programs across Africa's Gulf of Guinea region and victim support operations in Libya. Ac-Se continued to operate a hotline for trafficking victims as well as a hotline for children in abusive situations, including trafficking; however, neither hotline reported the number of trafficking-related calls received during the reporting period. The government continued to host an online platform that allowed citizens to flag inappropriate content, which led to several human trafficking investigations. The government did not provide systematic anti-trafficking training for its diplomatic personnel, although consular officials received training on identifying forced domestic servitude. NGOs also noted there was insufficient follow-up by the government regarding domestic workers who were employed by diplomats in France and that little could be done to assist victims because of the diplomatic immunity of the trafficker.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims, and to a limited extent, domestic victims in France. The pandemic exacerbated vulnerabilities for trafficking victims, including increasing the isolation of migrant and seasonal workers as well as sex trafficking victims, which complicated detection by officials and NGOs. Sex and labor traffickers exploit foreign victims from Eastern Europe, West and North Africa, Asia, and the Caribbean. In 2020, the government released the results of a large-scale victim survey completed by 37 NGOs. It found that in 2019, 81 percent were victims of sex trafficking, 8 percent were victims of forced labor, 3 percent were victims of forced criminality, and 1 percent were victims of forced begging. One third of victims surveyed came from West Africa, mostly Nigeria, followed in frequency by victims from North Africa and Eastern Europe. Authorities noted an increase in French girls as sex trafficking victims, as well as a general increase in child victims since 2016. NGOs estimate that between 6,000 and 8,000 French teenagers are victims of child sex trafficking, with more than half between the ages of 15 and 16. Nigerian females make up the majority of sex trafficking victims. During the pandemic, sex traffickers increased the usage of online platforms to recruit and exploit victims and book apartment rentals to make their illicit operations difficult to track; NGOs estimate that more than half of commercial sex encounters were organized online. NGOs report an increase in the number of Nigerian women in commercial sex; pandemic-related lockdowns also exacerbated unsafe living conditions and increased vulnerabilities to sex trafficking. Authorities report traffickers encourage Nigerian victims to claim asylum to obtain legal residency and facilitate their continued exploitation. Sex trafficking

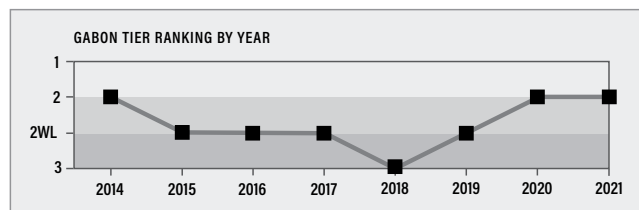
networks, controlled by Bulgarian, Chinese, French, Hungarian, Nigerian, Romanian, and South American traffickers, exploit women through debt bondage, physical force, and psychological coercion, including the invocation of voodoo and drug addiction. Chinese criminal networks also use as many as 400 massage parlors as fronts for the purchase of commercial sex, raising concerns about sex trafficking. The government estimates the majority of the 40,000 to 50,000 individuals in commercial sex in France, about 90 percent of whom are foreign, are likely trafficking victims. Members of the LGBTQI+ community are vulnerable to trafficking and traffickers increasingly exploit transgender victims in sex trafficking. Traffickers exploit children, primarily from Romania, West and North Africa, and the Middle East, in sex trafficking in France. Traffickers often lure victims with fraudulent offers of economic opportunities and target undocumented workers already in France. In suburban areas, there has been a sharp rise in sex traffickers known as "lover boys" coercing vulnerable girls into sex trafficking, often through a sham romantic relationship. French citizens sometimes engage in child sex tourism abroad.

Labor trafficking most frequently occurs in domestic work, followed by construction, small commerce, agriculture, fishing, and livestock; the majority of identified labor trafficking victims are women. Expansive criminal networks force children to commit crimes; most victims are from Romania and North Africa, many of whom are addicted to controlled substances. Seasonal migrant workers are vulnerable to labor trafficking while harvesting grapes for winemakers in the Champagne region and are often hired through subcontractors using fraudulent job descriptions and wages. Traffickers exploit the large influx of unaccompanied children who have entered France in recent years. Roma and unaccompanied children in France are at risk for forced begging and forced theft. The families of Roma children are often also their traffickers. In 2020, the government found that immediate or extended family members are the traffickers for 88 percent of victims of forced crime and forced begging; 62 percent of sex trafficking victims knew their traffickers beforehand. Traffickers exploit mentally disabled victims in forced labor in agriculture and begging. The estimated 3,000 to 4,000 unaccompanied Comorian children on the island Mayotte, a French department, remained at risk for labor and sex trafficking. Protection services, such as medical, shelter, and education, are not available to unaccompanied children on Mayotte, and previous efforts of the Comorian National Human Rights Commission to investigate further were denied by the French embassy in Comoros. In 2020, the government, through Operation Barkhane, provided support to Malian armed groups who used and recruited child soldiers. Labor traffickers exploit women and children in domestic servitude – the most frequent case being when families exploit relatives brought from Africa to work in their households; according to a 2020 report, domestic servitude makes up approximately 10 percent of all trafficking in France. Nigerian trafficking networks use migrant and drug trafficking routes through Niger, Libya, and Italy to transport women and girls to France, where they exploit them in trafficking and debt bondage. Nigerian victims report experiencing trafficking in Italy while awaiting legal residency. Cuban medical professionals working in Martinique, a French department, during the pandemic may have been forced to work by the Cuban government.

## GABON: TIER 2

The Government of Gabon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Gabon remained on Tier 2. These efforts included courts convicting more traffickers and officials identifying more child victims of trafficking. However, the government did not meet the

minimum standards in several key areas. Authorities investigated and prosecuted fewer suspected trafficking crimes. For the second consecutive year, the government failed to adopt the country's anti-trafficking national action plan, which would have created a national inter-ministerial commission to address longstanding coordination challenges. Officials did not report identifying any adult victims or initiating law enforcement action targeting the trafficking of adults. Further, authorities did not report investigating allegations of judicial corruption related to trafficking crimes.



### PRIORITIZED RECOMMENDATIONS:

Finalize, resource, and implement the National Action Plan and create an inter-ministerial national anti-trafficking commission.

- Investigate credible reports of government corruption related to trafficking and prosecute complicit officials.
- Amend the penal code to define trafficking in line with the international definition and to ensure the penalties for adult sex trafficking are commensurate with penalties for other grave crimes, such as a rape.
- Vigorously investigate and prosecute suspected traffickers and convict perpetrators if found guilty following independent and fair trials.
- Increase financial or in-kind support—including donated land where feasible—to government and NGO shelters.
- Develop and implement standard operating procedures for identifying and referring adult victims to care.
- Increase efforts to identify adult and child victims of trafficking proactively, focusing on key sectors to include domestic servitude, markets, and individuals in commercial sex.
- Regularly convene the Special Criminal Session in order to increase the number of trafficking cases heard.
- Develop and institute a course on victim-centered trafficking investigations in Gabon's National Magistrate School to increase judicial officials' ability to prosecute trafficking cases while preventing the re-traumatization of victims.
- Conduct a nationwide sensitization campaign to raise awareness of trafficking in markets and domestic servitude.
- Expand training for social workers, law enforcement officers, labor inspectors, and judicial staff on the penal code to promote effective investigations, prosecutions, and convictions of traffickers found guilty following an independent and fair trial.
- Develop an information management system to capture nationwide investigation and victim identification data in partnership with international organizations.

### PROSECUTION

The government marginally increased law enforcement efforts. Articles 225 to 225-7 of the 2020 revised penal code criminalized sex trafficking and labor trafficking, prescribing penalties of up to seven years' imprisonment and a fine of 100 million Central African francs (CFA) (\$188,940) for trafficking offenses involving adult victims, and up to 15 years' imprisonment and a fine of up to 100 million CFA (\$188,940) for those involving child victims. These penalties were sufficiently stringent, but with respect to adult sex trafficking, not commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the penal code established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime; penalties were increased to up to 10 years' imprisonment and a fine of 100 million CFA if such factors were involved. Finally, the penal code conflated the crimes of human smuggling and trafficking in persons.

A lack of high-level coordination between ministries exacerbated the government's limited capacity to collect and manage anti-trafficking

law enforcement data. The government did not report the number of new investigations in 2020, compared to initiating three investigations in 2019. Officials reported investigating 16 suspected traffickers and referring their cases for prosecution in 2020, compared with prosecuting 20 suspects in 2019 under the penal code's trafficking articles. At the close of the reporting period, the suspects remained incarcerated and awaiting the country's next Special Criminal Session, for which the government had not announced a date. Only the country's Special Criminal Session court was authorized to hear trafficking cases because it is a crime equivalent to murder in the Gabonese legal system. Authorities reported convicting three traffickers for coercing children into forced labor during the Special Criminal Session held in October 2020, although judicial officials did not report sentencing details. The government reported convicting one trafficker in 2019. Additionally, the chief of the vice squad stated police continued to investigate three cases of forced labor opened in 2019 under the penal code's trafficking articles. Further, pandemic-related movement restrictions hindered efforts by law enforcement to investigate potential trafficking crimes and limitations on in-person meetings impeded judicial proceedings during the reporting period; the government postponed a Special Criminal Session scheduled for April 2020 to October due to pandemic restrictions.

Due to corruption and a lack of training, prosecutorial judges tasked with investigating trafficking cases did not always investigate cases brought to their attention, which prevented the prosecution of some trafficking cases. Experts alleged some traffickers bribed judges to actively delay or dismiss trafficking cases, while the government stated delays were the result of insufficient knowledge of trafficking laws. Although corruption and official complicity in trafficking crimes remained significant concerns, the government did not report investigating, prosecuting, or convicting complicit government employees. In November, officials collaborated with an international organization to provide training for 22 government officials on human trafficking and transnational crime.

### PROTECTION

The government increased efforts to identify and protect victims. The government used a Trafficking in Persons Procedural Manual, developed in coordination with an international organization that defined standard procedures for the identification, extraction from exploitive situations, short-term care, and repatriation of child victims. Experts described the referral process as appropriate for children, although the government did not have standard procedures for identifying adult victims. The government reported identifying and referring to care 41 child victims of forced labor (37 girls and four boys) during the reporting period. Officials reported identifying 30 child trafficking victims and one adult victim 2019.

The government contributed inadequate funding to NGOs providing shelter and services to victims, and a lack of shelter space to accommodate trafficking victims persisted. During the reporting period, observers stated shelters were operating over capacity. The dearth of shelter space resulted in some law enforcement officers declining to pursue trafficking cases due to their belief they would not be able to place victims in suitable facilities, according to experts. The government continued to fund two NGO-run shelters offering holistic services to child trafficking victims, orphans, and homeless children, providing financial and in-kind support, including funding for social workers, medical support, psychological services, legal assistance, and tuition. Authorities suspended repatriations in 2020 due to the pandemic, resulting in some children staying in shelters longer, which exacerbated longstanding overcrowding issues.

Some shelter and law enforcement personnel used their own money to fill gaps in government funding to assist victims. The same services were available for male, female, foreign, and Gabonese victims, including those repatriated from abroad. There were no government or NGO-run shelters specifically designated for adult victims, although adult victims could potentially access government services for victims



of domestic abuse or other forms of maltreatment. The government did not report any adult victims using these services during the reporting period. Shelters provided services to adults of other forms of abuse and some allowed child trafficking victims to remain after they reached 18 years of age; however, the government did not report referring any adults to such facilities during the reporting period. Officials had the authority to permit adult male victims to leave shelters unchaperoned, but not adult female victims, based on concerns related to safety and a risk of re-trafficking.

Officials did not disclose how many victims the government repatriated during the reporting period, although authorities suspended the return process in 2020 as one measure to slow the pandemic's spread. The Ministry of National Solidarity coordinated with foreign embassies to repatriate 12 child victims in 2019. The government could provide a victim with immigration relief and resettle them in Gabon if the victim faced threats to their safety in their country of origin, but officials did not report any victims utilizing this legal alternative during the reporting period.

While the government encouraged victims to cooperate with authorities to provide testimony for the prosecution of alleged traffickers, law enforcement officers admitted they sometimes took victims' testimony at the time of the arrest of the suspected traffickers or identification of the victim, acknowledging this approach was neither victim-centered, nor the most effective. Some police officers in Libreville reported they had modified their approach to interviewing victims, causing them to delay questioning until the victim was prepared to cooperate, after receiving training in prior years from the government and an international organization.

While the government had sought restitution for trafficking victims in the past, it did not report doing so during this reporting period. Victims could file civil suits against their traffickers, but there were no known cases of such action, in part due to lack of knowledge of the option. There were no reports authorities detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, due to nascent efforts to identify adult trafficking victims, some may have remained unidentified within the law enforcement system.

## PREVENTION

The government decreased prevention efforts. For the second consecutive year, the president did not sign the country's anti-trafficking national action plan into law, which would create a national commission to combat trafficking. In June, the government organized a training and awareness campaign to improve victim care, reaching 626 law enforcement officers, compared with 861 individuals in 2019. Officials did not disclose funding levels for Gabon's antitrafficking programming. Pandemic-related constraints on convening in person, state budgetary impacts resulting from decreasing oil revenue, and multiple ministerial reshuffles in 2020 contributed to a lack of high-level coordination, which hindered the government's ability to support law enforcement officers, social welfare officials, and civil society representatives.

The government did not report efforts to reduce the demand for commercial sex acts. Officials – with foreign donor support – continued to provide anti-trafficking training to approximately 450 Gabonese troops prior to their deployment on an international peacekeeping mission in the Central African Republic. Although not explicitly reported as human trafficking, an international organization reported receiving eight allegations within the reporting period of sexual exploitation with trafficking indicators by Gabonese peacekeepers deployed to UN peacekeeping missions (with the dates of the incidents as follows: two in 2020, one in 2016, four in 2015, and one in 2014). Although not explicitly reported as human trafficking, there were also seven open allegations of sexual exploitation with trafficking indicators by Gabonese peacekeepers deployed to UN peacekeeping missions from previous rating periods, including one

reported in 2020 (from 2014), three in 2019 (one from 2015 and two from 2019), one in 2018 (from 2018), and two in 2016 (from 2013 and 2014). These cases remained ongoing during the reporting period. The Minister of Defense and the Minister of Justice stated that investigations of the allegations continued and authorities were following the Gabonese judicial process. The government did not provide training specifically on human trafficking for its diplomatic personnel, although it does explicitly require diplomats to adhere to the local laws of their assigned countries.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Gabon, and traffickers exploit victims from Gabon abroad. Intended to slow the spread of the pandemic, the government's lockdown, in effect from March 2020 to the end of the rating period on much of the economy – as well as schools and travel – likely increased the vulnerability of Gabonese children, informal sector workers, and immigrants to exploitation. Poverty continues to represent a key risk factor in forced labor and sex trafficking in the country.

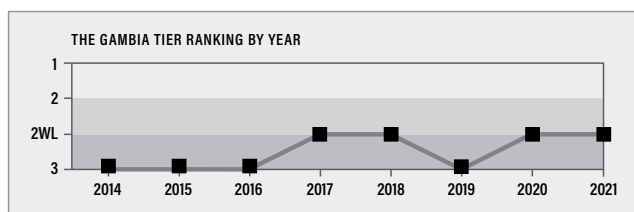
Traffickers exploit girls in forced labor in domestic service, markets, or roadside restaurants; force boys to work as street vendors, mechanics, microbus transportation assistants, and laborers in the fishing sector; and coerce West African women into domestic servitude or commercial sex within Gabon. Criminals may exploit children in illegal gold mines and in wildlife trafficking in the country's interior. NGOs reported Cameroonian and Gabonese labor recruiters associated with large agricultural firms exploit English-speaking Cameroonians displaced by the Anglophone crisis. The recruiters force some Cameroonians to labor on rubber and palm oil plantations around Bitam in northern Gabon. West African traffickers reportedly exploit children from their countries of origin to work in Libreville markets, such as N'Kembo, Mont Bouët, and PK7, as well as in other urban centers, including Port-Gentil. In Gabon's eastern provinces, shopkeepers force or coerce Gabonese children to work in markets. In some cases, smugglers who assist foreign adults migrating to Gabon – or through the country to Equatorial Guinea – subject those irregular migrants to forced labor or commercial sex after they enter the country via plane or boat with falsified documents.

Traffickers appear to operate in loose, ethnic-based criminal networks, at times involving female traffickers – some of whom are former trafficking victims – in the recruitment and transportation of victims from their countries of origin. In some cases, families willingly give children to intermediaries who fraudulently promise education or employment and instead subject the children to forced labor through debt bondage. Roadside bars—or "*macquis*"—are a common sector where traffickers sexually exploit women, and the Libreville neighborhood of Lalala is an area where some brothel owners reportedly exploit children in child sex trafficking.

Some criminals procure falsified documents for child trafficking victims identifying them as older than 18 years of age to avoid prosecution under the child trafficking law. Traffickers often operate outside the capital to avoid detection by law enforcement and take advantage of Gabon's porous borders and unguarded beaches to import victims by car or boat. Authorities report some transnational criminal organizations profit from human trafficking in addition to smuggling counterfeit medication and illicit drugs. Experts report the nationality of the actors involved in such trafficking generally depends on the stage of the process. Fraudulent recruiters in source countries, such as Benin and Togo, often share the nationality of the victim; transporters or "*passeurs*" generally come from transit countries, such as Nigeria and Cameroon; and West African residents or Gabonese are predominantly the final beneficiaries of the exploitation.

## GAMBIA, THE: TIER 2 WATCH LIST

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included adopting a new national referral mechanism (NRM) and training government officials and service providers on its implementation. The government identified more victims and continued efforts to raise public awareness of trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not convict any traffickers for the fourth consecutive year. Government agencies charged with combating trafficking continued to lack resources and training, and victim services remained inadequate. Therefore The Gambia remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including allegations of child sex tourism. • Direct and fund law enforcement to investigate all reported trafficking cases, including those brought forward by civil society. • Ensure human trafficking cases are resolved through the judicial system rather than extra-judicial or administrative means. • Cohesively train government officials, including law enforcement, diplomatic personnel, and service providers, on comprehensive standard procedures to proactively identify trafficking victims and refer them to care, including among Gambian migrant workers, people in commercial sex, and other vulnerable groups. • Provide resources, including funding and in-kind support, for victim services and training for social workers. • Ensure access to a child-friendly and confidential reporting mechanism allowing victims to report abuse without fear of intimidation, stigmatization, or revictimization. • Improve witness and victim protection measures to ensure victim confidentiality and privacy. • Train law enforcement, prosecutors, and judges to investigate and prosecute all forms of trafficking using the 2007 Trafficking in Persons Act. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Raise awareness of child sex trafficking among civil society, including how to report cases. • Regulate and monitor labor recruitment agencies and investigate entities suspected of fraudulently recruiting workers for exploitation abroad. • Develop and implement pre-departure trainings for labor migrants, including sessions on labor rights and methods to access justice and assistance in destination countries, to prevent exploitation abroad. • Amend the labor law to extend protections to domestic workers. • Adopt a new national action plan and allocate resources to its implementation. • Screen foreign workers, including Cuban medical workers, for forced labor indicators and refer them to appropriate services.

### PROSECUTION

The government maintained insufficient law enforcement efforts. The 2007 Trafficking in Persons Act, as amended in 2010, criminalized sex trafficking and labor trafficking and prescribed penalties of 50 years to life imprisonment and a fine of between 50,000 and 500,000 *dalasi* (\$960-\$9,620). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government investigated 23 cases involving at least 20 suspects (11 for sexual exploitation and nine for forced labor), compared with investigating 15 cases in the previous reporting period. Authorities initiated prosecutions of two defendants and continued prosecutions of three defendants from previous reporting periods, a slight increase compared with continuing three prosecutions in the previous reporting period. As required by law, courts released all five alleged traffickers on bail. Of the five alleged traffickers, one suspect absconded; the government had not yet issued an extradition request by the end of the reporting period. For the fourth consecutive year, the government did not convict any traffickers. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Some observers alleged some border authorities did not follow anti-trafficking procedures, and in past years, that some police officers requested bribes to register trafficking complaints. An NGO reported former government officials had procured women through fraud and coercion to engage in sex acts with former president Jammeh while he was in office; the allegedly complicit officials were no longer in The Gambia, nor was the former president. Two of the sexual exploitation victims testified to Jammeh's abuses in the government's Truth, Reconciliation, and Reparations Commission (TRRC) during the previous reporting period. The law that created the TRRC specified that upon submission of the TRRC's final report, the government will decide whether to initiate prosecutions based on the allegations. The TRRC remained ongoing at the end of reporting period. Aside from the TRRC process, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

In September 2020, the National Agency Against Trafficking in Persons (NAATIP) coordinated with an international organization to train law enforcement, prosecutors, and judges on trafficking investigations and prosecutions. However, training and resources for law enforcement and judicial officials remained severely inadequate. The government increased judicial officials' salaries to limit turnover and increase institutionalized knowledge among prosecutors and judges. General case backlogs, weak case management infrastructure, and low judicial capacity inhibited prosecutions and convictions. Defendants accused of trafficking were eligible for bail and sometimes absconded. Designated child welfare and gender units within the police force and immigration department received anti-trafficking training; however, frequent turnover, lack of resources, and limited capacity to monitor regions outside of the capital limited their effectiveness. The pandemic further reduced law enforcement's capacity to conduct investigations; units worked in smaller teams and were dually mandated to enforce public health measures. NGOs and international organizations attributed underreporting of sexual crimes, including sex trafficking and child sex tourism, to cultural taboos and a penchant to rely on informal resolution mechanisms rather than the formal justice system; in some cases, the police or judiciary encouraged parties to settle child sexual exploitation cases privately. Low confidence in the justice system, lengthy investigations and court proceedings, and a lack of meaningful protection, including accessible, child-friendly reporting channels, also led to underreporting of child trafficking. An international organization reported low awareness of anti-trafficking laws; lack of human, technical, and financial capacity; and inadequate specialized victim services further impeded effective enforcement of child protection laws, including provisions on child sex trafficking. A lack of international law enforcement cooperation hampered efforts to identify, investigate, and prosecute child sex tourism and trafficking cases.

### PROTECTION

The government increased overall protection efforts, including victim identification, but it did not adequately assist victims identified abroad. The government identified 18 victims, an increase compared with identifying 12 victims in the previous reporting period. This included 11 Nigerian women and girls exploited in sex trafficking within the country and seven Gambian women exploited in domestic servitude in the Middle East. NGOs reported identifying 42 Gambian

women exploited in domestic service in Lebanon, Kuwait, and Oman. In collaboration with an international organization, the government adopted an NRM with standard operating procedures to identify and refer trafficking victims to care; the NRM included mechanisms to screen vulnerable populations, including child migrants and individuals in commercial sex, for trafficking indicators. NAATIP, in collaboration with an international organization, trained government social workers, NGOs, prosecutors, and Ministry of Justice officials on the NRM; however, coordination among law enforcement, prosecutors, and social service providers to implement the NRM remained weak.

The government operated one short-term shelter for vulnerable persons, including both foreign and domestic trafficking victims, abandoned children, the elderly, and victims of domestic violence. The shelter had an 80-person capacity, offered basic services such as medical care, and provided limited counseling to children and women; adult victims could leave the shelter unchaperoned. Despite resource constraints caused by the pandemic and spending restrictions imposed by international creditors, the government maintained funding for the shelter; it allocated 600,000 *dalasi* (\$11,540) to the shelter in 2020, the same amount provided in 2019. During the reporting period, NAATIP referred one Nigerian trafficking victim to the shelter, and four victims opted to live at their own residences; the government did not report whether it referred the remaining victims to care. The government improved shelter security by providing additional police officers and installing perimeter fencing. The government and civil society jointly operated daytime centers providing services, including psycho-social, food, and medical assistance, to trafficking victims and vulnerable children. Shelter services were concentrated around the capital, leaving some victims in rural areas without access to assistance. In some cases, law enforcement and child protection actors temporarily sheltered child victims in their own homes or provided care at their own expense until shelter space became available. A small country with few overseas diplomatic missions, select Gambian embassies had welfare offices trained to recognize and support suspected victims of trafficking, but in one high-profile case, the government failed to adequately identify and protect victims abroad. An NGO, in coordination with the Gambian government, repatriated 38 Gambian trafficking victims from Lebanon in September 2020, including 36 women and two children exploited in domestic servitude; the women requested assistance from The Gambian Honorary Consul following the August 2020 explosion in Beirut. According to international organizations and media reports, the Honorary Consul denied assistance to the victims and publicly dismissed their claims. However, the government helped facilitate their repatriation and provided travel documents following protests outside of The Gambian Honorary Consul's offices. The Ministry of Justice created a select committee led by the National Human Rights Commission and NAATIP to investigate the incident; the government did not publicly report its findings before the end of the reporting period. The government repatriated two additional trafficking victims from Kuwait and Lebanon, and it provided reintegration services to one repatriated victim from Oman.

Authorities did not condition access to victim services on cooperation with law enforcement; the government provided legal aid and transportation to victims who chose to cooperate with law enforcement proceedings. The government did not have a formal witness protection policy and it did not always keep victims' identities confidential; victims at times were reluctant to cooperate in investigations due to fear of retaliation by their traffickers. The government allowed victims to provide testimony via video or written statements; however, no victims reportedly did so during the reporting period. The 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas during legal proceedings, but the government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. Victims could file civil suits against their traffickers; the government did not report any victims doing so, in part due to lack of awareness of the option. There were no reports the government

detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to inconsistent application of victim identification procedures, authorities may have detained some victims. During the reporting period, authorities used provisions in the NRM to identify trafficking victims among individuals in commercial sex. However, the screening mechanisms did not include LGBTQI+ persons among vulnerable populations; due to social stigmatization and lack of screening, LGBTQI+ persons remained vulnerable to trafficking.

## PREVENTION

The government maintained prevention efforts. The Department of Strategic Policy and Delivery (DSPD) in the Office of the President coordinated NAATIP and the government's anti-trafficking efforts; NAATIP convened quarterly task force and regular board meetings with support from an international organization. The government allocated 3.6 million *dalasi* (\$69,230) to NAATIP in fiscal year 2020, the same amount provided in 2019. NAATIP continued to use its budget to implement the 2016-2020 national action plan. In coordination with an international organization, NAATIP validated an updated anti-trafficking national action plan and national communications strategy; final adoption of the plan remained pending at the end of the reporting period. NAATIP, in coordination with an international organization, trained 20 media personnel on reporting on trafficking and organized public awareness activities, including a public procession to commemorate World Day against Trafficking in Persons in July 2020; sensitization campaigns in border towns, schools, tourist areas; and community radio programs, throughout the reporting period. NAATIP conducted an awareness campaign targeting minibus drivers, passengers, and community members; minibuses were the primary method of transportation in the country and a critical link in trafficking networks.

In partnership with an NGO, the Ministry of Education continued its program with reputable Quranic school teachers to educate students on trafficking and prevent forced begging by providing monthly cash transfers and food rations to 17 schools it regularly verified did not exploit students in forced begging. NGOs reported only two of the 11 Department of Social Welfare (DSW)-organized neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation remained occasionally active; both groups were untrained and lacked the capacity to effectively investigate or report potential cases. Despite reports of women exploited through fraudulent labor recruitment, the government did not effectively regulate foreign labor recruiters or penalize them for fraudulent recruitment. There were no laws regulating recruitment agencies or international labor recruitment. The government did not license recruitment agencies or require registration, making it difficult for authorities to estimate how many agencies operated in the country. Private, and often informal, recruitment agencies placed many Gambian workers abroad, including in the Gulf and sometimes in coordination with agents in the destination countries. Informal agents recruited workers through social and family networks or posed as tourism or human resource agencies. An international organization reported informal recruitment agencies used fraudulent or predatory contracts; due to the lack of regulations, agents charged migrant workers en route to the Gulf recruitment fees between 5,000 and 40,000 *dalasi* (\$96-\$769). Select Gambian embassies had welfare offices trained to recognize and support suspected trafficking victims, though as a small country, The Gambia has relatively few embassies. In December 2020, the government launched its national migration policy to protect Gambian migrants, reduce irregular migration, and increase domestic youth employment opportunities. The government established a national coordination mechanism on migration to streamline policy and coordinate with civil society. The Ministry of Trade, Regional Integration, and Employment's migration working group also drafted pre-departure training manuals, ethical recruitment materials, and other resources for Gambians working or intending to work overseas; however, the government did not finalize the materials or hold pre-departure trainings by the end of the reporting period.



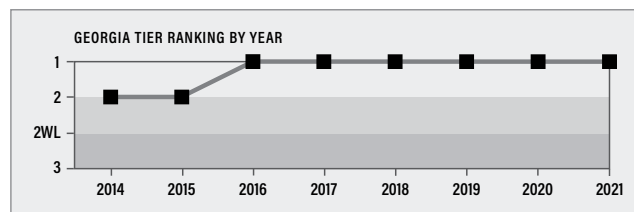
The government maintained memoranda of understanding (MOUs) with the Governments of Qatar and the United Arab Emirates (UAE) for the protection of Gambian workers but did not report taking steps to implement the agreements during the reporting period. Domestic workers were not protected under the national labor law, rendering them vulnerable to exploitation. The government made limited efforts to reduce the demand for commercial sex acts and child sex tourism by displaying posters and large billboards in resort areas targeting potential buyers of sex and by posting Tourism Security Unit officers in the Tourism Development Area. Gambian law allowed for prosecution of suspected sex tourism offenses committed abroad. The government provided anti-trafficking training to some of its diplomatic personnel; however, the government did not uniformly implement the training, and diplomatic missions' ability to identify and assist trafficking victims remained weak.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Gambia, and traffickers exploit victims from The Gambia abroad. Within The Gambia, women, girls, and, to a lesser extent, boys are subjected to sex trafficking and forced labor in street vending and domestic work. Traffickers recruit women and children from West African countries for sex trafficking in The Gambia. Some families encourage their children to endure such exploitation for financial gain. Reporting from an international organization indicates that the number of boys exploited in sex trafficking is growing. Some observers alleged in the past that child sex tourists, primarily from Canada, Germany, the Netherlands, Scandinavian countries, and the United Kingdom, subject child victims to sexual exploitation. A local organization alleged organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. An international organization alleged some sex tourists established relationships with children through organizations registered as charities or approached children under the guise of sponsorship for their education. The same organization claimed that sex tourists gain access to children through intermediaries or already have information from the internet about areas where they can have access to children. One international organization alleged sex traffickers increasingly host child sex tourists in private residences outside the commercial tourist areas of Banjul, making the crime harder to detect. Gambian boys attend Quranic schools in The Gambia, Guinea-Bissau, and Senegal, and some boys from Guinea, Guinea-Bissau, Mali and Senegal attend Quranic schools in The Gambia; some corrupt teachers force their students into begging, street vending, and agricultural work. NGOs identified Gambian children in forced labor in neighboring West African countries and Mauritania. Individuals without birth registrations, especially children of single mothers and those in rural areas, are vulnerable to exploitation. Traffickers allegedly exploit Sierra Leonean children as "cultural dancers" in The Gambia. Traffickers exploit Nigerian women and girls in sex trafficking in The Gambia. Cuban medical professionals working in The Gambia may have been forced to work by the Cuban government. Traffickers exploit Gambian women in forced labor trafficking in the Middle East, including Lebanon and Kuwait. Gambian authorities have identified Sierra Leonean victims en route to exploitation in the Middle East. Some recruitment agencies and agents engage in fraudulent practices facilitating forced labor; authorities have identified Gambian male and female trafficking victims recruited by agents and exploited in Egypt, Kuwait, Lebanon, and the UAE in domestic work, hospitality, construction, and mining. Traffickers are increasingly recruiting victims using social media platforms for domestic servitude in the Middle East. Authorities have identified potential Gambian trafficking victims in Algeria, Cyprus, Finland, and Italy. Gambian migrants, particularly young men from impoverished backgrounds, attempting to travel to Europe through irregular routes, known as "the Backway," are vulnerable to trafficking and abuse.

## GEORGIA: TIER 1

The Government of Georgia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Georgia remained on Tier 1. These efforts included convicting more traffickers and providing comprehensive victim assistance, including robust pandemic mitigation efforts at government-run shelters. The government created guidelines for mobile victim identification units (mobile units) on identifying child victims and adopted the 2021-2022 national action plan (NAP). The government established the Labor Inspection Service (LPS) with a special unit for forced labor; and, the process of obtaining official victim status through the Permanent Group, a five-member board of NGO and international organization representatives, improved in comparison to 2019. Although the government meets the minimum standards, it investigated and prosecuted fewer suspects and identified fewer victims. Labor inspectors continued to lack the staff, resources, and training to fulfill labor oversight responsibilities. The government did not establish a work permit system for migrant workers, nor did it license and monitor recruitment agencies. Police conducted some ad hoc raids on commercial sex establishments without clear strategy or victim identifications. The government did not adequately publicize provide adequate public assessments or information on its efforts and at times lacked transparency.



## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Articles 143-1 and 143-2 of the criminal code. • Increase efforts to identify victims proactively, particularly individuals in commercial sex, child laborers and/or homeless children, and Georgian and foreign victims in vulnerable labor sectors. • Increase resources to plan intelligence and evidence-led law enforcement operations with victim-centered approaches. • Encourage victims' participation in investigations and prosecutions through victim-centered court procedures, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Implement procedures to improve the Permanent Group's ability to identify victims consistently and accurately. • Improve law enforcement capacity to investigate complex cases, including advanced training on money laundering, organized crime, and digital evidence. • Further incorporate the Labor Inspectorate into anti-trafficking efforts and increase its capacity and training to identify victims. • Improve measures to order restitution for victims, including training prosecutors and judges, on asset seizure, and legal assistance. • Establish procedures to license and monitor recruitment agencies and create a work permit system for foreign migrant workers to prevent recruitment fees and other trafficking vulnerabilities. • Increase awareness-raising campaigns about the existence of trafficking, legal recourse, and available protection services to vulnerable groups. • Increase transparency of the inter-ministerial trafficking coordination council and regularly publish information on the government's anti-trafficking efforts.

## PROSECUTION

The government maintained law enforcement efforts. Articles 143-1 and 143-2 of the criminal code criminalized sex trafficking and labor trafficking, and prescribed penalties ranging from seven to 12 years' imprisonment for offenses involving an adult victim, and eight to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 13 cases (17 in 2019)—nine sex trafficking cases and four labor trafficking cases, including two forced begging cases. Law enforcement continued to investigate 13 cases from the previous reporting period. The government prosecuted eight defendants in five cases (29 defendants in 2019); three defendants for child sex trafficking and five defendants for forced labor, including two defendants for forced begging. Courts convicted 26 child sex traffickers, a notable increase from the conviction of three traffickers for forced begging in 2019. Judges sentenced three traffickers to 20 years' imprisonment, two traffickers to 17 years' imprisonment, one trafficker to ten years' imprisonment and a fine of 20,000 lari (\$6,120), three traffickers to seven years' imprisonment and a fine of 20,000 lari (\$6,120), one trafficker to six years' imprisonment, 15 traffickers to five years' imprisonment, and one trafficker to three years' imprisonment.

The government maintained several specialized trafficking units, including the Anti-Trafficking and Illegal Migration Unit within the Central Criminal Police Department and six mobile units under the Ministry of Internal Affairs (MOIA). The Prosecutor General's Office (PGO) maintained five specialized prosecutors dedicated to trafficking cases and operated a task force with MOIA in the Adjara region with specialized investigators and prosecutors. Mobile units and the task force proactively investigated trafficking and inspected hotels, bars, bathhouses, nightclubs, casinos, and other high-risk businesses; mobile groups and the task force inspected 67 businesses (107 in 2019). The Tbilisi City Court maintained six specialized judges and the Tbilisi Court of Appeals maintained seven specialized judges assigned to handle "crimes against human beings," which included trafficking, but the remaining 27 courts did not have specialized judges. In response to the pandemic, courts transitioned to remote hearings, and the PGO supplied prosecutors with technical equipment and software, so trials, including those for trafficking cases, could continue. Observers reported the government lacked the knowledge and capacity to investigate forced labor, and authorities continued to require training on corroborating victim testimonies and evidence collection in complex cases involving financial crimes, organized crime, and digital evidence. Police raided some commercial sex establishments randomly rather than conducting intelligence-led operations, and, in previous years, observers reported a lack of transparency following police raids, including information on what happened to the individuals in commercial sex. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. All police cadets received basic training on trafficking issues, and the government, at times in cooperation with international organizations, trained investigators, border patrol, prosecutors, labor inspectors, and judges on various anti-trafficking issues. The government assisted Turkey with five mutual legal assistance trafficking-related requests, received one extradition request from the Russian Federation, signed a cooperation agreement with Spain to establish a joint analysis team on organized crime, and detailed two officers to France for six months to support investigations of Georgian organized criminal groups. The government reported the continued inability to conduct anti-trafficking efforts within the Russian-occupied Georgian territories of Abkhazia and South Ossetia.

## PROTECTION

The government maintained protection efforts. The government identified seven victims (30 in 2019 and five in 2018); two were victims of sex trafficking and five were victims of forced labor,

including three victims of forced begging; two adults were female, three adults were male, and three were children. In 2019, 24 were victims of sex trafficking and six were victims of forced begging; 28 were female and two were male; all were children. Mobile units and the task force screened 467 individuals (651 in 2019) in commercial sex or employed in vulnerable sectors for trafficking indicators. Authorities interviewed an additional two individuals deemed "high-risk" (two in 2019) due to work at businesses that violated labor standards. Authorities screened 1,177 Georgian nationals deported from other countries for trafficking indicators at the international airport and border crossings (2,521 in 2019). While the government reported fewer inspections and interviews because of business and border closures in response to the pandemic, observers reported a lack of government capacity to identify victims of forced labor and alleged that victim identification efforts, particularly raids on commercial sex establishments, were proven ineffective by the low number of identified victims. The government continued to use guidelines for victim identification, including the proper treatment of victims, screening for indicators, and victim-centered interview practices. The government drafted guidelines for mobile units on identifying child victims among children in labor and/or in homeless situations. A multidisciplinary national referral mechanism (NRM) provided standard operating procedures for officially identifying and referring victims to services. Law enforcement officially recognized victims who participated in investigations, and the Permanent Group assessed and officially recognized victims who declined to participate in investigations; both recognitions granted victims access to the same protection and assistance services. The Permanent Group comprised a five-member board of NGO and international organization representatives and was required by statute to convene and assess a potential victim within 48 hours. Law enforcement officially recognized seven victims, and the Permanent Group officially recognized three victims during the reporting period. GRETA and other experts reported the threshold to obtain victim status through the Permanent Group was high and shifted the burden of proof to victims. For example, the Permanent Group did not grant victim status in 2019, while law enforcement officially recognized all 30 identified victims. IOM reported the work of the Permanent Group improved in 2020, after the government adopted improvements to the procedures of the Permanent Group in 2019.

Government-run crisis centers in five cities and NGOs provided initial psychological care, medical assistance, legal support, and temporary shelter for potential victims awaiting official victim status. Additionally, the government operated anti-trafficking shelters in Tbilisi and Batumi and other victim assistance programs; the government allocated 760,750 lari (\$232,640) to the government-run anti-trafficking shelters, compared with 591,000 lari (\$180,730) in 2019. The government offered medical aid, psycho-social support, legal assistance, childcare services, reintegration support, and a one-time financial payment of 1,000 lari (\$310) to victims. Child victims received the same specialized assistance, in addition to custodial care, education, and family reintegration programs. The government-run shelters were staffed by a nurse and psychologist and offered separate sections for men, women, and children. Victims can initially stay at the shelter for three months, which authorities may extend upon the victim's request; the government-run shelters accommodated nine victims (six in 2019). Shelter staff chaperoned victims when leaving the shelter, but victims could request to leave the shelter unchaperoned. Five victims received medical care and psycho-social support, six received legal aid, and three received 1,000 lari (\$310) in cash assistance, compared with one victim receiving legal aid, one receiving medical care, and none receiving the 1,000 lari (\$310) in cash assistance in 2019. In March 2021, the government amended the law to remove a clause that denied victims the 1,000lari (\$310) cash assistance if they received restitution from their trafficker in court. Government-run shelters provided personal protective equipment, disinfectants, and COVID-19 tests and adopted social distancing measures, including a space for victims to quarantine for 14 days before moving to the shelter. The

government-run shelter also organized an epidemiologist to train nine staff members on victim assistance during a pandemic. While observers occasionally visited the two government-run shelters, experts reported an inability to assess the quality of services at the shelters due to a lack of independent evaluations of the operations and conditions. In previous years, observers reported government-run shelters focused on victims of domestic violence due to the low number of identified trafficking victims and were unable to provide specialized services to trafficking victims.

There were no reports the government penalized victims for crimes their traffickers compelled them to commit. The government provided equal services for domestic and foreign victims and granted foreign victims renewable one-year residence permits with the ability to seek legal employment; five victims received a residence permit (one in 2019). The government could provide repatriation assistance to Georgian victims returning to Georgia and foreign victims wishing to leave Georgia, but it reported no victims required repatriation assistance (none in 2019). The law required closed-door sessions for court proceedings and allowed victims to leave the country pending trial; however, experts reported law enforcement required victims to remain in country through the end of the trial, likely hindering victim cooperation, particularly from foreign victims wanting to repatriate, due to slow court proceedings. Six victims assisted law enforcement (24 in 2019). PGO's victim-witness coordinators provided counsel to victims from the beginning of the investigation through the end of the court proceedings; victim-witness coordinators provided assistance to 12 child victims and six adult witnesses. The law allowed recorded testimony or testimony by other technological means; three witnesses and one minor victim testified remotely using video conference devices (none in 2019). The law also allowed the possibility of placing a victim into the state's witness protection program; no victims required the use of witness protection in 2019 or 2020. Victims could obtain restitution through criminal proceedings or compensation through civil suits; however, judges have never awarded restitution or compensation to victims, and observers highlighted the failure to freeze and seize criminal assets as an obstacle to pursuing restitution from traffickers.

## PREVENTION

The government increased prevention efforts. The Inter-Agency Council on Combatting Trafficking in Persons (TIP Council) composed of representatives from various ministries, the international community, and civil society, implemented the 2019-2020 NAP and drafted and adopted the 2021-2022 NAP. The TIP Council produced a newsletter every three months and published information and statistics on anti-trafficking efforts on the Ministry of Justice's website; however, observers continued to report the TIP Council did not provide public assessments of government efforts and lacked transparency. The PGO managed a working group on forced labor, which met once in 2020 (four times in 2019). While the government organized a mock court competition for students and awareness campaigns targeting students, children, parents, and IDPs, an international organization continued to report Georgian authorities were reluctant to implement large-scale awareness campaigns in major cities due to the negative impact they believed it would have on the tourism industry. MOIA and the State Fund continued to operate anti-trafficking hotlines. The MOIA hotline received 46 calls related to trafficking (35 in 2019), and the State Fund hotline received 32 calls (25 in 2019). Authorities issued six temporary identification documents for homeless children and four for child victims of violence, compared with 14 temporary identification documents to homeless children and five for child victims of violence in 2019.

The Law on Labor Safety entered into force in September 2019 and expanded occupational safety and health standards and regulations, including unannounced inspections. In January 2021, the government established LPS with 60 labor inspectors, including a special unit for forced labor and labor exploitation. Labor inspectors inspected 120

businesses (149 in 2019); of these, all were unannounced inspections, and no cases were referred to the police for further investigation (one in 2019). However, experts continued to report labor inspectors did not have the staff, resources, and training to fully implement their labor oversight responsibilities, including for forced labor. Additionally, the government did not have a work permit system for migrant workers, nor did it license and monitor recruitment agencies. The Ministry of Internally Displaced Persons, Labor, and Health and Social Affairs required intermediary companies in Georgia assisting Georgian citizens in finding employment abroad to submit annual reports. The government fined intermediary companies that did not submit a report 300 lari (\$92); five companies were fined (none in 2019). The government signed a labor agreement with Israel to facilitate temporary employment of Georgian migrant workers in medical facilities. Due to the pandemic, the government-chartered flights to help return stranded Georgian migrant workers and extended the right to legal stay for all foreign migrants legally in Georgia until July 30, 2021. The government did not make efforts to reduce the demand for commercial sex acts. The government drafted a law to prevent forced labor in public procurement supply chains and shared it with the EU Commission for comment.

## TRAFFICKING PROFILE

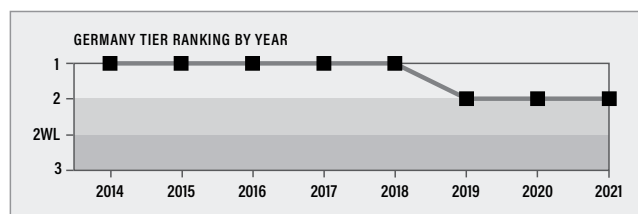
As reported over the past five years, human traffickers exploit domestic and foreign victims in Georgia, and traffickers exploit victims from Georgia abroad. Traffickers recruit victims with false promises of well-paying jobs in tea processing plants, hospitals, salons, restaurants, and hotels. Traffickers exploit women and girls from Georgia in sex trafficking within the country and in Cyprus, Egypt, Turkey and the United Arab Emirates (UAE). Georgia is also a transit country for women from Kyrgyzstan, Tajikistan, and Uzbekistan exploited in Turkey. Traffickers exploit women from Azerbaijan and Central Asia in sex trafficking in the tourist areas of the Adjara region and larger cities, like Tbilisi and Batumi, in saunas, brothels, bars, strip clubs, casinos, and hotels. Georgian men and women are exploited in forced labor within Georgia and in Cyprus, Egypt, Turkey, and UAE. Georgian, Romani, and Kurdish children are subjected to forced begging and sometimes coerced into criminality in Georgia. Chinese women in commercial sex and Southeast Asian women working in massage parlors are vulnerable to sex trafficking. No information was available about the presence of human trafficking in the Russian-occupied Georgian regions of Abkhazia and South Ossetia; however, the government and NGOs consider IDPs from these occupied territories particularly vulnerable to trafficking. Separately, some observers report anecdotal evidence of migrants being subjected to forced labor. Additionally, North Korean nationals working in Abkhazia may have been forced to work by the North Korean government.

## GERMANY: TIER 2

The Government of Germany does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Germany remained on Tier 2. These efforts included prosecuting more suspected traffickers and convicting more traffickers than the prior year, as well as increasing funding for victim protection. The government also passed a law and an amendment aimed at increasing protections for vulnerable migrant workers against labor trafficking. However, the government did not meet the minimum standards in several key areas. Lenient sentencing, resulting in 72 percent of traffickers receiving fully suspended sentences, fines, or less than one year imprisonment undercut efforts to hold traffickers accountable. The government investigated fewer suspected traffickers and remained without a national victim identification and referral



mechanism for all forms of trafficking. The government continued to report incomplete data on victims provided with care, and labor trafficking law enforcement efforts remained low compared with sex trafficking.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected labor and sex traffickers, and sentence convicted traffickers to adequate penalties, which should involve serving significant prison terms. • Increase prioritization of labor trafficking, including victim identification and investigation and prosecution of labor traffickers. • Ensure equitable treatment of victims by creating a national identification and referral guideline for all forms of trafficking across all states. • Ensure systematic and continuous anti-trafficking training for immigration officers to increase proactive victim identification among foreign migrants and asylum-seekers. • Ensure systematic provision of care for child victims and extend more specialized care, services, and accommodations for male victims. • Adopt a national anti-trafficking action plan for all forms of trafficking. • Increase awareness and availability of robust human trafficking training courses for judges that adjudicate trafficking cases. • Increase the capacity of investigators, prosecutors, and courts with specific expertise on trafficking cases to minimize delays in bringing cases to trial and consider additional dedicated human trafficking units. • Increase worker protections by eliminating recruitment or placement fees charged to workers by German labor recruiters and ensuring employers pay any recruitment fees. • Implement effective regulations and oversight of recruitment companies and industries composed predominantly of migrant workers, which are consistently enforced, including prosecution for fraudulent labor recruitment and labor trafficking. • Appoint a national rapporteur to provide independent review of government efforts on both labor and sex trafficking. • Establish a uniform and comprehensive data collection system, including publicly available disaggregated data on sentencing where courts convict defendants of both trafficking and one or more other serious crimes. • Appoint a national coordinating body, responsible for both sex and labor trafficking, to increase harmonization of the institutional framework and coordination structures at the federal and state levels. • Increase efforts to order restitution for victims.

### PROSECUTION

The government maintained mixed law enforcement efforts; prosecutions and convictions increased while investigations decreased and sentencing of convicted traffickers remained lenient. The criminal code criminalized sex trafficking and labor trafficking under Sections 232, 232(a), 232(b), 233, and 233(a) and prescribed punishments of six months to 10 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The law did not require proof of force or coercion to prosecute suspected sex traffickers when victims were younger than 21. The complex wording and scope of the trafficking and exploitation sections in the Criminal Code (Sections 232 to 233a) reportedly resulted in state prosecutors sometimes charging suspected traffickers with offenses considered easier to prove than coercion in labor and sex trafficking. As a federal system, jurisdiction for criminal prosecutions in Germany rested with state courts and consequently procedures, staffing, and funding varied from state to state.

State governments completed 313 pre-trial trafficking investigations of 472 suspects in 2019, the most recent year for which the government had comprehensive statistics, a decrease compared with 386 investigations into 602 suspects in 2018. Of the investigations, there were 287 for sex trafficking (compared with 356 in 2018), 14 for labor trafficking (compared with 21 in 2018), one for forced begging (compared with two in 2018), and 11 for forced criminality (compared with seven in 2018). Police identified 430 suspects for sex trafficking (compared with 552 in 2017), 22 for labor trafficking (compared with 30 in 2018), one for forced begging (compared with 10 in 2018), and 19 for forced criminality (compared with 10 in 2018). Sex trafficking suspects were primarily German, Romanian, and Bulgarian. Half (50 percent) of the suspects were acquainted with the victim prior to exploiting them in sex trafficking.

For each case in which a court convicted a defendant of multiple crimes, published government statistics reported it only under the charge with the highest statutory sentence. Therefore, previously reported statistics did not include cases in which the court convicted a defendant of trafficking and where that defendant received an aggregate sentence for another crime that carried a higher statutory sentence. Historically, the government only provided prosecution and conviction statistics for human trafficking cases where it was the primary charge; however, for the first time the government provided statistics for the number of suspects it prosecuted and convicted with human trafficking as a secondary charge. In 2019, the states collectively prosecuted 81 defendants with trafficking as the primary charge, a decrease compared with 96 in 2018. The government prosecuted at least 134 suspects with human trafficking as the secondary charge in 2019, an increase compared with at least 99 from 2018. Total prosecutions for 2019 were at least 215, while total prosecutions for 2018 were at least 195. Courts convicted 61 traffickers with trafficking as the primary charge in 2019, compared with 68 in 2018. For convictions with human trafficking as the secondary charge, courts convicted 134 traffickers in 2019, an increase compared with 99 in 2018. The total convictions for 2019 were 195, compared with 167 in 2018. The government only provided sentencing statistics for convictions with trafficking as the primary charge. Of the 61 convictions with trafficking as the primary charge in 2019, 36 (59 percent) resulted in fully suspended sentences with traffickers serving no prison time (the same percentage as in 2018), six traffickers (10 percent) received only fines (compared with 17 percent in 2018), and two traffickers (3 percent) were sentenced to under one year in prison (compared with 1 percent in 2018). This resulted in 72 percent of convicted traffickers receiving either a fully suspended sentence, a fine, or less than year in prison, which did not serve to deter the crime or adequately reflect the nature of the offense. Seventeen of the 61 convicted traffickers received significant prison sentences (28 percent) of more than one year in prison (compared with 23 percent in 2018). Of the 17 significant sentences, one trafficker was sentenced to between one and two years, eight traffickers were sentenced to between two and three years, seven traffickers were sentenced to between three and five years, and one trafficker was sentenced to between five and 10 years' imprisonment. However, in comparison, about the same percentage of defendants, 49 percent, convicted of rape in 2019 served prison time, as those convicted specifically for sex-trafficking crimes, 43 percent. Under German sentencing practices, judges typically suspended sentences under two years, particularly for first-time offenders, for most crimes including human trafficking. This practice weakened deterrence, potentially undercut efforts of police and prosecutors, and created potential security and safety concerns, particularly for victims who cooperated with investigations and prosecutions. Current standards in classification and procedure in data collection, in addition to strict privacy laws, continued to result in incomplete data and underreporting. This likely lowered both the reported number of trafficking convictions and the average length of sentences.

Prioritization of labor trafficking remained a concern during the reporting period, and law enforcement efforts remained low compared

with sex trafficking. Compared with 2018 (21 investigations), the government decreased its labor trafficking investigations in 2019 (14 investigations). In 2019, six suspects were prosecuted for labor trafficking and four traffickers were convicted, but only one labor trafficker served jail time, although it was under one year and therefore not a significant sentence. This compared with five prosecuted and four convicted in 2018, though none served jail time. Notable cases during the reporting period included four criminal proceedings, three of which remained ongoing, involving suspected Islamic State members accused of enslaving Yazidi women and children, with several charged with human trafficking offenses committed outside Germany. The trials conducted in Germany are considered the first in the world for international crimes committed against the Yazidi population. In 2020, there were also several notable human trafficking cases that were overturned on appeal of the public prosecutor because the sentences were inadequate as the defendants were initially charged with lesser crimes instead of human trafficking; when the cases were heard again, courts issued more stringent penalties for human trafficking. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

Frequent turnover, insufficient personnel, and limited dedicated trafficking resources hindered law enforcement efforts, sometimes leading to protracted court cases that were ultimately dismissed due to the statute of limitations or the unwillingness of victims to participate in prolonged proceedings. The federal criminal police (BKA) had dedicated human trafficking investigators. Most, but not all, states had dedicated anti-trafficking investigation units, and a couple of states had specialized prosecutors. Although prosecutors with experience assisting victims through trial processes frequently led sex trafficking cases, labor trafficking cases were more often assigned to financial, economic, or organized crime sections that lacked similar experience. The government and state-funded NGOs continued to organize and provide training to law enforcement officials, although civil society recommended increased labor trafficking training, specifically with regard to identifying migrant workers as trafficking victims. The government's counseling centers for agencies and professionals working on trafficking cases continued to provide training to prosecutors on forced labor and provided new anti-trafficking training to local job center personnel; the government did not report how many officials it trained during the reporting period. A government-funded NGO delivered an online trafficking training for police and the Justice Ministry and another training at a police training academy but did not report how many officials received training. One state police academy held a two-day training on victim protection and a government-funded NGO held a labor trafficking training attended by 50 law enforcement and immigration officials from all 16 states. While judges could not be compelled to attend training courses, many voluntarily participated in some form of training including at the German Judicial Academy, though there were no human trafficking-specific courses available in 2020. The BKA maintained an information portal for federal and state police forces with information on current trends, guidelines, and investigative tools for combating trafficking. The Service Center against Labor Exploitation, Forced Labor and Trafficking in Human Beings (*Servicestelle*) also maintained an online platform that provided access to information on guidelines, agreements, and counseling centers for victims. Federal and state-level police continued to collaborate with EUROPOL and foreign governments, notably Kosovo, Luxembourg, the Netherlands, Nigeria, Romania, and Switzerland on international trafficking investigations, which resulted in the arrest of at least one suspect. In 2019, Germany extradited 33 suspected traffickers to 12 countries and received eight trafficking suspects from three countries. The government began a joint investigation with the Government of Brazil of a suspected German sex tourist; at the close of the reporting period the investigation was ongoing.

## PROTECTION

The government maintained overall protection efforts, while increasing funding for NGO-run counseling centers. In 2019, the most recent year for which comprehensive statistics were available, state government authorities, who are responsible for protection efforts, identified 494 trafficking victims, similar to 503 victims identified in 2018. In 2019, government-funded NGOs identified 987 trafficking victims, although these victims may also have been counted in the government statistics, making the total number of identified victims uncertain. Of the government-identified victims, 427 were victims of sex trafficking (430 in 2018) and 67 of labor trafficking, which included one forced begging victim and 23 forced criminality victims. This compared with 73 labor trafficking victims identified in 2018, which included two forced begging victims and 8 forced criminality victims. Almost all sex trafficking victims were female (95 percent) and approximately 14 percent of all sex trafficking victims were children. The majority of identified sex trafficking victims were from Germany (22 percent), Thailand (21 percent), and Romania (17 percent). The majority of labor trafficking victims were from Ukraine and the majority of victims in forced criminality were from Belarus and Poland. Most labor trafficking victims were identified in the construction sector and private households in 2019. While the government did not report the total number of victims that received care, of the 427 identified sex trafficking victims, at least 116 received care, including 89 from specialized counseling centers and 27 from youth welfare offices. This was a decrease compared with 157 sex trafficking victims and 16 children referred to specialized counseling centers and youth welfare offices in 2018. The police continued to proactively identify human trafficking victims, but unlike prior years, the majority of sex trafficking victims in 2019 were self-identified. However, in its 2019 report, GRETA noted that the official figures of identified trafficking victims did not reflect the true scale of human trafficking in Germany due to the absence of a comprehensive and coherent approach to detecting and identifying victims, including among migrants and asylum seekers, problems with data collection, and insufficient prioritization of labor trafficking. Some NGOs reported the number of sex trafficking victims increased following the implementation of the prostitution law, while other NGOs continued to express concern that trafficking victims would either not register or register without disclosing trafficking crimes; despite this, sex trafficking victim identification did not correspondingly increase.

Germany did not have a single national victim identification or referral mechanism to address all forms of trafficking and both children and adults remained without systematic provision of care, though there was a national identification and cooperation guideline tool for children. At the federal level, there were procedures in place to identify and refer victims to care, but most victim care was handled at the state level. Each state had a separate system to refer victims to either state-run support or NGOs, and several states had written identification guidelines. In 2020, two government-funded NGOs published trafficking identification and indicator brochures, one of which included contact information for counseling centers in 15 of 16 states. Thirteen of 16 states also had formal cooperation agreements in place between police and NGOs for various purposes, but not all included all forms of trafficking, such as labor trafficking, forced begging, and forced criminality. The Federal Agency for Migration and Refugees (BAMF) continued to utilize its standard operating procedures and trafficking indicator lists to identify potential victims in the asylum protection system and made referrals to counseling centers, though NGOs continued to suggest improvements in victim identification. While foreign migrant and asylum-seeking victims were entitled to social benefits and deportation relief, unidentified victims among the asylum-seeking population remained vulnerable as they could be deported back to their first country of EU entrance without first receiving protection services. The government occasionally returned trafficking victims seeking to transfer asylum claims to Germany to their original arrival country, which sometimes included their traffickers. An NGO noted that during the reporting period officials increased

scrutiny of trafficking victims seeking asylum, which could have left some victims unidentified within the asylum-seeking system. Civil society noted that non-specialized immigration and police officers rarely identified trafficking victims among the asylum-seeking and migrant populations, even when victims directly referenced trafficking experiences, especially if NGOs or counseling centers were not involved. A November 2020 NGO policy paper concluded that BAMF officers required additional training and resources to manage their workloads. Each BAMF branch office in Germany included at least one representative to assist in identifying and supporting potential trafficking victims, and BAMF had a total of 210 specialized personnel that could adjudicate asylum cases. The Prostitute Protection Act of 2016 required officials across all states to screen for trafficking indicators during registration of individuals in commercial sex and frequently resulted in officials identifying numerous individuals subjected to force, fraud, or coercion. The criminal procedure code exempted trafficking victims from criminal prosecution for minor unlawful acts traffickers compelled them to commit; however, authorities occasionally arrested victims for immigration violations that may have been a result of their exploitation.

The government provided victim services through the Network against Trafficking in Human Beings (KOK), the government-funded NGO network charged with coordinating and overseeing victim support efforts across Germany. In 2020, national government funding for the KOK's management operations was €500,000 (\$613,500), the same as 2019. The government also allocated approximately €271,000 (\$332,520) to the NGO that operated the *Servicestelle*, an increase from approximately €176,000 (\$215,950) in 2019. State governments also supported trafficking victims and in 2020 allocated approximately €3.3 million (\$4.05 million) to human trafficking NGOs. In 2020, the federal and state governments also funded several specific programs to directly address increasing costs of care due to the pandemic; the programs were broad and included funding for shelters and counseling centers for victims of crime, including trafficking victims. Government-funded NGO counseling centers served both labor and sex trafficking victims, although many centers only had a mandate to work with female sex trafficking victims. Trafficking-specific NGO service providers operated in 45 cities and 15 of 16 states, providing shelter, medical and psychological care, legal assistance, vocational support, and assistance acquiring residence permits. Trade union-affiliated and NGO-run migrant counseling centers also supported labor trafficking victims and had offices in every state. There was limited long-term or comprehensive support, including shelter, within these centers for children, transgender females, and male trafficking victims; KOK noted overall availability of services and shelters was inconsistent across states. In 2020, due to the pandemic, many shelters and counseling centers were temporarily closed or operated at a significantly reduced capacity, while other victim assistance services transitioned to virtual platforms, which limited access for some victims without internet.

Prosecutors, together with other authorities, offered undocumented victims a reflection period of three months to decide if they would testify in court, but the government did not report how many victims received this reflection period. Victims who agreed to testify were eligible for temporary residence permits, which allowed them to remain and work in Germany through the duration of the trial; however, the government did not report how many victims received permits during the reporting period. The law entitled victims to an interpreter and a third-party representative from a counseling center to accompany them to all interviews. The law provided legal alternatives to removal to countries in which victims would face retribution or hardship. After the completion of their trafficker's trial, the law granted officials the authority to issue residence permits to victims in cases of humanitarian hardship, for public interest, or who faced injury or threats to life or freedom in their countries of origin; however, GRETA noted there were significant discrepancies from state to state in the application of the law. Further, in September 2020, the federal court ruled that immigration authorities failed to properly

take into account the human trafficking situation an applicant would face upon deportation to their home country when they rejected the applicant and referred the application for reconsideration. Counseling centers reported specialized trafficking BAMF officers were not always involved or included in deportation hearings. Family members were eligible for residency in certain circumstances. Subject to certain requirements, victims could join criminal trials as joint plaintiffs and were entitled to free legal counsel, an interpreter, and pursuit of civil remedies as part of the criminal proceeding. While the law allowed for compensation from the government, it could only be awarded to victims who had experienced direct physical violence and the government did not report whether it awarded compensation to any victims during the reporting period. The government amended the Victims of Crime Act in November 2019 to address the requirement of physical violence and expand protections to include psychological violence once it enters into force in January 2024; this may result in more restitution awards to trafficking victims. The government reported awarding restitution to two sex trafficking victims during the reporting period as a result of civil suits filed in conjunction with criminal charges (compared to none in the prior reporting period). NGOs and GRETA reported that victims were not systematically informed of their rights. The law allowed victims to submit video testimony. During the reporting period, the government took measures to lessen the burden on victims and their potential re-traumatization by trying to reduce the number of times they had to testify in trials, sometimes not requiring them to do so. The government offered witness protection as needed, and police would accompany witnesses to trials; in 2020, the government provided a total of 13 trafficking victims witness protection compared with 17 in 2019.

## PREVENTION

The government maintained efforts to prevent trafficking. Germany remained without a national action plan for all forms of trafficking; however, the government did have a draft strategy to combat labor trafficking. The government did not have a dedicated national anti-trafficking coordination committee addressing all forms of trafficking but had three federal-state interagency working groups that coordinated with each other and addressed all forms of trafficking. The government working groups met four times in 2020 to discuss a variety of antitrafficking efforts, including the appointment of a national rapporteur, identification of and services to child victims, online exploitation, and worker protections in the construction industry. Additionally, in 2020, the government created a separate division in the Federal Ministry for Families, Seniors, Women, and Youth (BMFSFJ) to coordinate human trafficking efforts at the international level and national efforts on sex trafficking, whereas the Federal Ministry of Labor and Social Affairs coordinated efforts on labor trafficking. BMFSFJ facilitated the development of several pandemic-related response programs for trafficking victims and advocated for increased attention for labor and child trafficking. The government remained without a national rapporteur, a key recommendation of GRETA's 2019 and 2015 reports. The government continued to publish its annual report on human trafficking. The government directly organized one national awareness raising campaign, which focused on violence against women but included information on sex trafficking; the government also organized one regional awareness campaign that focused on sex trafficking and displayed 2,000 posters in strategic places. The federal government, through NGOs, co-funded various awareness events and conferences, including a project implemented by KOK targeting trafficking victims in the context of asylum and international protections, a seminar attended by 70 participants from the government and NGOs, and 19 other events during the reporting period. The federal government did not have a trafficking-specific hotline but continued to fund a 24/7 hotline in 17 languages for women affected by violence; in 2019, the hotline received calls from 96 potential trafficking victims (compared with 68 in 2018), but no further information was available. Additionally, the government had several other national and regional hotlines for sexual violence and male victims of violence, including trafficking, in addition to a government-funded NGO-operated national helpline



for migrant workers; however, statistics on trafficking victims were unavailable for these hotlines.

Inadequate oversight, fraudulent labor recruitment, and the continued vulnerability of migrant and seasonal workers remained concerns during the reporting period. While there were some regulations in place to protect migrant workers from labor recruiters and exploitative companies, including subcontracting companies, they were not effective, and the government did not report holding any civilly or criminally liable for fraudulent recruiting or labor trafficking during the reporting period. The law allowed German labor recruiters to charge up to €2,000 (\$2,450) in recruitment fees to non-temporary workers. Private labor recruiters did not require a license to operate. Though the government limited the number of seasonal workers during the reporting period due to the pandemic, some of the measures put into place increased trafficking vulnerabilities, including the inability for many workers to change their employer after arrival. There were also reports from NGOs that German agricultural companies were withholding identification documents from migrant workers and not complying with regulations regarding minimum wage, working hours, and hygiene conditions. In 2020, the government passed laws aimed at increasing protections for migrant workers by requiring government funding for counseling services, limiting the number of subcontracting companies in the meat processing industry, expanding inspection mandates, increasing penalties, and electronically tracking work hours. The Federal Customs Financial Control of Illegal Work (FKS) office reported conducting 44,702 labor inspections in 2020 compared with 54,733 in 2019. In one operation, FKS investigated 45 people and initiated 19 criminal proceedings, the majority of which were against foreign workers for illegal employment-related crimes, but also included several cases of wage-related labor exploitation and false documentation.

While the government did not systematically provide anti-trafficking training to its diplomatic personnel prior to their departure, for domestic workers employed by embassies in Berlin, authorities conducted annual in-person interviews without employers present and required proof of salary and informed workers of their rights. The government previously extended the mandate of FKS to include trafficking, thereby increasing staff that could potentially identify forced labor victims. However, FKS did not have the authority to perform labor inspections of workers in domestic households – where most labor trafficking victims were identified – without the homeowners' consent, increasing vulnerability to trafficking. In 2020 the government initiated a bilateral labor agreement with the Government of Romania and signed two bilateral labor agreements with the Governments of Bulgaria and Georgia, which focused on the protection of vulnerable migrant workers, but they have yet to be implemented. The government partnered with Bulgaria and produced a brochure on Bulgarian workers' rights and available services for distribution in Germany. The government provided funding to several anti-trafficking programs abroad, including Mauritania and Niger. The government did not make efforts to reduce the demand for commercial sex acts. During the reporting period, the government demonstrated efforts to reduce the demand for international sex tourism by German nationals through an awareness campaign and through a joint investigation of a suspected German sex tourist with the Government of Brazil. In May 2020, the Government of Kenya arrested a German national for sex trafficking and child sex tourism; however, information on cooperation with Germany was unavailable.

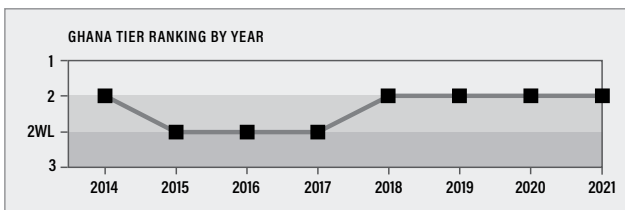
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Germany. The pandemic exacerbated vulnerabilities for trafficking victims, including increased isolation of migrant and seasonal workers as well as sex trafficking victims, which complicated detection by officials and NGOs. Sex traffickers increasingly use online platforms to recruit, exploit victims, and book apartment rentals to make their illicit operations difficult to track, in part because of the pandemic. Most identified sex trafficking victims in Germany are EU citizens, primarily German citizens, Bulgarians,

and Romanians (of which a significant percentage are ethnic Roma). Victims also come from most other regions of the world, particularly China, Thailand, Nigeria, and other parts of Africa. Transgender women from Thailand are particularly vulnerable to sex trafficking and are often misled regarding their working conditions and wages prior to their arrival. Family members in organized groups force victims into trafficking situations and reports estimate around 11 percent of sex trafficking victims are recruited by trusted family members. Similarly, Roma families sometimes force their children, both male and female, into commercial sex on the streets. Authorities continue to report the prevalence of young male traffickers, known as "lover boys," coercing girls and women into sex trafficking, often through a sham romantic relationship. Traffickers continued to target migrants and refugees upon arrival. Traffickers, namely Nigerian "madams", continue to fraudulently recruit and later coerce Nigerian women and girls to stay in exploitative situations using a "voodoo oath" they are forced to swear, while Nigerian "fraternities" increasingly recruit victims through force. Some NGOs report that the number of sex trafficking victims increased over the first few years following the implementation of the 2016 prostitution law. The Nigerian and European mafias increasingly cooperate to facilitate human trafficking from Africa. Several foreign governments continue to report German citizens engage in sex tourism abroad. Labor trafficking victims are predominantly male and European, including from North Macedonia, Latvia, Ukraine, Bulgaria, Poland, and Romania, but also Afghanistan, Pakistan, and Vietnam. Traffickers exploit victims of forced labor primarily at construction sites, but also in hotels, seasonal industries, restaurants, and in private homes, with reported increases in the number of child victims. Foreign workers are vulnerable to labor trafficking, particularly in meat processing plants, and especially when companies hire employees through subcontractors, who may have used fraudulent practices to recruit workers to the jobs. Traffickers subject Roma and foreign unaccompanied minors to sex trafficking, forced begging, and other coerced criminal behavior.

## GHANA: TIER 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Ghana remained on Tier 2. These efforts included convicting more labor traffickers, opening a dedicated shelter for child trafficking victims, and increasing funding for victim services. The government trained law enforcement, judicial officials, community leaders, and service providers, and held numerous public awareness raising activities. However, the government did not meet the minimum standards in several key areas. The government did not prosecute or convict any alleged sex traffickers and identified fewer victims. A lack of adequate resources for law enforcement continued to hinder investigations and prosecutions, and shelter capacity remained insufficient. The government did not adequately address corruption in trafficking crimes, including alleged complicity from officials who facilitated trafficking, and it did not amend the anti-trafficking act regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker was a parent or guardian of the child victim.



## PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and sentence convicted traffickers under the 2005 human trafficking law, including complicit officials, and apply significant prison terms as prescribed by law to those convicted. • Increase funding and resources for law enforcement to enable criminal investigations and victim identification. • Train law enforcement and judicial officials on how to identify, investigate, and prosecute trafficking cases under the 2005 human trafficking law. • Amend the 2015 implementing regulations for the 2005 human trafficking law to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. • End the ban on recruitment of Ghanaian workers to countries in the Gulf; implement the 2020 National Labor Migration Policy and ensure employers pay any recruitment fees; and investigate and prosecute recruitment agents suspected of participating in trafficking Ghanaian migrant workers. • Train law enforcement and service providers on the standard operating procedures to identify victims and refer them to services; implement the procedures in all regions. • Proactively screen for trafficking indicators among vulnerable populations—including Ghanaian women traveling abroad for domestic work, returning migrants, domestic and foreign workers on Chinese-operated fishing vessels, and Cuban medical professionals—and refer victims to services. • Train law enforcement on advanced investigative techniques in trafficking cases, including surveillance and evidence collection. • Increase cooperation between law enforcement and prosecutors on case development. • Improve data collection on law enforcement statistics and victim identification.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2005 Human Trafficking Act, amended in 2009, criminalized sex trafficking and labor trafficking. The Human Trafficking Act prescribed penalties of a minimum of five years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, the 2015 regulations for this Act, which are non-discretionary and have the force of law, provided specific guidance on sentencing depending on the circumstances; in general, the term is not less than five years' imprisonment and not more than 25 years' imprisonment, but if a parent, guardian, or other person with parental responsibilities facilitates or engages in trafficking, they are liable to a fine, five to 10 years' imprisonment, or both. By allowing for a fine in lieu of imprisonment, these penalties were not commensurate with those for other serious crimes, such as rape.

Authorities investigated 87 trafficking cases, including 63 labor trafficking and 24 sex trafficking cases, in 2020, compared with investigating 137 cases in 2019. The government initiated prosecutions of 18 alleged labor traffickers and continued prosecutions of four alleged labor traffickers, compared with prosecutions of 37 defendants in 2019. Additionally, the government prosecuted four defendants for exploitative child labor using the Children's Act of 1998, compared with five in 2019; in some cases, the government prosecuted trafficking cases under the Children's Act when there was insufficient evidence of trafficking. The courts convicted 13 labor traffickers in 2020, an increase compared with convictions of 10 traffickers in 2019. The government did not report prosecuting or convicting any alleged sex traffickers, compared with prosecutions of 15 defendants and convictions of three sex traffickers during the previous year. Of the 13 traffickers convicted, the courts sentenced nine traffickers between five years' and 18 years' imprisonment, which was in compliance with penalties prescribed under the 2005 human trafficking law. The courts sentenced one trafficker to 14 days' imprisonment and a 6,000 Ghanaian cedis (\$1,030) fine, fined one trafficker 3,600 cedis (\$620), and fined two defendants 240 cedis (\$41) for child labor violations. In 2019, the government initiated prosecutions of two defendants for operating a labor recruitment firm without a license; the government did not report if it continued the prosecutions in 2020.

The government did not report any investigations, prosecutions, or convictions of government officials allegedly complicit in human trafficking crimes; however, official corruption and complicity in trafficking remained concerns, inhibiting law enforcement action during the year. Observers alleged that traffickers operated with the support or acquiescence of law enforcement or justice officials, and that some government officials interfered in law enforcement proceedings. Although not explicitly reported as human trafficking, an international organization reported two cases of sexual exploitation and abuse with trafficking indicators from previous reporting periods involving Ghanaian peacekeepers deployed to the UN peacekeeping mission in South Sudan; the international organization substantiated the allegations and repatriated the individuals. The government initiated investigations of both cases, and in at least one case, dismissed the charges for lack of evidence after unsuccessful attempts to obtain witness testimony.

Government officials and NGOs reported the government did not provide sufficient resources, facilities, land and marine vehicles, or funds for operation to law enforcement for investigations of trafficking cases. This, combined with a lack of shelter facilities for identified victims in most regions, delayed investigations, operations to remove potential victims from exploitative situations, and prosecutions. Inadequate evidence collection, weak collaboration between prosecutors and police, and a lack of experienced state attorneys hampered prosecution of suspected traffickers. The government continued providing introductory anti-trafficking training for Ghana Police Service and Ghana Immigration Service (GIS) recruits. In collaboration with NGOs and foreign donors, the government trained 58 law enforcement officials on trafficking, investigative techniques, and victim support and conducted capacity building training for 97 justice officials and 55 staff members on gender-based violence and human trafficking.

## PROTECTION

The government decreased victim identification efforts, but increased protection efforts, including victim services and shelter capacity. The government reported identifying and referring to care 391 trafficking victims in 2020, compared with identifying 611 victims in 2019. Additionally, NGOs identified 108 trafficking victims, compared with identifying 172 during the previous year. Of the total 499 victims, there were 454 victims of labor trafficking and 45 victims of sex trafficking, compared with 508 labor trafficking and 98 sex trafficking victims in 2019. Unlike the previous year, the majority of identified victims were children (417 child victims identified in 2020, compared with 200 child victims in 2019), and a majority were Ghanaian (442 Ghanaian victims identified in 2020, compared with 276 Ghanaians in 2019). Most of the 57 foreign national victims identified were Nigerian. Officials referred all 499 victims to government shelter services or NGOs for care.

The government had standard operating procedures (SOPs) to identify trafficking victims and refer them to services; however, officials did not consistently apply the SOPs, and NGOs reported that a lack of logistical resources sometimes hampered implementation. The government operated one shelter for adult female trafficking victims, which cared for 67 trafficking victims in 2020. The government, with an international organization's support, opened a dedicated shelter for child trafficking victims in August 2020, which cared for 27 children during the reporting period. A government-run shelter for victims of child abuse could also accommodate child trafficking victims. There were no shelters for adult male victims, and most men received short-term housing followed by reintegration support. Government services for women and children included shelter, medical care, needs assessments, psycho-social care, education and skills training, interpretation for foreign national victims, assistance obtaining identity documents, registration with the national health service, and assistance during legal proceedings. The government expended 450,000 cedis (\$77,450) for victim services and an additional 140,000 cedis (\$24,100) for shelter renovations and operations in 2020; this

was an increase compared to expending 219,580 cedis (\$37,790) for victim care in 2019. Relying on private facilities operated by NGOs and faith-based organizations, the government referred most child trafficking victims to one of 11 privately operated shelters that provided or coordinated provision of services. However, overall shelter capacity for child trafficking victims remained insufficient. Foreign victims reportedly had the same access to care as domestic victims, and the government provided care and repatriation assistance to 37 foreign national victims. Foreign victims could seek temporary residency during legal proceedings and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest; officials reported no victims sought temporary or permanent residency during the year. The government helped facilitate repatriations of 4,000 Ghanaian workers from Gulf states, including potential trafficking victims, and provided reintegration assistance. An international organization identified and assisted at least 48 Ghanaian trafficking victims exploited in the Middle East in 2020. The government trained more than 120 social workers, care providers, and shelter staff on topics ranging from trafficking indicators and trends, comprehensive screening, victim care, support for child victims, shelter management, and shelter security with support from NGOs and a foreign donor.

The government, in cooperation with NGOs, assisted victims who chose to participate in law enforcement proceedings against their traffickers, including funding for lodging, transportation, and psycho-social support. Victims could provide video or written testimony, and some courts had child-friendly spaces that allowed child victims to testify from a separate room via video. The government did not report how many victims, if any, participated in proceedings against their alleged traffickers in 2020, compared to 73 adults in 2019. Officials and NGOs reported that prolonged adjournments slowed prosecutions and impeded victims' participation. Ghanaian law allowed trafficking victims to obtain restitution, and in one case, the court awarded one victim 5,000 cedis (\$861). Victims could file civil suits against their traffickers; the government did not report whether any victims did so during the reporting period. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit.

## PREVENTION

The government modestly increased anti-trafficking prevention efforts. The Human Trafficking Management Board—the inter-ministerial committee mandated to administer the Human Trafficking Fund (HTF), advise the Ministry of Gender, Children and Social Protection (MOGCSP) on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims—continued meeting quarterly. The government continued implementing the 2017-2021 National Plan of Action for the Elimination of Human Trafficking in Ghana (NPA). The government allocated 1 million cedis (\$172,120) to the HTF and 160,000 cedis (\$27,540) for the NPA's implementation, compared with allocating 1 million cedis (\$172,120) to the HTF and 181,510 cedis (\$31,240) to the NPA in 2019.

The government conducted trainings and public awareness-raising activities with a wide array of government officials, civil society stakeholders, and community leaders at the national, regional, district, and local levels, often in collaboration with NGOs and international organizations. This included sensitizing 600 residents in four fishing communities with documented cases of child trafficking on human trafficking and child labor, in coordination with a foreign donor. Community and district child protection committees supported and participated in NGO-led capacity building trainings. The government disseminated anti-trafficking educational materials, including posters, flyers, digital materials, radio ads, and documentaries, and commemorated World Day against Trafficking in Persons by conducting media outreach and engaging over 85 traditional leaders and stakeholders. In collaboration with an NGO and in fulfillment of a bilateral partnership, representatives of the

enforcement and protection agencies responsible for addressing child trafficking met at least twice to improve coordination of anti-trafficking efforts. Local government authorities and community leaders in 54 communities in six regions continued to partner with an NGO to conduct community-level activities on child trafficking prevention, identification, and reintegration of child trafficking victims, and on increasing access to social and economic services. The government continued implementing a standardized trafficking data collection system in three regions with an international organization's support, and began expansion to two additional regions; however, the system was not widely used during the reporting period. The MOGCSP operated a hotline in English and six local languages for victims of abuse, although it did not report identifying any trafficking victims or initiating any trafficking investigations as a result. The government did not report if labor inspectors identified any trafficking victims or removed any children from exploitive labor situations. Insufficient funding, facilities, and transportation impeded inspectors' efforts, and pandemic-related travel restrictions further hampered their ability to conduct site visits. The government, with donor support, drafted a forced labor training manual for labor inspectors, which was not yet operational at the end of the reporting period.

The government regulated labor recruitment and required private employment agencies to register; it also provided pre-departure trainings to migrant workers, and the Ministry of Employment and Labor Relations and GIS screened for trafficking indicators. However, informal recruitment agencies continued to operate and facilitate recruitment through informal channels; an international organization reported informal agencies used predatory tactics, including high recruitment fees and false job advertising. The government continued its 2017 ban on labor migration to Gulf states; the policy restricted Ghanaians' access to safe and legal migration, subsequently increasing their vulnerability to trafficking. In the previous reporting period, observers noted registered and unregistered agents recruited Ghanaian workers and, with the assistance of some immigration officials, facilitated their travel out of the country without the required exit documents. The government continued negotiating labor agreements with Gulf states but did not implement its 2018 labor agreement with Qatar or 2019 agreement with the United Arab Emirates. The government adopted the 2020 National Labor Migration Policy and 2020-2024 policy implementation plan strengthening protections for migrant workers; the policy included provisions on providing pre-departure trainings, building Ghanaian embassies' capacity to assist migrant workers abroad, prohibiting seizure of travel documents, and protecting foreign workers in Ghana. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; although not explicitly reported as human trafficking, there were cases of alleged sexual exploitation with trafficking indicators by Ghanaian peacekeepers deployed to the UN peacekeeping mission in South Sudan in 2018.

## TRAFFICKING PROFILE

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



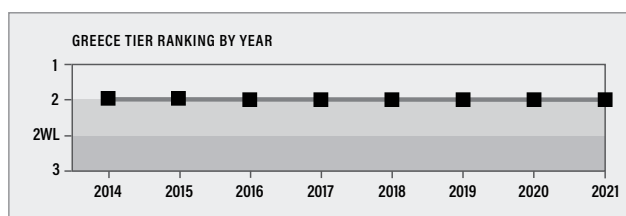
in selected communities in the Volta and Central Regions indicated traffickers had subjected children from nearly one-third of the 1,621 households surveyed to forced labor, primarily in inland fishing and domestic work. Organized traffickers who target vulnerable parents and communities facilitate child trafficking in the fishing industry in Ghana and other West African countries. Relatives often send girls via intermediaries to work in harsh conditions in forced labor in domestic work. Children in northern regions of Ghana whose parents use intermediaries or relatives to send them to work in agriculture in the south during school breaks or the dry season are at increased risk for forced labor. Ghanaian children who do not have access to school or who can attend only intermittently due to limited space and the double-track school schedule are also at risk for sex and labor trafficking. Ghanaian girls and young women from northern regions move to urban centers throughout Ghana to seek work as porters, and traffickers sometimes exploit them in sex trafficking and forced labor. Traffickers subject Ghanaian girls, and to a lesser extent boys, to sex trafficking in urban areas and mining regions across Ghana. Traffickers subject children from West African countries to forced labor in Ghana in fishing and domestic servitude. Cuban medical professionals working in Ghana may have been forced to work by the Cuban government, and Chinese nationals are reportedly subjected to forced labor in the formal and informal mining sectors and in fishing. Observers allege Chinese-owned and operated industrial vessels flagged to Ghana, often through shell companies, exploit Ghanaian workers in forced labor; one organization documented cases of physical abuse, underpayment or nonpayment of wages, restricted medical care, and poor living conditions against Ghanaian men aboard these fleets. Traffickers exploit Ghanaian and Nigerian women and girls in sex trafficking in Ghana, including in mining regions, border towns, and commercial centers. Traffickers lure Nigerian women and girls to Ghana with the promise of good jobs and coerce them into commercial sex to pay exorbitant debts for transportation and lodging. Traffickers also exploit some Ghanaian and Nigerian labor migrants in commercial sex and demand more money for transit and document costs.

Traffickers exploit Ghanaian women and children in forced labor and sex trafficking in the Middle East, Europe, and other parts of West Africa. Fraudulent recruiters lure Ghanaian men to the Middle East under false pretenses, where traffickers subject them to forced labor and sex trafficking. Unscrupulous agents recruit Ghanaians seeking employment, transport them through North Africa, and exploit them in sex and labor trafficking in Europe and the Middle East. NGOs report traffickers use internet platforms to recruit Ghanaians seeking work overseas. In one research study, an international organization reported the majority of Ghanaian migrants recruited for employment in the Middle East are female domestic workers. Of the 113 returning Ghanaian domestic workers surveyed in the study, most reported the recruiters or intermediaries used informal recruitment procedures, and their contracts lacked worker protection provisions; some contracts were verbal, vague, or contained false information. Nearly all Ghanaian domestic workers were employed directly by families, rather than through a company, and most reported the work did not match the recruiters' descriptions; workers reported traffickers seized their passports and physically and sexually abused them. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, particularly Italy and Germany.

## GREECE: TIER 2

The Government of Greece does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Greece remained on Tier 2. These efforts included convicting

more traffickers and identifying more victims. A prosecutor officially recognized a victim for the first time based on the recommendations of NGO experts, social workers, and psychologists, and the Anti-Trafficking Unit (ATU) consistently identified victims with NGOs reporting excellent cooperation. The Office of the National Rapporteur on Human Trafficking (ONRHT) coordinated with relevant ministries and regional governments to ensure trafficking victims had access to COVID-19 tests and organized a memorandum of understanding (MOU) with two regional governments to strengthen cooperation on various anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. The government lacked efforts to screen asylum-seekers and migrants for trafficking at entry points to Greece. In addition, reports from credible sources documented numerous, sometimes violent, forcible returns, or "pushbacks," against migrants and asylum-seekers who had entered Greek territory, including women and children. The pushbacks discouraged potential victims from self-identifying or cooperating with authorities. The government required victims to obtain a negative COVID-19 test before staying at government-run shelters, but victims lacked access to medical services, and COVID-19 tests were initially scarce and expensive. Government-run shelters continued to reject some victims from accessing support due to the lack of capacity, resources, and space to provide assistance and accommodation due to increased numbers of domestic violence cases during the pandemic. Court proceedings continued to last two to six years, hindering cooperation from victims and key witnesses and consequently resulting, at times, in acquittals of suspected traffickers.



### PRIORITIZED RECOMMENDATIONS:

Increase proactive identification efforts for victims of forced labor and victims among vulnerable populations, such as unaccompanied children, migrants, refugees, and asylum-seekers. • Institutionalize and implement robust screening procedures for migrant flows, including asylum-seekers and unaccompanied minors. • Strengthen specialized services including shelter and psycho-social support for all victims, including children, adult males, and victims in rural areas. • Vigorously investigate, prosecute, and convict traffickers, including complicit officials • Decrease the length of court proceedings for trafficking cases. • Encourage victims' participation in investigations and prosecutions by providing alternative methods to testify, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Take concrete steps to expedite the official victim identification process irrespective of victim cooperation in law enforcement efforts. • Allocate sufficient resources to implement the national action plan for combating trafficking. • Develop policies for victim-centered prosecutions and implement witness protection provisions already incorporated into law. • Provide training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions, particularly in rural areas and for non-specialized staff. • Standardize data collection and produce accurate data on anti-trafficking efforts. • Improve measures to order restitution and compensation for victims, including training prosecutors and judges, asset seizure, and legal assistance.

### PROSECUTION

The government maintained law enforcement efforts. Article 323A of the criminal code criminalized sex and labor trafficking and prescribed penalties of up to 10 years' imprisonment and a fine. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as

rape. Police investigated eight sex trafficking cases with 15 suspects, a decrease compared with 25 cases with 148 suspects in 2019. The government prosecuted 16 defendants, a decrease compared with 33 in 2019; of the 16, seven were prosecuted for sex trafficking and nine for forced labor. First instance courts convicted 19 traffickers, a slight increase from 15 in 2019; 11 for sex trafficking and eight for forced labor. Courts acquitted seven individuals (23 in 2019); five individuals suspected of sex trafficking and two individuals suspected of forced labor. Judges issued sentences ranging from one to 17 years' imprisonment, compared with four months to 27 years' imprisonment with fines from €50,800 (\$62,330) to €100,000 (\$122,700) in 2019. With courts closed due to pandemic lockdown measures for a total of seven months from March 2020 to June 2020 and November 2020 to January 2021, judges prioritized cases with expiring statutes of limitation and/or felonies with defendants about to complete the maximum duration of pre-trial detention; as a result, judges suspended decisions on 19 sex trafficking cases and 11 forced labor cases.

The Hellenic Police maintained an ATU within the Organized Crime Division composed of two units with 37 officers in Athens and 10 officers in Thessaloniki who investigated trafficking and vice crimes and 12 smaller units across municipalities that investigated trafficking and organized crime. ATU officers did not conduct joint inspections with labor inspectors and social workers from the National Social Solidarity Center (EKKA) due to limited economic activity from lockdown measures and increased responsibilities to enforce pandemic mitigation efforts (347 joint inspections in 2019). ATU limited unannounced inspections on brothels, bars, and massage parlors due to lockdown measures but continued proactive investigations on trafficking cases. In previous years, observers reported ATU's 12 smaller units often consisted of three or four officers to handle trafficking cases among many other duties and lacked the resources and staff to conduct proactive investigations. NGOs continued to report good cooperation with law enforcement and excellent cooperation with ATU. While the government maintained trained prosecutors in Athens and Thessaloniki to handle trafficking cases, observers reported that non-specialized police, prosecutors, and judges, particularly in rural areas and islands, lacked an understanding of trafficking. In 2019, the government removed pimping from the criminal code, which had been used by police, prosecutors, and judges to justify inspections on brothels and to prosecute traffickers when stronger evidence was unavailable; subsequently, some possible trafficking cases may not have been investigated or prosecuted at all. The government maintained institutionalized training programs on trafficking for police, the coast guard, judges, and the asylum service. In addition, the government, in cooperation with NGOs and international organizations, trained police, prosecutors, judges, social workers, asylum officers, and labor inspectors on various anti-trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, but media reported authorities investigated 15 police officers affiliated with a gang that provided protection for brothels, casinos, and massage parlors. Additionally, authorities reported an ongoing investigation into the wife of a former Greek ambassador accused of conducting domestic servitude in the ambassadorial residence in Slovenia. The government assisted with three European arrest warrants, four European investigative orders, and three requests for judicial assistance. The government also shared information with Albanian and Bulgarian authorities and signed a bilateral agreement with Albania to establish a security center focusing on organized crime, including trafficking.

## PROTECTION

The government maintained victim protection efforts. The government identified 167 victims (150 in 2019) some of whom fell into more than one category of exploitation; 75 were sex trafficking victims, 94 were forced labor victims, including 73 victims of forced begging, two victims of forced criminality, and one victim of "slavery;" 78 were women and 15 were men; 35 were girls and 39 were boys;

and 140 were foreign victims. Observers commended ATU's ability to consistently identify victims but noted other government efforts were largely reactive and reliant on self-identification. The Hellenic National Public Health Organization and regional reception service and asylum officers screened migrants, asylum-seekers, and unaccompanied children for trafficking indicators at island Reception and Identification Centers (RIC) and identified 10 possible cases involving abuse and exploitation in the country of origin or transit countries (15 in 2019), of which four cases were referred to the national referral mechanism (NRM). In previous years, asylum-seekers waited more than a month for their screening due to a lack of training, staff, and resources and, as a result, a trafficking survivor was re-victimized in a migrant camp in 2019 while waiting for legal documents and RIC screening procedures. The government expedited the registration and screening process of migrants and asylum-seekers at the RICs but, in some cases, unidentified trafficking victims stayed in the same facility with their traffickers or were re-victimized due to pandemic-related restriction measures prevented movement between facilities and regions. Additionally, positive COVID-19 cases among staff and reduced capacity due to pandemic mitigation efforts exacerbated delays in identification procedures. Each RIC designated a trafficking focal point who collected information on potential trafficking cases, but many staff working at RICs were on short-term contracts, which limited their experience and training to identify victims. International organizations, NGOs, and media continued to report a serious lack of government efforts to screen migrants and asylum-seekers, including unaccompanied children, at border crossings. Reports documented violent pushbacks of migrants and asylum-seekers into Turkey, while civil society and media reported allegations that border police assaulted and harassed migrants and asylum-seekers, including women and children, which strongly discouraged victims from self-identifying or cooperating with authorities. In previous years, observers reported a lack of identification efforts for victims of forced labor, particularly in the agriculture sector, cleaning and domestic service, and the tourism industry; however, labor inspectors reported difficulties in conducting inspections in rural areas and on islands due to the community receiving prior notice before inspections from local citizens. Civil society reported some first responders could not distinguish between sex trafficking and commercial sex, rejected sex trafficking victims who self-identified and, at times, sent them back to the traffickers.

The government maintained a multi-disciplinary NRM, including appropriate standard operating procedures (SOPs) and referral forms. The NRM required first responders to inform and coordinate with EKKA when potential victims were identified for victim care and placement; government entities referred 39 victims in 2020 (68 in 2019) and civil society organizations referred 113 victims (82 in 2019). The government, separately and in cooperation with international organizations and NGOs, trained law enforcement, immigration officers, social service workers, labor inspectors, and asylum officers on victim identification and referral procedures. The law authorized public prosecutors to officially recognize victims based on information collected by law enforcement, or a psychologist and a social worker if a victim did not want to cooperate with law enforcement. In 2020, a prosecutor officially recognized a victim for the first time based solely on the recommendations of NGO experts, social workers, and psychologists; however, observers reported inconsistent use of psychologists and social workers for identification procedures, cooperation with investigations was often required to receive official victim status, and procedures were lengthy and sometimes took years for victims to receive. Official victim status entitled foreign victims to a renewable one-year residence and work permit; victims without this status only had access to immediate support and assistance. Additionally, the government did not recognize victims who were exploited abroad but identified in Greece. Of the 167 victims identified by the government, public prosecutors granted official victim status to only four victims (two in 2019), while six victims were in the process of receiving official victim status (25 in 2019). Forty-seven victims were EU citizens, and 27 were Greek citizens who did not

need a residence and work permit, including 33 child victims from Bulgaria, 23 child victims from Greece, and nine from Romania.

The government, in cooperation with NGOs, provided shelter, psychosocial support, medical care, legal aid, and reintegration support. While the government provided personal protective equipment and virtual assistance to victims, observers reported virtual assistance for victims was nonexistent or not effective. The government was unable to determine how much total funding was spent on victim protection and did not allocate funding to civil society, with the exception of projects co-financed by the EU and state budget funds. EKKA secured €631,840 (\$755,260) from EU security funds to support the NRM from 2018 to 2022 and maintained a MOU with an NGO to host a legal consultant and two anti-trafficking advisors. Two agencies provided shelter and general support services to trafficking victims: the General Secretariat for Family Policy and Gender Equality (GSFPG) operated 21 shelters and 40 counseling centers for female victims of violence and EKKA operated two long-term shelters, an emergency shelter, and two Social Support Centers for vulnerable populations in need of assistance. GSFPG and EKKA shelters assisted 22 victims (12 in 2019). However, EKKA and GSFPG shelters continued to reject some victims from accessing support due to the lack of capacity, resources, and space to provide assistance and accommodation. For example, during lockdown measures in 2020, government-run shelters did not have space to accommodate some trafficking victims due to an increase in domestic violence cases, while some shelters stopped receiving new cases all together. Experts reported the government did not transfer trafficking victims identified at RICs to the mainland for victim assistance due to the lack of accommodation and housing. The government also required victims to obtain a negative COVID-19 test before staying at a government-run shelter, but victims lacked access to medical services and COVID-19 tests were initially scarce and expensive; however, once ONRHT was notified of the need, it coordinated with relevant ministries and regional governments to ensure identified trafficking victims had access to COVID-19 tests. As in previous years, victims in rural areas and islands had little access to support services and often were accommodated in police stations, hospital wards, or received no assistance. Observers reported a lack of specialized shelters for victims with only one NGO-run shelter providing specialized assistance for female trafficking victims and an NGO-run shelter for sexually exploited men and short-term government shelters for asylum-seekers or homeless persons for male victims. Government-run shelters, NGO-run shelters, and facilities for unaccompanied children accommodated child victims but did not provide specialized support. Central and local governments maintained cooperation agreements with some NGOs to house, protect, and assist vulnerable children, including trafficking victims, and allocated buildings to use as shelters. Victims who did not apply for official recognition could receive a residence and work permit by applying for asylum or for a residence permit on humanitarian grounds. The government issued one residence permit (two in 2019) and renewed an additional one for a certified victim (13 in 2019); the government did not provide statistics on residence permits or granting of asylum to victims who lacked official recognition. The process to receive residence permits was difficult without an attorney and took time.

There were no reports the government penalized victims for crimes traffickers compelled them to commit; however, due to a lack of consistent screening efforts for trafficking indicators in migrant flows, authorities likely detained some unidentified migrants and asylum-seekers. Prosecutors relied heavily on victim testimony without corroborating evidence, and court proceedings often lasted two to six years, which hindered cooperation from victims and key witnesses. The government did not provide funding for travel and other expenses for victims to attend court hearings, and some suspected traffickers intentionally postponed court appearances to increase the chances of victims being unwilling to testify in court and/or may have paid bribes to repatriated victims to preclude them from testifying. The law entitled victims to mental health professionals

during court proceedings and the use of audiovisual technology for remote testimony, but many courts lacked the capabilities to deploy these resources. Additionally, some judges did not allow remote testimony because they wanted to examine the victim and the witnesses in person, even in cases where testimony could cause re-traumatization. The law provided for witness protection and non-disclosure of the witness' personal information; however, no trafficking victims received full witness protection privileges to date, police only escorted victims during trials, and courts revealed victims' identities during proceedings. Judges have never issued restitution for victims in criminal proceedings. Greek law entitled victims to file civil suits against traffickers for compensation; however, no victims to date had filed for or subsequently received compensation from their traffickers in part due to their reluctance to wait for the case to obtain a decision in a lengthy court process.

## PREVENTION

The government maintained efforts to prevent trafficking. ONRHT continued to coordinate government-wide anti-trafficking efforts despite lacking sufficient resources. The government continued to implement the national action plan (NAP) for 2019-2023, monitored anti-trafficking efforts, and made assessments publicly available; however, experts reported the government did not allocate sufficient resources to anti-trafficking efforts and implementation of the NAP. ONRHT, in cooperation with international organizations, created awareness campaigns targeting the general public, migrants, refugees, local authorities, public institutions, and the private sector. ONRHT signed an MOU with two regional governments to strengthen cooperation on various anti-trafficking efforts, including preventing forced labor in public procurement supply chains. The government provided free airtime for public service announcements for NGOs and agencies on trafficking issues. Private labor recruitment agencies could be subjected to government inspection, but the lack of competent staff to conduct such inspections resulted in limited oversight. Labor inspectors conducted inspections of businesses and issued fines to 37 foreign nationals totaling €185,000 (\$226,990) for undeclared labor-related violations. The government made efforts to reduce the demand for commercial sex acts by conducting awareness campaigns. The government operated three hotlines, one for female victims of violence, one for individuals in vulnerable situations, and another for labor infringement and undeclared work complaints; hotlines did not receive any calls related to trafficking in 2020.

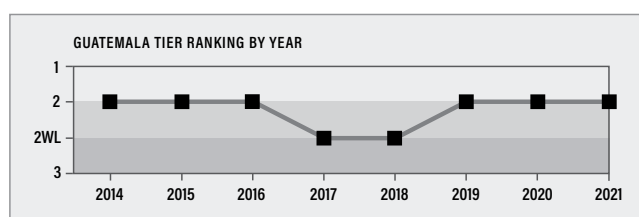
## TRAFFICKING PROFILE

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



## GUATEMALA: TIER 2

The Government of Guatemala does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Guatemala remained on Tier 2. These efforts included expanding the jurisdiction of the specialized courts, signing a high-level trilateral agreement with neighboring countries to combat trafficking, assisting and referring more victims to care, and increasing funding for government-run shelters and services. However, the government did not meet the minimum standards in several key areas. The government initiated fewer investigations and prosecutions, achieved fewer convictions, and maintained insufficient specialized victim services given the scope of the problem. In addition, authorities did not increase efforts to combat forced labor, and corruption and complicity remained significant concerns.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate cases, prosecute trafficking crimes, and convict traffickers with increased focus on suspected cases of forced labor. • Increase efforts to proactively look for indicators of forced labor, particularly in the agricultural sector and domestic service. • Increase funding for and access to victim protection, particularly shelters and specialized services, to include vulnerable populations. • Investigate and hold government officials criminally accountable for complicity in trafficking. • Increase training efforts to identify trafficking victims, particularly among vulnerable populations, such as working children, returning migrants, individuals in commercial sex, and children apprehended for illicit gang-related activities. • Improve the monitoring, oversight, and capacity of shelter operations for child trafficking victims nationwide to address overcrowding, abuse, and neglect. • Given significant concerns about forced labor indicators in Cuban medical missions, screen Cuban medical professionals and refer them to appropriate services. • Amend the 2009 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase efforts to investigate, prosecute, and convict child sex tourists and others engaged in sex trafficking of children. • Expand training for judges and prosecutors to include training on the use of forensic and other evidence to ensure trafficking cases are investigated and prosecuted as such rather than as lesser offenses. • Provide reintegration and witness protection support to victims once they leave shelters to prevent re-trafficking. • Increase funding for public awareness campaigns. • Create a trafficking-specific hotline capable of answering calls in Spanish and indigenous languages.

### PROSECUTION

The government decreased law enforcement efforts. The anti-trafficking law of 2009 criminalized sex trafficking and labor trafficking and prescribed penalties from eight to 18 years' imprisonment and a fine. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not consider the use of force, fraud, or coercion as an essential element of an adult trafficking offense. The law defined trafficking broadly to include all labor

exploitation and illegal adoption without the purpose of exploitation.

In 2020, the government investigated 165 trafficking complaints, compared with 211 in 2019 and 140 in 2018. The Human Rights Ombudsman (PDH) reported receiving 16 complaints of potential trafficking, which it referred to the Public Ministry (MP), compared with 24 complaints in 2019. Authorities prosecuted 37 defendants for trafficking crimes, compared with 71 in 2019, 32 in 2018, and 52 in 2017. Some of these prosecutions may have been for crimes that did not meet the definition of trafficking according to international law. Authorities noted pandemic-related restrictions hindered prosecutors' ability to collect evidence necessary to bring charges in cases of trafficking. In addition, observers indicated prosecutors did not utilize the criminal charge of trafficking in some parts of the country, which resulted in some suspected trafficking crimes being prosecuted as sexual assault. In 2020, authorities secured two convictions for trafficking crimes, compared with 25 in 2019 and 22 in 2018. MP officials reported traffickers received prison sentences of between eight to 13 years and four months and fined of 300,000 quetzals (\$38,560). There were two specialized first instance criminal courts to prosecute trafficking-related crimes. In 2020, the government expanded these courts to cover five additional departments. The Guatemala City court's jurisdiction included central, eastern, and southern departments, and Quetzaltenango's jurisdiction comprised the western departments of Huehuetenango, Quetzaltenango, El Quiché, Retalhuleu, Sololá, Suchitepéquez, and Totonicapán. Despite these changes, the judicial system continued to be an obstacle in seeking justice for trafficking crimes. Prosecutorial investigations required approval from a judge and as a result, cases often took longer than one year due to the judicial system's limited capacity, the MP's lack of resources, and the lengthy appeals process that could last two to three years. Pandemic-related mitigation measures further delayed court cases, despite some courts moving to virtual platforms in May 2020. In 2020, judges around the country underwent training on handling trafficking crimes; however, judicial officials still had difficulty applying a victim-centered approach and understanding the elements and indicators of trafficking, labeling many trafficking cases as labor exploitation. Some judges, especially outside the major urban areas, lacked adequate training to apply forensic evidence in prosecutions, which led to cases tried as sexual assault rather than trafficking.

The National Civil Police maintained the Special Directorate for Criminal Investigation (DEIC), which had a unit assigned specifically to combat trafficking. However, DEIC staff remained in constant rotations, which reduced awareness and understanding of trafficking investigation protocols. Observers indicated that National Civil Police officers across the country had a lack of understanding of human trafficking. MP officials noted freedom of movement restrictions adopted to mitigate the pandemic hindered law enforcement officials' capacity to investigate cases of trafficking as they were unable to travel to remote areas. The government had specialized police and prosecutors to handle cases of human trafficking, including forced labor, although local experts reported some prosecutors lacked adequate training.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Authorities did not have specific measures to deter, prosecute, and penalize government complicity in trafficking crimes. The government did not provide an update to the 2018 case of two government officials charged with trafficking crimes. The government signed a trilateral agreement—at the vice-presidential level—with the governments of El Salvador and Honduras to strengthen international coordination to address trafficking cases. Authorities reported coordinating with foreign governments on cases of trafficking but did not provide specific details. In 2020, the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) organized trafficking-related training for members of the judicial sector, law enforcement, immigration officials, and local leaders in municipal governments, including three training events for National Civil Police officials

to assist in human trafficking investigations. In addition, PDH conducted anti-trafficking training for judges in collaboration with the judicial studies school.

## PROTECTION

The government maintained protection efforts; while it identified fewer victims, the government increased their access to care. Authorities identified 439 potential trafficking victims, of which 352 identified as female, 78 identified as male, and nine LGBTQI+, compared with 678 in 2019, 371 in 2018, 316 in 2017, and 484 in 2016. SVET, in close coordination with members of the Inter-institutional Commission Against Trafficking-in-Persons (CIT), continued to use a national database to track trafficking victim information. Of the 439 potential victims identified, SVET referred 170 to NGO and government-funded shelters and services, compared with 217 in 2019 and 238 in 2018. Of those referred, 113 were victims of sexual exploitation, 41 victims of forced labor, four victims of forced criminality, two victims of domestic servitude, two victims of sex and labor exploitation, and two individuals in forced marriage. The remaining eight individuals did not appear to be victims of trafficking crimes as defined by international law. There were two government-run shelters and four main NGO-run shelters that could house trafficking victims. Shelters provided differentiated and specialized services and treatment plans for trafficking victims as compared with those of sexual exploitation. In 2020, authorities reported difficulty placing victims in shelters, as there was a reduced number of spaces available in government facilities due to social distancing protocols implemented to reduce the spread of the COVID-19 virus. In addition, according to sources, some judges were hesitant to mandate shelter placement for victims given the pressing need to mitigate the spread of the virus by maintaining social distancing protocols. The government housed 83 victims (80 females and three males) in government-run shelters, compared with 77 victims (74 females and three males) in 2018, and 89 victims (82 females and seven males) in 2017. In cooperation with other government agencies and NGOs, the government provided services to victims such as food, housing, psychological care, health care, education, and apprenticeships. Foreign victims had the same access to care as domestic trafficking victims. Shelters could also provide services and housing to victims with disabilities.

While authorities made progress to improve specialized victim protection, some challenges remained. There were limited options for adult victims of trafficking and no services for non-transgender adult men. There were limited options for adult victims of trafficking and no services—government or NGO-run—for adult men. In addition, the government did not provide sufficient long-term care and reintegration support to victims, and case follow-up was inadequate. The government provided 8.9 million quetzals (\$1.15 million) in funding in 2020 for government-run shelters and specialized services, compared with 7.04 million quetzals (\$904,880) in 2019, 19.4 million quetzals (\$2.49 million) in 2018, and 17.6 million quetzals (\$2.26 million) in 2017. The PDH's office focused on ensuring the rights of trafficking victims were not violated. In 2020, ongoing political disputes and congressional attempts to replace the ombudsman put its capacity and anti-trafficking activities at risk. Officials had an inter-institutional protocol for the screening, protection, and referral of trafficking victims. SVET also had a protocol for its Immediate Response Team, which had a formal process for identifying, referring, and protecting victims in the short-term. In 2019, SVET created new protocols for victims of sexual violence, including trafficking: Integral First Response Model of Attention for Adult Victims of Violence, Sexual Exploitation and Trafficking; Protocol of Action in Temporary Specialized Shelter for the Care of Adult Women Migrants Victims of the Crime of Trafficking in Persons; and Updated Social Assistance Directory containing information about shelters and other social welfare organizations in the country. In 2020, SVET and the Ministry of Foreign Affairs updated the protocols to regulate the safe repatriation of victims during the pandemic. However, authorities did not take steps to familiarize the interagency on the existence of these protocols or train officials on the implementation of these tools. In addition,

officials did not update the protocols to include thorough screening of vulnerable populations. The courts referred child trafficking victims to shelters. Officials from the Solicitor General's Office and National Police accompanied child victims to the shelters. The Ministry of Development had a care program to support victims, including trafficking victims, of sexual violence under 14 years old. In the past, some observers noted instances of interagency competition and lack of coordination between SVET and the Secretariat of Social Welfare (SBS) affected shelter functioning and complicated victim care processes. In addition to its help with processing trafficking crimes involving children, the Public Ministry's facility (MAINA) could provide specialized services, including medical, psychological, socioeconomic, and legal assistance, for child victims of crime, including trafficking, sexual violence, and abuse. However, Authorities did not report how many victims of trafficking officials assisted at the MAINA facility. SVET operated a repurposed and renovated shelter in Coban for adult trafficking victims, which included transgender women, but the number of victims assisted was unknown. An NGO maintained a specialized shelter for unaccompanied migrant children that assisted with repatriation, discouraged irregular migration, and screened for trafficking.

Although Guatemalan law required judges to make all referrals to public or private shelters, in practice, judges often did not make timely referrals, delaying access to needed assistance. Judges at times referred child victims to their families, leaving some vulnerable to re-trafficking, as family members often were involved in their exploitation. Experts noted there was a shortage of shelters for child trafficking victims. The government screened returning unaccompanied migrant children for trafficking indicators using SBS protocols for the attention and reception of such children in two government shelters. Authorities reported shelter locations were not disclosed and the shelters had basic security protocols to protect victims; however, some observers noted some government and private shelters lacked basic security features, such as sufficient security cameras and/or security guard presence on the shelter compound. The government made efforts to improve operations at its shelters, but overall monitoring and oversight, especially for facilities serving children, remained weak. The government still had not implemented structural changes to overhaul the system in the aftermath of the March 2017 fire in an overcrowded government-managed shelter, which resulted in the deaths of 41 girls and injuries to others. The shelter had previously faced allegations of corruption and sexual exploitation and was the subject of a UN investigation into the shelter's management. In 2019, the Ministry of Labor, National Police, and the MP signed an agreement for expanded inter-institutional coordination focused on identification and referrals for victims of labor exploitation and forced labor but did not report implementing the agreement.

Authorities encouraged victims to assist in the investigation and prosecution of traffickers and made options available for victim testimony either via video, in a Gesell Chamber, or from behind a partition in the courtroom to protect the victim's identity and privacy; victims could also participate in a witness protection program. The two new specialized first instance courts had specialized psychological services for victims and procedures to ensure confidentiality for victim-witnesses who might be traumatized and/or intimidated to testify. The MP employed social workers and psychologists to serve as liaisons between the office and victims, accompany victims through the proceedings against their traffickers, and assist victims in accessing medical services. For the second year in a row, authorities did not report how many victims it assisted with these services, compared with 270 in 2018. The law required judges to order restitution when sentencing traffickers. The government, however, did not report any victims as having received restitution from 2017-2020, compared to seven victims who received restitution in 2016. The judiciary reported judges consistently ordered restitution, but observers reported a gap in enforcement of ordered for payments and the inability of those convicted to pay restitution. Guatemalan law provided legal alternatives to the removal of foreign victims who may face hardship or

retribution upon return to their home countries. In 2020, authorities updated the inter-institutional protocol for the repatriation of trafficking victims to incorporate the safe repatriation of victims during the pandemic. Although officials reported repatriating some victims to countries not considered to be at high risk for COVID-19, it did not indicate how many were repatriated or to where they were repatriated. Finding legal employment remained a problem for victims, with no specific system or program in place to help victims find employment. Civil society expressed concern some adult foreign victims chose to leave shelters and return to their home countries due to the lengthy investigation processes.

## PREVENTION

The government maintained prevention efforts. SVET served as the secretariat for CIT, coordinated government efforts against trafficking, and implemented the national anti-trafficking action plan for 2018-2024. In 2020, SVET held virtual meetings and signed 11 inter-institutional agreements to strengthen collaboration on trafficking issues within the country. SVET published its work plans and statistics on trafficking cases as well as government responses on its public website; SVET and PDH published their annual trafficking reports. The MP anti-trafficking unit compiled an assessment of trafficking cases over the year. Experts commented SVET had a relatively small budget and limited reach, operating primarily in urban areas. SVET officials trained 8,959 individuals on trafficking awareness—in person and virtually—including children, community leaders, teachers, judges, prosecutors, university officials, members of public services, and the general population. It held training events in 10 different languages to reach vulnerable indigenous communities and continued to use social media platforms, local radio broadcasts, and the internet to raise anti-trafficking awareness. In 2020, the Ministry of Labor (MOL), the national police, and SVET formed a new inter-institutional commission against labor exploitation and child labor. The commission operated an online webpage and hotline where complaints could be registered. During the reporting period, officials reported receiving 30 complaints; however, the commission did not report how many were cases of forced labor or if it referred any to law enforcement for criminal investigation. In the past, authorities reported the MOL faced human and financial resource shortages in its ability to conduct labor inspections and identify forced labor cases. The pandemic exacerbated existing gaps. MOL officials reported being overwhelmed with other responsibilities, such as the number of unemployment and worker compensation requests. Officials worked with members of the hotel industry to train employees on trafficking indicators and increase awareness. The government did not have a trafficking-specific hotline but encouraged the public to call three hotlines operated by the National Civil Police, the Attorney General's office, and the PDH ombudsman, which operated 24 hours a day year-round, were available in the Spanish and Mayan languages, and accepted reports anonymously. The government did not make efforts to reduce the demand for commercial sex acts. With the support of a foreign government, authorities hosted an international symposium to strengthen regional efforts to combat and prevent trafficking in persons.

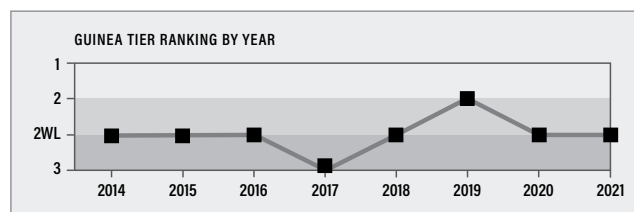
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guatemala, and traffickers exploit victims from Guatemala abroad. Traffickers exploit Guatemalan women, LGBTQI+ persons, girls, and boys in sex trafficking within the country and in Mexico, the United States, Belize, and other foreign countries. Foreign child sex tourists, predominantly from Canada, the United States, and Western Europe, as well as Guatemalan men, patronize child sex trafficking victims for commercial sex acts. Traffickers exploit women and children from other Latin American countries and the United States in sex trafficking in Guatemala. The government has noted an increasing number of women traffickers. Traffickers exploit Guatemalan adults and children in forced labor within the country, often in agriculture or domestic service, and in the garment

industry and domestic service in Mexico, the United States, and other countries. Experts identified the coffee, broccoli, sugar, stone quarry, and fireworks manufacturing sectors as at risk for the potential use of forced child labor. Forced labor in domestic service in Guatemala sometimes occurs through forced marriages. Traffickers particularly target indigenous Guatemalans, including children, for forced labor, including in tortilla-making shops in Guatemala and foreign countries. Traffickers exploit Guatemalan children in forced begging, street vending, and as street performers, particularly within Guatemala City and along the border with Mexico. Child victims' families are often complicit in their exploitation. Criminal organizations, including gangs, exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion. Traffickers exploit some Latin American migrants transiting Guatemala en route to Mexico and the United States in sex trafficking or forced labor in Mexico, the United States, or Guatemala. Children were increasingly vulnerable to trafficking as online recruitment increased due to pandemic-related lockdowns and school closures. Traffickers have exploited victims in migrant shelters. Authorities have investigated police, military, and elected officials for paying children for sex acts, facilitating child sex trafficking, or protecting venues where trafficking occurs. In 2020, authorities reported there were 432 Cuban medical workers in the country; these individuals may have been forced to work by the Cuban government.

## GUINEA: TIER 2 WATCH LIST

The Government of Guinea 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 and identifying more victims. The government approved standard operating procedures (SOPs) for victim identification and allocated resources to the anti-trafficking committee (CNLTPPA) for the first time in five years. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Shelter services for victims remained insufficient, and the government did not support NGOs providing care to victims. The government did not provide sufficient funding to the Office for the Protection of Gender, Children, and Morals (OPROGEM), the police unit responsible for trafficking investigations. Despite the prevalence of forced child begging in Quranic schools, Guinean authorities have never prosecuted a Quranic teacher for forced begging. Therefore Guinea remained on Tier 2 Watch List for the second consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict suspected traffickers, including corrupt Quranic teachers and complicit officials, and sentence convicted traffickers to significant prison terms. • Amend the penal code to remove sentencing provisions that allow fines in lieu of imprisonment and ensure penalties prescribed for forced begging are commensurate with those prescribed for other serious crimes. • Significantly increase efforts to identify trafficking victims among vulnerable populations, including children in Quranic schools, workers in artisanal mining sites, women traveling to the Middle East in potential fraudulent recruitment schemes, Cuban



medical professionals, and North Korean workers, and refer victims to appropriate services. • Allocate dedicated funding to OPROGEM to enable criminal investigations. • Increase funding and in-kind support for NGOs to ensure all identified victims receive services. • Train law enforcement and service providers on standard procedures to identify trafficking victims and refer them to services. • Provide OPROGEM and labor inspectors the resources and training necessary to monitor recruitment agencies and investigate forced labor cases. • Establish a uniform and comprehensive data collection system on anti-trafficking efforts, distinguishing human trafficking from other crimes. • Increase efforts to raise public awareness of trafficking, including internal trafficking, child forced labor, and forced begging in Quranic schools. • Strengthen the CNLTTPA's authority to implement anti-trafficking policy and coordinate activities and information sharing among agencies conducting anti-trafficking work. • Develop and implement extradition agreements for traffickers with countries in Africa and the Middle East.

## PROSECUTION

The government maintained mixed anti-trafficking law enforcement efforts. Article 323 and 324 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to seven years' imprisonment, a fine, or both for trafficking offenses involving an adult victim, and five to 10 years' imprisonment, a fine, or both for those involving a child victim. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes, such as rape. Under Article 893 and 894 of the revised children's code, which came into effect in March 2020, child trafficking crimes were prescribed penalties of five to 10 years' imprisonment and a fine of 50 million to 100 million Guinean francs (\$5,010-\$10,010); these penalties were commensurate with those prescribed for other grave crimes, such as rape. Article 343 of the penal code separately criminalized forced begging and prescribed penalties of one to three years' imprisonment and a fine; these penalties were not sufficiently stringent.

The gendarmes and OPROGEM were the lead government entities responsible for investigating trafficking cases, and the General Secretary for Special Services, Counter-Narcotics, and Combating Organized Crime could investigate transnational trafficking cases. Designated magistrates in the Ministry of Justice prosecuted trafficking cases. The government did not report comprehensive law enforcement data, and due to poor record keeping and the conflation of trafficking with other crimes, law enforcement data on trafficking cases likely included smuggling or child labor cases. In 2020, with data from 33 prefectures and one special zone, the government reported at least one investigation, prosecutions of 45 defendants, and convictions of 20 defendants. Authorities also investigated seven pimping cases and 22 cases of soliciting a minor. This compared with three investigations, three prosecutions, and zero convictions reported in 2019 with data from five prefectures. Despite the prevalence of Guinean children exploited in forced begging in Quranic schools in Guinea and surrounding countries, the government has never prosecuted a corrupt Quranic teacher for child forced begging. An NGO reported magistrates, who did not understand the serious nature of trafficking, often refused to sentence convicted traffickers to prison terms.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Although not explicitly reported as human trafficking, the UN initiated an investigation of one Guinean police officer serving in the Democratic Republic of the Congo (DRC) for alleged sexual exploitation in an incident from 2019 with trafficking indicators; the government did not report initiating an investigation or taking any actions regarding the incident during the reporting period. The government did not report whether it continued an investigation initiated in 2017 of three airport officials who were

reportedly complicit in the sex trafficking of Guinean women in transit to Kuwait. The lack of extradition agreements with countries in Africa and the Middle East impeded prosecutions of traffickers from those countries.

The government did not provide sufficient resources to OPROGEM, thereby continuing to inhibit its ability to investigate potential trafficking crimes; the government has not dedicated a budget to OPROGEM since 2016. Officials reported a lack of general knowledge about trafficking and trafficking provisions under the 2016 penal code persisted among government officials, especially judges and prosecutors in lower courts. The government rarely provided anti-trafficking training to law enforcement and judicial officials working outside of the capital and did not report training incoming prosecutors or judges on trafficking. The CNLTTPA, in partnership with an international organization and a foreign donor, developed a training curriculum on victim identification for airport officers and trained 30 airport officials during the reporting period. The Ministry of Security included anti-trafficking training, developed in coordination with a foreign donor and an international organization, in the core curriculum of Guinea's two national police academies.

## PROTECTION

The government maintained insufficient protection efforts, but increased efforts to identify victims. Lack of training and coordination between ministries, as well as inconsistent and sometimes unavailable government services, continued to inhibit victim identification and assistance efforts. The government reported identifying 212 trafficking victims and 62 potential trafficking victims. Of the 212 victims, the CNLTTPA and National Union for Domestic Workers identified 200 forced labor victims, including 80 children, exploited in domestic servitude; authorities identified 12 children exploited in sex trafficking. This was a significant increase after identifying eight trafficking victims and 29 potential child trafficking victims during the previous reporting period. The government did not report how many of the victims, if any, it referred to care. The CNLTTPA approved SOPs for victim identification and referral to services, developed in collaboration with an international organization; the government distributed written materials and trained 28 government officials and civil society stakeholders on the SOPs in September 2020.

The government continued to rely on NGOs and foreign donors to provide and finance the majority of victim care. However, NGOs lacked adequate resources for victim services, and observers reported there were not enough shelters to support victims. An NGO that provided care to child trafficking victims and closed its last two shelters during the previous reporting period due to lack of funding did not reopen any shelters during the reporting period. An international organization-funded transit center for returning migrants was the only available shelter to host trafficking victims at the end of the reporting period; the government did not report providing support for this shelter or referring victims to the shelter. Government health facilities and social workers could provide medical and psycho-social services. The government, with a foreign donor, operated one reception center for child trafficking victims; the center could provide emergency and short-term services before referring children for long-term care. NGOs reported law enforcement referred child trafficking victims to NGOs on an ad hoc basis. If NGO shelters were unavailable, the Ministry of Social Action could place victims with host families. The government and an NGO provided employment assistance to 40 trafficking victims during the reporting period.

The government did not have a formal policy to encourage victims to assist in investigations and prosecutions against their alleged traffickers. Reports indicated victims and their parents were reluctant to file claims against traffickers due to a lack of confidence in the judicial system. Judges could allow victims to provide testimony via video or written statements; however, no victims reportedly did so during the reporting period. The government partnered with a law firm to be able to offer legal assistance to women and

child trafficking victims but did not report providing assistance to any victims during the reporting period. NGOs operated general legal clinics to advise women and child victims of crime, including trafficking. Officials reported victims underutilized the legal clinics due to lack of awareness; in response, the CNLTPA and an NGO conducted an outreach campaign to increase awareness of the program. Neither the government nor NGOs offered legal assistance to male victims. The 2016 penal code allowed NGOs to become plaintiffs on behalf of victims; the government did not report if NGOs utilized this provision during the reporting period. Victims could legally obtain restitution from the government; in one case, the court awarded restitution to one child trafficking victim's parents during the reporting period. Victims could file civil suits against their traffickers; however, no victims pursued this option, largely due to lack of awareness. The government did not have formal policies to provide temporary or permanent residence to victims from countries where, if repatriated, they would face hardship or retribution, but could provide work and residency permits to victims on an ad hoc basis; ECOWAS nationals did not require special status to remain in Guinea. The government did not report any victims requested these services 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 weak victim identification, authorities may have detained some victims.

## PREVENTION

The government increased efforts to prevent trafficking. The CNLTPA adopted a new 2020-2022 anti-trafficking national action plan (NAP). The government allocated 2 billion Guinean francs (\$200,200) over two years to the CNLTPA for implementation of the NAP, as well as an additional 500 million Guinean francs (\$50,050) for operational expenses, for the first time in five years. Despite this, a lack of personnel and coordination, social unrest, and the pandemic hindered the government's efforts to combat trafficking, conduct trainings, and hold public awareness raising events during the reporting period. Observers noted the CNLTPA, led by the Ministry of Social Action and the Promotion of Women and Children's Judicial Counselor, lacked authority to effectively implement anti-trafficking policy and coordinate government activities. The CNLTPA held quarterly meetings and, in partnership with civil society and foreign donors, organized several awareness campaigns on trafficking prevention. In addition, NGOs trained 25 journalists on reporting and sensitizing the public on trafficking issues. The government operated a toll-free hotline to report violence against women and children, which could include trafficking cases; the hotline received 2,196 calls during the reporting period, but the government did not report identifying any trafficking victims or initiating any investigations as a result. The government had policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment; however, neither OPROGEM nor the Ministry of Labor had the resources or the trained personnel to monitor and enforce these policies consistently and did not report referring any potential cases for investigation. The government did not report making efforts to address forced begging of Guinean boys in Quranic schools in neighboring West African countries, nor did it report if the Ministry of Social Action continued coordinating interagency border control units to ensure children crossing international borders were traveling with their families. The government did not make efforts to reduce the demand for commercial sex acts. The government did not report providing anti-trafficking training to its diplomatic personnel. The government provided human rights training, including anti-trafficking training, to its troops prior to their deployment as peacekeepers; international and Guinean officials provided this training to 698 Guinean MINUSMA personnel to date. Although not explicitly reported as human trafficking, there was one open case of alleged sexual exploitation with trafficking indicators by a Guinean peacekeeper deployed to the UN peacekeeping mission in DRC in 2019; the UN investigation of the incident remained pending at the end of the reporting period.

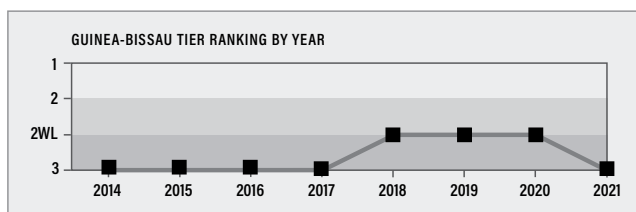
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea, and traffickers exploit victims from Guinea abroad. Most identified victims were women and children. Traffickers exploit boys in forced labor in begging, street vending, shoe shining, mining for gold and diamonds, herding, fishing, and agriculture, including in farming and on coffee, cashew, and cocoa plantations. Some government entities and NGOs allege that within Guinea, forced labor is most prevalent in the mining sector. Traffickers exploit adults and children in forced labor in agriculture. Reports indicate children are sent to the coastal region of Boke for forced labor on farms. Children from villages in Middle and Upper Guinea may be more vulnerable to trafficking due to the region's lack of schools and economic opportunities. Due to pandemic-related economic disruptions in the informal sector and school closures, observers reported an increase in Guinean adults and children seeking employment in artisanal gold mines and, subsequently, being exploited in forced labor and sex trafficking. Government officials recognize the town of Koundara in northwestern Guinea as a transit point for traffickers. Traffickers, often distant relatives, promise to care for or provide an education to poorer relatives' children and, instead, exploit them in domestic servitude or forced begging. Some corrupt Quranic teachers force boys attending Quranic schools to beg. Some traffickers take children with parents' consent or under the false pretenses of providing an education and exploit them in forced begging in Quranic schools in Senegal—via Koundara—Mauritania, and Guinea-Bissau, or forced labor in West African gold mines. During the reporting period, NGOs alleged organized networks exploited children in forced begging. Traffickers exploit Guinean children in forced labor in Cote d'Ivoire. Guinea is a transit country for West African children subjected to forced labor in gold mining throughout the region. A small number of girls from West African countries migrate to Guinea, where traffickers exploit them in domestic service, street vending, and—to a lesser extent—sex trafficking. Child sex trafficking is prevalent in Conakry and in mining cities such as Kamsar, Lero, and Siguiri. North Koreans working in the mining, construction, fishing, and health sectors and in commercial sex may have been forced to work by the North Korean government. Cuban medical professionals working in Guinea may have been forced to work by the Cuban government. Guinean authorities alleged traffickers coerce Chinese women into commercial sex in Chinese-owned bars and restaurants in Conakry.

Traffickers exploit Guinean women and girls in forced labor for domestic service and sex trafficking in West Africa, Europe, and the Middle East, as well as the United States. Guinean-Egyptian trafficking networks fraudulently recruit women for domestic work in Egypt and exploit them in commercial sex. Irregular migrants traveling to Europe are vulnerable to trafficking networks facilitating travel by land from Guinea to North Africa, and subsequently exploiting migrants in forced labor or sex trafficking. In a previous reporting period, an international organization estimated approximately 1,040 Guineas were victims of trafficking in North Africa. Reports indicate trafficking networks fraudulently recruit Guinean, Liberian, and Sierra Leonean women for work abroad, using the Conakry airport to transport victims to exploitative situations in Kuwait and Qatar; an international organization reported an increase in fraudulent recruitment for forced labor in domestic service in the Middle East, especially Egypt and Kuwait. There have been reports some Guinean men marry Guinean girls, take them to Angola, and sell the girls to local brothels, while the men work in diamond mines. In previous years, authorities identified Guinean forced labor victims in Finland. Sex traffickers have exploited Thai and Chinese women in Guinea.

## GUINEA-BISSAU: TIER 3

The Government of Guinea-Bissau does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Guinea-Bissau was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including initiating more investigations and continuing to identify child forced begging victims. However, the government has never convicted a trafficker, and authorities did not prosecute any alleged traffickers for the second consecutive year. The government did not have formal procedures to identify victims and refer them to care, while draft victim identification procedures and a national referral mechanism begun in previous reporting periods remained unfinished. The government continued to lack resources and political will to comprehensively combat human trafficking.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including corrupt Quranic teachers who subject boys to forced begging and hotel staff who facilitate child sex tourism in the Bijagos; sentence convicted traffickers to adequate penalties, which should involve significant prison terms prescribed in the law. • Cease using extra-judicial or administrative remedies to resolve human trafficking cases. • Hold government officials accountable for trafficking-related complicity, including failure to investigate alleged trafficking offenses and interference in ongoing investigations. • Provide resources to the Judicial Police to expand its area of operation, such as in the Bijagos and Catió, and enable criminal investigations. • Develop and train law enforcement on standard procedures to identify and refer trafficking victims to services. • Train officials—including local police, the National Guard, and judicial officials—on the 2011 anti-trafficking law and procedures to refer trafficking cases to the Judicial Police. • Increase funding and in-kind support for NGOs to ensure all identified victims—especially child victims of forced begging—receive services and foreign victims are safely repatriated to minimize the potential for re-trafficking. • Allocate sufficient financial and in-kind resources to implement the anti-trafficking national action plan and hold regular anti-trafficking committee meetings. • Increase efforts to coordinate repatriation of trafficking victims with the Government of Senegal and effectively monitor the return and reintegration of victims, especially child victims. • Significantly increase efforts to raise public awareness of human trafficking, especially forced begging and child sex trafficking. • In collaboration with NGOs, allocate adequate space and facilities for a victim shelter in Bissau and expand shelter services for adults. • Strengthen international law enforcement cooperation to prevent and investigate cases of child sex tourism.

### PROSECUTION

The government maintained inadequate law enforcement efforts. Public Law 12/2011 criminalized sex trafficking and labor trafficking and prescribed penalties of three to 15 years' imprisonment and the confiscation of any proceeds from the crime. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. In February 2019, the government drafted amendments to the Code of

Child Protection that would harmonize it with international laws on human trafficking, but the legislature had not yet adopted the amendments by the end of the reporting period.

The government investigated 34 trafficking cases during the reporting period, including eight forced begging and 26 sex trafficking cases. This compared with investigating nine cases of child forced begging during the previous reporting period. The government did not report any prosecutions for the second consecutive year. The government has never convicted a trafficker under the anti-trafficking law. During the previous reporting period, the Judicial Police cooperated with the Government of Morocco to investigate a case of fraudulent recruitment for forced labor in domestic service after Moroccan authorities identified two Bissau-Guinean women in Morocco; the government did not report continuing this investigation during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, official corruption and complicity in trafficking remained concerns, inhibiting law enforcement action during the year. Guinea-Bissau's judicial system lacked sufficient human and physical capital to function effectively, and corruption remained pervasive. The government did not demonstrate political will at the highest levels of government to address trafficking.

The Judicial Police had a specialized unit that investigated trafficking cases; however, it did not have nationwide coverage or a dedicated budget. The police, National Guard, judiciary, and prosecutors all suffered from a chronic lack of funding, which hindered their efforts to combat human trafficking. The Judicial Police were largely absent outside the capital. The National Guard and local police in rural areas had neither the training nor the capacity to investigate trafficking crimes and did not always refer such cases to the Judicial Police, which impeded investigations into forced child begging in eastern regions and child sex trafficking in the Bijagos. Police and judges often resolved intra-familial labor and abuse cases—which could include forced child labor and child sex trafficking by family members—through non-judicial means or tried them as domestic violence cases. When parents broke non-judicial agreements and police transferred the cases to court, officials noted community leaders often pressured courts to drop the cases. Due to pandemic-related gathering restrictions, the government did not provide anti-trafficking training to law enforcement or judicial officials during the reporting period, and some law enforcement and judicial officials remained unaware of the 2011 anti-trafficking law. During the previous reporting period, the government supported an international organization in training police officers and civil society actors on the 2011 anti-trafficking law, national referral mechanisms, trauma-informed care, and data management.

### PROTECTION

The government decreased already insufficient efforts to identify and protect victims. The government identified and referred to care 75 child forced begging victims and 24 child forced marriage victims, including potential trafficking victims. This compared with identifying and referring to care 158 child forced labor and child forced begging victims and 22 forced marriage victims during the previous reporting period. In addition, an NGO reported assisting 65 vulnerable children, including potential trafficking victims. The government did not have formal procedures to identify trafficking victims or refer them to care; draft victim identification procedures written in a previous reporting period with the assistance of an international organization remained unfinished. During the reporting period, the Institute for Women and Children (IMC) began implementing a victim identification form developed with an international organization. High illiteracy rates, including among security services, hampered the government's ability to develop and implement written victim identification procedures. The government did not implement the national referral mechanism adopted in the previous reporting period, which was developed with funding from a foreign donor and the assistance of local facilitators. The IMC was responsible for victim services and coordination of



services among various entities; however, it had no operating budget or vehicles. The government did not have a specific fund for victim services and relied on international organizations and local NGOs to provide nearly all victim services; these NGOs subsequently relied on international donors for funding. The government did not provide financial or in-kind assistance to NGOs providing assistance to trafficking victims for the second consecutive year. Three NGO shelters were accessible to child trafficking victims but were severely overcrowded and underfunded; one was unable to receive victims due to a lack of funding, and some shelter volunteers used their own homes to house victims temporarily. Shelter was only available for child victims, and only one NGO shelter provided trafficking-specific services.

The government did not have formal procedures to encourage victims to participate in investigations or prosecutions against their traffickers. Victims could not obtain restitution or file civil suits against their traffickers. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to a lack of formal identification procedures, some victims may have remained unidentified within the law enforcement system. The government collaborated with the Senegalese government to repatriate 18 child trafficking victims from Senegal. However, observers noted that more coordination was needed between the Governments of Guinea-Bissau and Senegal in repatriating child forced begging victims.

## PREVENTION

The government maintained efforts to prevent trafficking. The inter-ministerial committee—led by the IMC and including government agencies, NGOs, and religious groups—met seven times during the reporting period, compared with four meetings held during the previous reporting period. However, the committee lacked funding for anti-trafficking activities, which weakened its capacity to respond to trafficking and coordinate national anti-trafficking efforts. The government adopted a new national action plan to address human trafficking but did not report allocating any resources to its implementation. NGOs and the National Guard sometimes duplicated efforts due to lack of communication and coordination between government and civil society actors. The government did not report conducting awareness campaigns during the reporting period. IMC and the Ministry of Tourism maintained a code of conduct against sexual exploitation in the tourism sector in the Bijagos islands, Bubaque, Sao Domingos, and Bissau. The code included provisions for raising public awareness of child sex trafficking and increasing awareness of hotel workers and tourism labor inspectors to combat these crimes; although the code remained in effect, the government did not report conducting any of the activities described during the reporting period, in part due to the pandemic's impact on the tourism sector and gathering restrictions. The labor inspectorate, housed within the Ministry of Labor, Civil Service and Public Administration, lacked funding, personnel, material resources, and training to investigate forced labor nationwide. The government did not have the means to inspect local *daaras* (Quranic schools) to ensure they did not force children to beg. Domestic workers were not covered by labor laws, which left them vulnerable to trafficking; amendments to the labor code that would extend protections to domestic workers have been pending in the national assembly since 2015. The government began issuing birth registrations to all trafficking victims and child victims' parents. 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

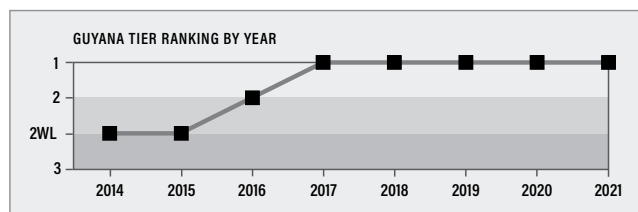
As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea-Bissau, and traffickers exploit victims from Guinea-Bissau abroad. Many Bissau-Guinean boys attend

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

Traffickers force Bissau-Guinean boys into street vending and forced labor in the agricultural and mining sectors in Senegal, especially in the southern cities of Kolda and Ziguinchor. Traffickers force West African boys to harvest cashews during Guinea-Bissau's annual harvest, and some boys recruited for work in the harvest are then forced to beg. Traffickers exploit some Guinean boys for forced labor in shoe shining in Guinea-Bissau. Traffickers exploit Bissau-Guinean girls in sex trafficking and forced labor in street vending and domestic work in Guinea, The Gambia, and Senegal, as well as in Spain. Senegalese trafficking networks recruit Bissau-Guinean girls for modeling jobs or traveling football clubs but subject them to sex trafficking. Bissau-Guinean girls are exploited in domestic servitude and in sex trafficking in bars, nightclubs, and hotels in Bissau. Bissau-Guinean girls from the Bijagos—and to a lesser extent mainland girls and boys—are exploited in child sex tourism in the Bijagos, an archipelago off the coast of Guinea-Bissau that is far from the mainland and largely devoid of government and law enforcement presence. Although the extent of child sex tourism is unknown, it is widely acknowledged among civil society, NGOs, and mid-level government officials. In most cases, French nationals own hotels on the islands and use Bissau-Guinean intermediaries to exploit island girls 13-17 years old for French and Belgian child sex tourists. International sources report these same hotel owners provide jobs and significant support to the island community, wielding influence that can deter victims from notifying law enforcement. Some families may encourage their children to endure such exploitation for financial gain. Bissau-Guinean men from the mainland fuel local demand for commercial sex on the islands. During previous reporting periods, there were reports of official complicity in human trafficking among island officials and in the judiciary. According to an international organization, Guinea-Bissau's birth registration rate is less than 25 percent, increasing vulnerability to trafficking, especially among children. Cuban nationals working in Guinea-Bissau on medical missions may have been forced to work by the Cuban government; however, the doctors left the country in November 2020.

## GUYANA: TIER 1

The Government of Guyana fully meets the minimum standards for the elimination of trafficking. Despite the documented impact of the pandemic on the government's anti-trafficking capacity, the government continued to demonstrate serious and sustained efforts during the reporting period; therefore Guyana remained on Tier 1. These efforts included increasing investigations, identifying and assisting more victims, creating the first anti-trafficking hotline in Spanish, opening an additional shelter, and creating standard operating procedures for victim identification. Although the government meets the minimum standards, it did not prosecute as many traffickers or provide adequate screening and shelter for child and male victims; it also lacked capacity and training to identify and investigate trafficking cases in remote regions.



## PRIORITIZED RECOMMENDATIONS:

Increase prosecutions and convictions in sex and labor trafficking cases and pursue them under the 2005 TIP Act, including for those cases involving child victims. • Investigate trafficking cases in remote regions of the country. • Fund specialized victim services, particularly for child, adult male, and Venezuelan victims in their native language. • Reduce delays in court proceedings and pretrial detention of suspects. • Monitor the working conditions of Cuban medical workers, proactively screen participants for trafficking indicators, and protect trafficking victims identified. • Hold convicted traffickers, including complicit public officials, accountable by imposing strong sentences. • Prohibit recruitment and placement fees charged to workers. • Develop standard trauma-informed victim identification and referral procedures and train law enforcement officials and front-line responders in their use. • Renew implementation of a data-sharing system in coordination with an international organization. • Complete a training manual for diplomats.

## PROSECUTION

The government maintained minimal law enforcement efforts. The Combating Trafficking of Persons Act of 2005 (Act) criminalized sex trafficking and labor trafficking and prescribed penalties of three years to life imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In 2020, authorities reported 31 new investigations (23 for sex trafficking and eight for labor trafficking), compared to 27 in 2019 and 30 in 2018. The government reported continuing one labor trafficking investigation from the previous reporting period. The government reported one new prosecution for sex trafficking in 2020, compared with three prosecutions in 2019 and 11 in 2018. The prosecution was for one case of solicitation of trafficking victims. Prosecutions continued against two defendants in previously initiated cases. Authorities convicted one trafficker during the reporting period, compared with one in 2019 and one in 2018. In February 2021, a non-Guyanese was convicted of trafficking a Venezuelan woman for sex, following charges brought in June 2020. The punishment included four years imprisonment, which excluded time spent on remand, and payment of 1 million Guyanese dollars (GYD) (\$4,650) in restitution to the survivor. The government did not report on the appeal of a former police officer convicted of sex trafficking and released on bail in 2016; the appeal was still pending at the end of the reporting period.

Limited human and financial resources, in part due to the pandemic, hindered the government's ability to identify and investigate trafficking cases in the country's remote regions. The Guyana Police Force (GPF) Counter-Trafficking Unit did not have a fixed, discrete budget. Two key entities prosecuted criminal matters in Guyana: the office of the Director of Public Prosecutions (DPP) prosecuted felonies such as murder and rape at High Court trials, and the Guyana Police Force (GPF) prosecution unit prosecuted hybrid offenses, including human trafficking in the Magistrates Court. Police prosecutors were not licensed attorneys, but some had law degrees and received specialized training in legal procedure. GPF prosecutors were advised to request the advice and guidance of the DPP to strengthen cases for prosecution before initiating legal proceedings, but the government reported this was not often done. The government reported deficiencies in police trafficking investigative skills and that victims were often unwilling to testify against traffickers out of fear or due to financial incentives; the Act required witness testimony of victims in order to prosecute.

The government reported both of these factors contributed to the low prosecution rate. The judicial process remained slow, with human trafficking and other major criminal trials taking an average of two years and up to three years to complete due to shortages of trained court personnel, postponements at the request of the defense or prosecution, allegations of bribery, poor case tracking, and delays in preparing cases for trial. The government did not have a specialized trafficking court. The government reported both virtual and in-person hearings took place during the pandemic and it was able to handle a normal caseload, but courts did not have trials and sat only for guilty pleas or to accept new cases. The government funded training for 144 police, investigators, probation officers, and prosecutors on trafficking, trauma-informed investigations, and prosecution. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The government reported cooperation and information sharing on trafficking cases with CARICOM, INTERPOL, and the Response for Venezuela Coordinating Group.

## PROTECTION

The government increased protection efforts. In 2020, the government identified 199 victims and NGOs an additional five victims (127 sex trafficking victims and 77 labor trafficking victims), a significant increase from 102 victims identified by the government and three additional victims identified by an international organization in 2019. Of the 204 victims, 127 were Venezuelan, 27 Haitian, 24 Dominican, 22 Guyanese, three Jamaican, and one Cuban. Of these, 151 were female and 53 male, with ten of them being children. The Ministry of Human Services and Social Security's (MHSS's) Counter-Trafficking (C-TIP) Unit identified victims and provided social welfare and assistance to victims. In fiscal year 2020, the government reported that the C-TIP Unit received a budgetary allocation of 25.86 million GYD (\$120,270) and in fiscal year 2021, 37.67 million GYD (\$175,230). In cooperation with an international organization and a foreign donor, authorities developed but did not yet implement standard operating procedures for victim identification pending an additional government review.

During the reporting period, the government referred 100 victims to shelter or protective services, compared with 99 victims in 2019. Authorities opened a new shelter for trafficking victims in a rural district, bringing the total number of government-operated shelters offering specialized care, including food, training, translation, legal services, medical services, and psychological therapy, for trafficking victims to five. The government also provided 62.35 million GYD (\$290,000) in 2020 to two NGO-managed shelters providing housing for adult female victims of gender-based violence and human trafficking, an increase from 2.35 million GYD (\$10,930) in 2019. The NGO shelters provided victims with the same range of services as the government-operated shelters. The government provided 4.52 million GYD (\$21,000) in direct financial assistance to victims who chose not to stay in a shelter, an increase from 2 million GYD (\$9,300) last year. Authorities also provided counseling and other humanitarian assistance to 125 victims who opted not to access shelter services. Humanitarian assistance included food, clothing, translation, and immediate medical services. The government provided a total of 226 victims with some form of assistance during the reporting period. The government reported shelter care was voluntary; victims could leave shelters at will and choose between shelter options, although shelters had curfews and occasionally measures were necessary to prevent victims from giving out shelter locations. Shelter services were not time limited and the government reported some victims staying up to 24 months at the shelters. Foreign and Guyanese victims received the same access to care and assistance. There were inadequate trafficking shelters for male or child trafficking victims and few employed trauma-trained staff. For child victims, the MHSS provided intake counseling and then placed them either in a shelter co-managed with NGOs, which also could attend to adult victims in special circumstances, or in children's homes the government owned and operated itself. MHSS placed some children into foster care or

reintegrated them with their families, while authorities placed adult male victims at non-specialized night shelters on an ad hoc basis.

According to authorities, law enforcement officials and social workers screened all individuals for indicators of human trafficking during raids for commercial sex violations and victims identified during such operations were not arrested. By the end of the reporting period, the government had not renewed a data sharing agreement with an international organization to collect data from vulnerable populations, including migrants. Victim assistance remained a serious concern in areas outside the capital and for Venezuelan, child, and male victims. In some instances, officials did not screen for trafficking indicators among vulnerable populations, including Venezuelans, those working in the mining sector, and Cuban medical professionals working in the country. In February 2021, the GPF inadvertently publicly identified a potential trafficking victim and a witness; the MHSSS subsequently reprimanded the GPF and the GPF opened a criminal investigation. Courts ordered some human trafficking hearings or trials to be partially closed to the public in order to protect victims' privacy and identities, and the government strongly advised the media to avoid taking photos of victims. The MoSP funded transportation costs and police escorts for victims staying outside a shelter who were willing to attend court proceedings. A victim provided testimony via video during the reporting period; authorities also permitted recorded statements. The government reported the quality of saved video recordings was generally poor and often compromised the viability of video evidence in trafficking prosecutions. Authorities allowed victims to obtain other employment or to leave the country pending trial proceedings and offered them psychological therapy before and after trial proceedings to help prevent re-traumatization. The government reported the appeal of a 2017 case in which the government required the trafficker to pay restitution without imprisonment, a penalty inconsistent with the law, was still pending at the end of the reporting period. Authorities offered deportation relief to 10 non-Venezuelan foreign victims, significantly fewer than the 135 foreign victims in 2019. Deportation relief allowed a victim to remain in Guyana regardless of being in breach of immigration laws; Venezuelans have been allowed to remain automatically since 2018. The government was authorized to grant foreign victims temporary residence status and work permits but received no such requests during the reporting period. Foreign victims received services irrespective of their cooperation with law enforcement, their participation in a trial, or whether their trafficker was convicted. The government regularly screened foreign potential victims for trafficking indicators before deportation. The government funded training for 168 MHSSS, labor, compliance, and forestry officials on victim identification and referral.

## PREVENTION

The government increased efforts to prevent trafficking. The Ministerial Taskforce on Trafficking in Persons (the Task Force), co-chaired by the Minister of Home Affairs and the MHSSS, coordinated national anti-trafficking efforts and served as the decision-making body. The technical arm of the Task Force included representatives (technical advisors, legal assistants, social workers) of the Ministers who sit on the task force and worked on suggested anti-trafficking activities and engagements including trainings. The Task Force met monthly during the reporting period, while ministerial Task Force sessions met quarterly. The government reported the subcommittee met in emergency session in April 2020, May 2020, and July 2020 outside of its monthly statutory meetings three times to discuss the impact of the pandemic on trafficking in order to improve the government's response. The government began consultations, including with human trafficking survivors, to draft a National Action Plan (NAP) for 2021–2023, to replace the plan that concluded at the end of 2020. The government provided funding for the completion and implementation of the NAP in the 2021 budget. The government developed an anti-trafficking work plan based on the draft NAP; authorities monitored and evaluated the work plan on a monthly basis. The Task Force created and disseminated a Code of Conduct of

ethical standards for its members, including law enforcement officers. The government created a third 24/7 hotline that could accommodate Spanish speakers for the first time. Authorities planned and executed several sensitization and awareness sessions in mining and logging regions and at secondary schools, NGOs, malls, and markets across the country, and hosted a digital symposium on human trafficking. The government publicized the results of research on the scope and impact of trafficking in the country; the research included the impact on human trafficking trends from the influx of asylum seekers and migrants from Venezuela, Haiti, and Cuba – along with poverty and other vulnerabilities within some communities – through victim testimonies and community outreach and awareness activities. In December 2020, an international organization called on the government to put in place simpler systems for Venezuelan asylum seekers and migrants to access work permits to avoid becoming victims of human trafficking. The government began to develop a human trafficking manual for diplomats and provided training to them. The government did not make efforts to reduce the demand for commercial sex acts. The government did not have any laws prohibiting employers, recruiters, or labor agents from charging workers recruitment fees, switching contracts without the workers' consent, or withholding wages as a means of keeping workers in a state of compelled service. Labor officers frequently conducted impromptu visits to work sites and business premises in the mining and logging districts and in the capital city to investigate suspect labor practices and possible violations. The Ministry of Labor also promoted public messaging on the dangers of child labor.

## TRAFFICKING PROFILE

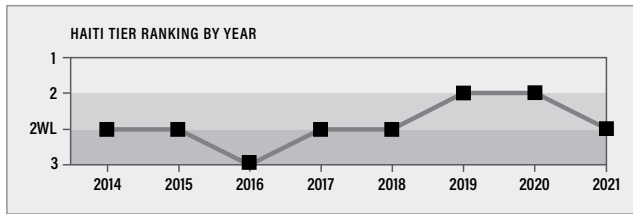
As reported over the last five years, human traffickers exploit domestic and foreign victims in Guyana, and traffickers exploit victims from Guyana abroad. Traffickers exploit victims in labor trafficking in mining, agriculture, forestry, domestic service, and in shops. The government reported 78 percent of human trafficking perpetrators in 2020 were men, predominantly Guyanese; 14 percent of traffickers were from Venezuela, while less than three percent were Dominican and Haitian. NGOs reported that traffickers are often middle-aged men who own or operate nightclubs. Some traffickers are also family members of the victims. Migrants, young people from rural and indigenous communities, and those without education are the most vulnerable to human trafficking. Women and children from Guyana, Brazil, Cuba, the Dominican Republic, Haiti, Suriname, and Venezuela become sex trafficking victims in mining communities in the interior and urban areas. While both sex trafficking and labor trafficking occur in remote interior mining communities, limited government presence in the country's interior renders the full extent of trafficking there unknown. Some Cuban nationals working in Guyana may have been forced to work by the Cuban government. Traffickers exploit Guyanese nationals in sex and labor trafficking in Suriname, Uruguay, Jamaica, and other Caribbean countries.

## HAITI: TIER 2 WATCH LIST

The Government of Haiti 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, updating the penal code, forming regional anti-trafficking subcommittees, and continuing to implement a national identification card program. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the documented impact of the COVID-19 pandemic on its anti-trafficking capacity. Impunity and complicity, particularly in high-profile cases, remained serious problems. The government conducted fewer investigations and made fewer arrests compared to the previous reporting period; it also identified fewer victims. The government did not allocate sufficient funding for its anti-trafficking



efforts or victim services and did not finalize development of its standard operating procedures (SOPs) for victim identification. The government did not make efforts to combat the system of child domestic servitude (*restavek*). Therefore Haiti was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials and those responsible for domestic servitude and child sex trafficking. • Fund and continue to implement the national anti-trafficking action plan, in particular funding victim assistance and establishing victim shelters. • Finalize and implement the SOPs for victim identification. • Train police, prosecutors, judges, and victim service providers in victim-centered and trauma-informed formal procedures to identify, protect, and refer trafficking victims to appropriate shelters and services. • Implement a witness protection program and train law enforcement and judicial officials on a victim-centered approach for the treatment of victims and witnesses of trafficking crimes during investigations and court proceedings, especially to ensure they are not coerced into testifying. • Regularly screen Cuban medical workers for trafficking indicators and refer victims to services. • Educate the Haitian public with traditional and social media about children's rights to freedom and education and ban domestic servitude. • Continue to develop Haiti's nascent foster care system and alternative residential care for children, and ensure orphanages are properly accredited and registered. • Train more labor inspectors in trafficking indicators, increase worksite inspections for indicators of labor trafficking, and increase collaboration with law enforcement to prosecute labor trafficking cases. • Develop laws or policies to regulate foreign labor recruiters, ensure workers do not pay recruitment fees, and raise awareness among potential migrant laborers. • Implement measures to address the vulnerabilities leading to domestic servitude, including establishment of a minimum age for domestic work and protecting child victims of neglect, abuse, and violence. • Fully implement the national ID program.

### PROSECUTION

The government decreased law enforcement efforts. The 2014 Anti-Trafficking (TIP) Law (No.CL/20140010) criminalized sex trafficking and labor trafficking and prescribed penalties of seven to 15 years' imprisonment and a fine ranging from 200,000 to 1.5 million Haitian gourdes (HTG) (\$2,790 to \$20,950), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law provided for increased penalties of up to life imprisonment when the victim was a child.

The government initiated investigations of three trafficking cases during the reporting period, compared with nine trafficking cases each in 2019 and 2018, and two cases in 2017. In 2019, the police Brigade for the Protection of Minors (BPM) reported investigating cases involving 33 defendants for forced child labor. The Haitian National Police border patrol unit (POLIFRONT) and the National Committee for the Fight Against Human Trafficking (CNLTP) authorities reported a total of six arrests during the reporting period, compared to 51 individuals arrested in 35 trafficking cases in 2019. The government reported initiating two prosecutions during the reporting period, compared to one in 2019, seven prosecutions in 2018, and two prosecutions in 2017. The government reported convictions of two traffickers during the reporting period, compared to none in 2019,

one in 2018, and three in 2017. In April 2020, a court convicted and sentenced a Haitian male trafficker to seven years' imprisonment and 15,000 HTG (\$209) fine for exploiting a child in sex trafficking in the Dominican Republic. There were 21 total human trafficking cases pending in Haitian courts at the end of the reporting period, three of which were initiated in the current reporting period. In February 2021, authorities began an investigation into a potential trafficking case involving a total of 23 Dominican and Venezuelan women. In August 2020, authorities on the Haitian-Dominican border arrested a man for traveling with five children unrelated to him; authorities suspected him of human trafficking. In December 2020, authorities arrested a man at an airport on charges of human trafficking of four children; authorities had not assigned the case to an investigative judge by the end of the reporting period. In July 2020, an investigative judge ordered two orphanage operators from a foreign-operated faith-based NGO charged with trafficking, neglect, and criminal association after an investigation found that the children were being used to solicit funding while care standards were poor. The orphanage was not registered with or accredited by the government, and the children who were at the facility were not reported to the government.

In 2020, BPM carried out 585 investigations for child neglect, abuse, kidnapping, forcible confinement, sexual assault, assault, and child trafficking, among other categories. The brigade did not specify how many of these investigations focused on child trafficking allegations. The investigations included unannounced site visits and closures of nightclubs, residences, and orphanages in cooperation with the Haitian Social Welfare Agency (IBESR). BPM reported 424 cases of law violations related to children in forced labor, trafficking, and illicit activities, but did not disaggregate the trafficking cases. IBESR, in collaboration with the CNLTP, an NGO, and a foreign donor, closed two privately-owned orphanages in Croix des Bouquets during the reporting period due to suspicions of child trafficking and sexual abuse.

Impunity and complicity in high-profile trafficking cases continued to be significant concerns. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes inhibited law enforcement action during the year. Observers reported allegations that judicial officials in border jurisdictions, such as justices of the peace, sometimes took bribes to free detained suspected human traffickers, which contributed to an environment in which traffickers largely operated with impunity. Authorities took no action during the reporting period against the former president of the Haitian Football Federation, banned for life by the International Federation of Football Association (FIFA) and fined 1 million Swiss francs (\$1.14 million) and procedural costs for the rape and sexual abuse – at times including sex trafficking – of up to 34 females, including at least 14 girls, between 2014 and 2020 in a decision by the FIFA Ethics Committee that was referred for review to the FIFA Appeal Committee at the end of the reporting period. As of the end of the reporting period, authorities also had not acted against ten other perpetrators and accomplices in the case, including the head of the Haitian National Referees Committee who FIFA provisionally suspended for 90 days as part of its ongoing investigation. Furthermore, immunity for high-level officials and difficulty in initiating prosecutions against lower ranking public officials made it difficult to prosecute complicit officials. At the end of the reporting period, an investigative judge had not determined what charges to bring, if any, regarding two August 2020 raids of the La Mansion brothel in which authorities identified 12 female Venezuelan sex trafficking victims. The media reported high-level government officials had patronized the brothel before the raid and some of those involved had political influence. Authorities arrested a driver of the main suspected trafficker but subsequently released him; the judge issued a travel ban against the facility's owner. The government did not take steps to prosecute anyone in the 2017 Kaliko Beach Club case in which authorities identified 31 trafficking victims, including children. The CNLTP reported some judges did

not explain why they did not process some cases, including a case where a justice of the peace investigated an orphanage suspected of sexual abuse and child trafficking but never questioned the suspects.

Authorities and NGOs reported the pandemic had relatively little impact on counter-trafficking efforts, although some courts closed temporarily, and social-distancing restrictions hampered orphanage inspections. From March 2020 to July 2020, government agencies used a rotation system where only some staff physically went to work, thereby limiting the government's capacity to investigate and prosecute trafficking crimes. The pandemic also exacerbated a backlog in cases that already existed due to general court inefficiency. The justice system experienced multiple strikes by lawyers, judges, clerks, and prosecutors.

During the reporting period, the CNLTP established cross-sectoral anti-trafficking task forces. The task forces identify offenders, facilitate access to trafficking investigations, and follow up on prosecutions. Members of the task forces included judiciary authorities (prosecutors, deputy prosecutors, judges), CNTLP, and BPM. With the assistance of a foreign donor, during the reporting period, the government updated its outdated and complex penal and criminal procedural codes and will implement the new codes over a two-year transition period. Debate continued about some of the new codes' provisions, while the outdated and overly complex existing codes continued to delay prosecution of trafficking cases. The Superior Council of the Judiciary (CSPJ), charged with independently overseeing the judiciary, did not adequately promote prosecution of trafficking cases. Government officials rarely used the anti-trafficking law to prosecute and convict the perpetrators of exploitation of child domestic workers. The lack of a minimum age for domestic work and exceptions in the laws governing child labor hindered investigations and prosecutions of child domestic servitude.

The government provided in-kind support for a series of training sessions for human trafficking officials in cooperation with international partners. In June 2020, the CNLTP president co-hosted a training with an international donor for nine members of the CNLTP's task forces regarding the law on trafficking in persons. In September 2020, the Haitian Magistrates' School trained eight CNTLP members on the anti-trafficking law and the new penal code. In September 2020, an NGO and a foreign donor provided training regarding the 2014 law for 22 members of HNP, IBESR, and the Office for the Protection of Citizens, which led to the formation of anti-trafficking regional sub-committees. In collaboration with INTERPOL and a foreign donor, in December 2020 the CNLTP facilitated training for 23 police officers on the role of INTERPOL and the Haitian police detective service in the prevention of human trafficking. The government worked with the Dominican Republic to identify three Haitian nationals arrested in September 2020 in the Dominican Republic on charges of trafficking in persons and migrant smuggling. The Haitian National Police signed a memorandum of understanding with a foreign NGO and a foreign technology company to equip officers to use advanced forensic technology to fight human trafficking. The foreign-funded program will equip authorities with best-practice digital platforms and digital forensics training to allow better collection and analysis of information and evidence related to human trafficking. The program will also train investigative judges and members of the national anti-trafficking committee.

## PROTECTION

The government maintained inadequate efforts to identify and protect victims of trafficking. Outside observers and government interlocutors noted the government provided limited services to victims of trafficking and largely depended on partners to fund and provide services. POLIFRONT and the CNLTP identified a total of 16 victims during the reporting period, compared with 24 victims POLIFRONT identified and three victims an NGO identified in 2019. The CNLTP and an international organization reported the 16 victims received care. Additionally, POLIFRONT referred 21 minors

to IBESR between March and October 2020. Authorities also cared for 32 children from the Croix des Bouquets orphanages at a special transit center while finding them other housing, and a justice of the peace took testimony from the children to confirm the abuse.

The anti-trafficking law tasked the CNLTP with developing SOPs to guide officials in the identification and protection of trafficking victims. In September 2020, the CNLTP, in coordination with an international organization and a foreign donor, relaunched the SOP coordination project, but authorities had still not finalized the SOPs at the end of the reporting period. The law required the government to provide protection, medical, and psychosocial services to victims and to create a government-regulated fund to assist victims, but in the continued absence of a national budget the government remained reliant on international organizations and NGOs to provide most care. IBESR and BPM both reported being severely under-resourced even prior to the pandemic; however, they continued to provide limited services to victims. IBESR offered psychological care and placed trafficking victims in short- and long-term shelters that received some government support, although NGOs provided the majority of the funding. The BPM also provided some services to victims, including medical, psychological, and, along with the Ministry of Justice, legal aid. The Ministry of Public Health provided free health services, including HIV post-exposure prophylaxis, to victims of sexual violence and trafficking as part of its action plan against sexual and gender-based violence. The Ministry of Social Affairs and Labor offered temporary shelter, meal kits, and medical aid to trafficking victims via the National Migration Office and the government's Social Assistance Fund. The CNLTP indicated that victims received economic assistance and physical security, including guards, in some cases, and authorities also assisted with family tracing and pre-return assessments before returning children to families. IBESR operated a single transitional facility that housed approximately 28 children. Children were typically in this facility until placed with a family member, foster family, or a registered and accredited private orphanage. IBESR reported children did not live in this facility for more than 90 days. All privately run orphanages should be licensed, but in practice some were not. The anti-trafficking law also stipulated money and other assets seized during trafficking investigations should fund services for trafficking victims and the CNLTP; however, there was no evidence this occurred. There was no government agency with overall responsibility for providing care for adult trafficking victims, and the lack of resources and a system for tracking meant the government failed to identify some victims.

The government did not have a formal program to assist victims who returned to Haiti, but authorities worked with other countries' maritime and airline services to receive and screen returned Haitians for trafficking indicators and facilitated their reintegration with family members. The government, supported by an international organization, screened and provided services to potential trafficking victims identified during migrant interdictions at sea. Observers reported the referral process for child trafficking victims functioned well during the reporting period, as labor inspectors, police, and other governmental actors contacted IBESR and the BPM in relevant cases.

NGOs reported that victim protections codified within the law were extensive and robust. For foreign victims, the law included provisions for voluntary repatriation, temporary residency during legal proceedings and permanent residency if the country of origin could not ensure victims' safety or well-being; the government did not report receiving any such requests, although it reported being willing to use these measures for specific victims identified during the reporting period. The law mandated that legal assistance must be provided to trafficking victims, and protected victims from liability for unlawful acts their traffickers compelled them to commit. The law allowed prosecutors to pursue claims even if victims withdrew their complaints or refused to cooperate with an investigation or prosecution. Judges could mandate civil restitution for related crimes under Haiti's civil code without a separate civil process, but there were no awards for restitution made during the reporting period. There were

no facilities for video deposition or child-friendly facilities during legal proceedings. Experts noted that the lack of government-run child shelter facilities impeded prosecution because the government's policy of returning child victims to their families made it difficult to locate witnesses to testify against the accused. The government may have failed to identify some victims due to a lack of formal identification procedures. There were no reports of the government improperly detaining or deporting victims. Authorities temporarily subjected two victims to a travel ban to require them to submit statements and took other measures that may have compromised their security. Authorities did not screen approximately 400 Cuban medical personnel for trafficking indicators.

## PREVENTION

The government maintained efforts to prevent trafficking. The president appointed members of the CNLTP, which included representatives from nine agencies, two civil society organizations designated as "counselors," and one from the Office of the Human Rights Ombudsman. The CNLTP actively monitored trafficking cases in the court system and sent members to towns outside of the capital to observe the prosecution of trafficking-related cases and advocate for the victims. The CNLTP held trafficking-related working group meetings. The CNLTP's executive secretariat, created in the previous reporting period, was responsible for monitoring trafficking and issuing annual reports, but did not issue any reports during the reporting period. The CNLTP continued efforts, in collaboration with an international organization, to develop an anti-trafficking task force of law enforcement, judicial actors, and IBESR representatives to focus on identification of trafficking cases and victims, support investigations and prosecutions, and support the establishment of CNLTP sub-committees in all ten regions. In cooperation with an NGO and a foreign donor, during the reporting period the CNLTP founded three of these regional sub-committees, which coordinated all civil society and local governmental anti-trafficking activities in the Southeast, Northeast, and Central Departments. The government lacked a national, centralized database, but began developing one with the assistance of an NGO and a foreign donor. The government's 2020 budget included 20 million HTG (\$279,310) for the CNLTP. The 2021 budget passed in September 2020 and allocated 24 million HTG (\$335,170) to the CNLTP. The CNLTP had not yet received any distributions from either budget, which may have been the result of bureaucratic delays; it instead relied on non-governmental partners to fund its activities. In 2016, the most recent year the committee received funding, it received 10 million gourdes (\$139,650). Observers reported the government generally underfunded anti-trafficking efforts. The CNLTP did not have permanent office space or assigned vehicles to conduct work. A foreign donor provided the committee logistical support, including transportation, during field visits. Additionally, although multiple ministries were a part of the committee, the CNLTP reported it did not consistently receive technical support from the ministries, and there was a lack of coordination between ministries. Civil society observers noted some CNLTP members appeared to have responsibilities and priorities separate from trafficking. The government continued to fail to establish a special fund for trafficking in persons as stipulated in the 2014 anti-trafficking law. The fund would support anti-trafficking initiatives and assist victims from the sale of assets seized from traffickers.

During the reporting period, BPM conducted anti-trafficking awareness assemblies for children. During the 16 Days of Activism against Gender-based Violence and the 20th anniversary of the Palermo Protocol, the government led awareness-raising activities for various stakeholders, including families, students, Vodou priests, judiciary authorities, and civil society organizations, on the link between gender-based violence and human trafficking in cooperation with a foreign donor. The government also publicized press releases and conducted webinars and roundtable discussions. The Directorate of Immigration and Emigration (DIE) continued to install the Migration Information and Data Analysis System at the Cap Haitien airport and two official border crossing points with support from an

international organization and a foreign donor. The system records incoming and outgoing travelers' biometric data at official ports of entry to strengthen border security and help prevent trafficking. Additionally, the government implemented a separate biometric scanning system at Port au Prince's airport. As part of a border security program supported by an international organization and a foreign donor, authorities conducted training programs on general trafficking, victim identification, smuggling, and relevant laws for at least 100 civil society and state government officials between October and December 2020 at four border areas. In September 2020, the School of Magistrates (EMA), an NGO, and a foreign donor, trained task force members on the socio-cultural context of human trafficking. BPM and an international organization each operated trafficking hotlines. The BPM hotline operated 24 hours a day in both Haitian Creole and French and allowed the public to report child exploitation and abuse cases, including child trafficking. In 2020, the BPM reported 90 calls to its hotline, but did not report how many of these calls were trafficking incidents. The other hotline received 101 calls during the reporting period, of which 28 were regarding children; the hotline operated 24 hours a day and served Creole, French, and Spanish speakers. Additionally, the government set up an online reporting portal with the assistance of several NGOs. The National Migration Office (ONM) published illicit migrant deterrent messaging via public radio and other media platforms; this was the only substantive ONM awareness-raising campaign during the reporting period.

The continued dysfunction of the Haitian civil registry system and weak consular capacity to provide identification documentation left many Haitians at risk of remaining undocumented in the Dominican Republic and subject to deportation – recognized risk factors for vulnerability to trafficking. In the previous reporting period, the National Office of Identification (ONI) began issuing biometric ID cards with unique identification numbers (CIN) to Haitian citizens. In June 2020, the government issued a decree requiring citizens to obtain the new cards. Beginning in October 2020, old forms of identification were no longer valid for access to government services, conduct of civic duties, and obtaining certain professional positions. The government also required the card in order to vote in elections, occupy a public service position, register for school, obtain a passport, and access financial services. Since the decree, ONI carried out a campaign to encourage all Haitian adults to register for the new IDs. The government continued to digitize birth certificates and other vital records, and ONI merged its records with the Civil Registry to improve accuracy and efficiency. As of March 2021, approximately 4.3 million of an estimated six million Haitian voters had registered for the required ID.

The government had no clear strategy for conducting labor inspections. Although the labor code required recruiters and businesses to obtain a license and did not allow them to charge fees, Haiti did not have effective laws or policies to regulate foreign labor recruiters, prevent fraudulent recruiting, or plans to raise awareness of the risks for potential migrant laborers. The government lacked staff and resources to inspect worksites for indicators of labor trafficking, although the government trained at least 10 labor inspectors to detect forced labor in labor sites. However, authorities reported being unable to conduct any inspections in 2020 due to the pandemic. The government reported IBESR staff and labor inspectors had not received sufficient training on child labor issues, despite a study indicating that more than 286,000 children were working in domestic service, some of whom were likely exploited in forced labor. The government did not report or publish data on child work, child labor, or the worst forms of child labor. According to an international organization, a labor Child Protection Working Group coordination meeting was supposed to be held monthly between enforcement agencies with the participation and technical support of international child protection partners, but was unable to meet monthly due to the pandemic. Authorities reported improved coordination on child labor cases over the reporting period, but international organizations stated coordination functioned at a minimum due to the pandemic and



continued political unrest. The government did not report proactive measures to prevent trafficking by its diplomats although the 2014 anti-trafficking law provided strict sanctions for public officials complicit in trafficking. The government did not make efforts to reduce demand for commercial sex acts. Authorities did not make efforts against sex tourism. No explicit prohibition existed in Haitian law against Haitian nationals engaging in sex tourism abroad.

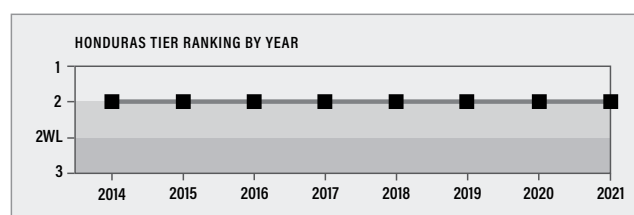
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Haiti, and traffickers exploit victims from Haiti abroad. Most of Haiti's trafficking cases involve children in forced labor in domestic service, commonly called *restavek*, who often are physically abused, receive no payment for services rendered, and have significantly lower school enrollment rates. At the end of the reporting period, NGOs estimated between 150,000 and 300,000 children worked in domestic servitude. Many children flee these situations and become street children, facing further risk of re-trafficking. The number of street children likely increased in 2020. "Orphanage entrepreneurs" operate unlicensed orphanages where children are trafficked. At the end of the reporting period, only 105 of the total 754 orphanages housing 23,723 children were either licensed or becoming officially licensed, and 398 were considered high-risk for child safety. Approximately 80 percent of children in orphanages have at least one living parent, and almost all have other family members. Female foreign nationals, especially citizens of the Dominican Republic and Venezuela, are particularly at risk for sex and labor trafficking in Haiti, including on social media. Emerging practices include "bride-buying," in which men pay between \$100 to \$200 to the families of girls as young as 14. Traffickers also target: children in private and NGO-sponsored residential care centers; Haitian children working in construction, agriculture, fisheries, domestic work, begging, and street vending in Haiti and the Dominican Republic; IDPs, including those displaced by Hurricane Matthew, and gang violence; Haitians living near the border with the Dominican Republic; including those who are stateless or at risk of becoming stateless; Haitian migrants, including those traveling to or returning from the Dominican Republic, The Bahamas, Turks and Caicos, Brazil, Mexico, or the United States; and LGBTQI+ youth often left homeless and stigmatized by their families and society. Haitian adults and children are at risk for fraudulent labor recruitment and forced labor, primarily in the Dominican Republic, other Caribbean countries, South America, and the United States. According to NGOs, international child sex tourism occurs in Haiti, with the primary tourists being from the United States and Europe. Although the impact of the pandemic in Haiti was not severe, the temporary closure of schools and pressure due to economic difficulties exacerbated vulnerability. The pandemic also likely increased risks of trafficking for approximately 220,000 Haitian migrants in the Dominican Republic who returned to Haiti, and for other Haitian migrants throughout Latin America unable to proceed in their journeys due to health restrictions. A December 2020 survey found that many Haitians lacked basic knowledge about human trafficking and the resources available to get help; 71 percent of respondents were unable to differentiate between human trafficking and gender-based violence, only 18 percent knew of a phone number to report a suspected trafficking crime, and just three percent had heard of the CNLTP.

## HONDURAS: TIER 2

The Government of Honduras does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Honduras remained on Tier 2. These efforts included

identifying more victims of labor trafficking, including children forced to commit unlawful acts, and increasing funding for the Inter-institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT). CICESCT sustained its efforts to provide immediate protection to victims and coordinate additional services among other stakeholders without interruption throughout the pandemic. The government adapted its training and awareness-raising activities targeting groups at high risk of trafficking and potential first responders to online platforms, reaching a broader geographic range of stakeholders. The government also enacted a new penal code provision that brought the definition of trafficking in line with the definition under international law. However, the government did not meet the minimum standards in several key areas. The new amendments to the penal code lowered the penalties for trafficking crimes, resulting in penalties that were not commensurate with those prescribed for other grave crimes, such as rape. The government identified fewer victims overall and investigated, prosecuted, and convicted fewer suspects. The government did not report penalizing any employment agencies for fraudulent recruitment practices or charging recruitment fees to workers.



## PRIORITIZED RECOMMENDATIONS:

- Increase investigations, prosecutions, and convictions of suspected traffickers, including complicit officials and forced labor crimes.
- Amend the penal code to ensure the penalties prescribed for trafficking crimes are commensurate with the penalties prescribed for other grave crimes, such as rape.
- Develop and implement standardized procedures for victim identification and referral, including screening for indicators of forced criminal activity among children involved in gang-related crimes.
- Increase government funding for victim services, including to NGOs, and anti-trafficking police and prosecutorial units.
- Increase efforts to identify victims, including among particularly vulnerable populations such as adult migrants, and provide assistance to all victims, including forced labor victims.
- Enforce laws punishing brokers for illegal practices that facilitate trafficking, such as fraudulent offers of employment or illegal fees for migration or job placement.
- Institutionalize training for anti-trafficking police and prosecutorial units, judges, and CICESCT's immediate response team.

## PROSECUTION

The government maintained prosecution efforts. Article 219 of the Honduran penal code, which came into effect in June 2020, criminalized sex and labor trafficking and prescribed penalties of five to eight years' imprisonment. 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.

The government reported investigating 82 cases of suspected sex trafficking and related crimes in 2020, compared with 91 suspected cases investigated in 2019 and 145 in 2018. Authorities initiated prosecutions of nine suspects (seven for sex trafficking and two for forced labor), compared with 55 initiated in 2019 (53 for sex trafficking including procuring commercial sex acts and two for forced labor) and 35 in 2018. The government convicted 14 traffickers, including 10 for sex trafficking, two for forced labor, and two for both sex trafficking and forced labor, compared with 34 traffickers convicted in 2019 (33 for sex trafficking/procuring commercial sex acts and one for forced labor) and 16 traffickers (including six for procuring commercial sex acts) convicted in 2018. Courts issued

prison sentences ranging from three to 13 years for convicted adult traffickers and ordered some of them to pay monetary fines to the government. The juvenile penal system issued a sentence of six months' house arrest for one convicted trafficker who was a child. The government investigated two police officials for suspected trafficking crimes and six police officials for smuggling crimes that may have increased migrants' vulnerability to trafficking. Authorities convicted two government officials, one on pimping charges and one for paid sexual relations, for their involvement in sex trafficking crimes in 2017. The government did not provide an update on its investigation of alleged sexual exploitation of a female prisoner in a correctional facility from the previous year. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

The government maintained a specialized anti-trafficking prosecution unit, but experts observed the unit remained understaffed and lacked sufficient resources to investigate and prosecute trafficking crimes. Authorities reported restrictions implemented to mitigate the pandemic impeded investigations in commercial venues where trafficking has been known to occur and slowed investigations and prosecutions of trafficking crimes. An NGO noted courts continued to delay trafficking cases despite a requirement in the anti-trafficking law to process such cases in a timely manner, an issue further exacerbated by the pandemic. The Public Ministry trained 160 prosecutors on human trafficking including on new provisions in the penal code, and the government's judicial training school trained select magistrates, judges, and justices of the peace on human trafficking issues. Experts observed that judges' lack of specialized knowledge or experience in handling trafficking cases impeded successful prosecution and conviction of cases. The government cooperated with the Governments of El Salvador, Guatemala, and Mexico to investigate trafficking cases and detain suspects.

## PROTECTION

The government maintained strong protection efforts, with CICESCT's immediate response team providing robust assistance to victims throughout the year. The government and NGOs identified 42 trafficking victims in 2020, including 31 exploited in sex trafficking and 11 in forced labor; two of the labor trafficking victims were children forced to commit unlawful acts. In comparison, the government identified 75 victims (66 in sex trafficking and 9 in forced labor) and NGOs identified 78 victims in 2019, and the government identified 73 victims (63 in sex trafficking and 10 in forced labor) in 2018. Authorities identified five of the victims through calls to government hotlines, and 16 were identified in Mexico or Guatemala and repatriated to Honduras. The government's disaggregated victim data included some victims of related crimes such as child pornography; all identified victims were Honduran citizens and included 43 children and 24 adults, 56 females and 10 males, and one LGBTQI+ individual. First responders referred potential trafficking victims to CICESCT's immediate response team, composed of two psychologists and a social worker, for immediate support. This team continued to operate during the pandemic despite restrictions on movement and inadequate funding for personal protective equipment. The immediate response team provided 67 victims of trafficking and related crimes with assistance, including legal advice, immediate protection, and psychological services. In accordance with the government's intersectoral protocol on victim protection, CICESCT coordinated with relevant government institutions and NGOs to provide additional services to victims, including mental health counseling, legal services, medical care, lodging, food, family reintegration, and repatriation. CICESCT referred 37 victims—five boys, 22 girls, and 10 women—to government and NGO shelters for additional care. Victims who tested positive for COVID-19 faced delays or limitations in receiving services from shelters. The government provided 31 victims with witness protection services including measures to protect their identity; shelter; and economic, medical and psychosocial assistance.

Law enforcement, immigration, and social service providers had written procedures for identifying and assisting victims, including screening for indicators of trafficking among vulnerable populations and referring potential victims to CICESCT's immediate response team. CICESCT and the anti-trafficking prosecution unit each operated trafficking-specific hotlines that functioned throughout the pandemic. The government reported 41 calls to the CICESCT hotline led to 22 potential cases referred for investigation. Officials in the Returned Migrant Assistance Center conducted evaluations of returned Hondurans and referred suspected trafficking cases to CICESCT; however, screening for trafficking indicators was not systematic among returned migrants, and the government did not report whether these efforts resulted in identification of any victims during the year. The government followed a regional protocol to facilitate the repatriation of victims identified abroad and funded food, transportation, and lodging for such victims through a fund administered by the Secretariat of Foreign Affairs and International Cooperation. Child victims could receive care from government or NGO shelters, while women had the option of receiving assistance from NGO shelters; there were no specialized shelters for trafficking victims and no shelters that accepted men. The government offered services to both forced labor and sex trafficking victims but identified a disproportionately low number of forced labor victims compared to the estimated prevalence of forced labor in the country.

The government initially allocated 8.93 million lempiras (\$357,150) to CICESCT but later decreased its actual disbursement to 6.18 million lempiras (\$247,020) due to pandemic-related funds redistribution and budget cuts. This amount was an increase from 5.53 million lempiras (\$221,400) provided in 2019, though officials reported they lacked adequate financial and human resources to provide comprehensive victim care, support victims throughout the country, and collect and analyze victim data. CICESCT provided 76,970 lempiras (\$3,080) to an NGO operating a shelter that accommodated women, girls, and boys up to age 12 and dedicated 318,040 lempiras (\$12,720) to victims' immediate needs including food, hygiene supplies, and lodging. Other Honduran government agencies also provided funds from their budgets for victim assistance.

Some victims provided testimony through pre-recorded interviews in secure Gesell chambers or, due to the pandemic, video calls. Honduran law prohibited the prosecution of victims for unlawful acts traffickers compelled them to commit. However, the government lacked formal procedures for identifying victims among children apprehended for gang-related criminal activity. NGOs reported authorities did not properly identify children forced to engage in illegal activities by criminal groups, reporting that the government may have inappropriately treated such children as criminals instead of victims. Honduran law allowed foreign victims to receive temporary or permanent residency status, including authorization to work, though the government did not identify any foreign victims in 2020.

## PREVENTION

The government maintained prevention efforts. The CICESCT convened a network of 32 government agencies and NGOs and coordinated the government's anti-trafficking efforts, including implementation of the 2016-2020 national anti-trafficking action plan. The government allocated insufficient funds for implementation of the plan and relevant agencies relied on additional support from foreign donors to implement its activities. CICESCT maintained a public website and launched social media accounts to share information on human trafficking with the public. Government agencies, including CICESCT, its local committees, the Public Ministry, the Secretariat of Foreign Affairs and International Cooperation, the Supreme Court of Justice, and the Secretariat of Education, provided anti-trafficking trainings to police, lawyers, judges, other government officials, tourism professionals, civil society organizations, teachers, and members of the public throughout the country; due to the pandemic, the government conducted the majority of trainings virtually, which allowed them to reach more stakeholders and decrease

costs. The events targeted members of at-risk groups—including children and students, individuals with disabilities, and indigenous persons—as well as potential first responders and officials from key sectors such as education and tourism. CICESCT reported using online training platforms to educate stakeholders on the impact of pandemic-related restrictions on trafficking trends and how to adapt. Officials from several ministries conducted additional trainings and awareness-raising activities with support from NGOs and international organizations.

First Lady Ana García de Hernández's Migration Task Force continued to coordinate a whole-of-government approach to informing Hondurans about the dangers of irregular migration, including trafficking risks, and the government continued public awareness campaigns warning of trafficking risks along migratory routes through Guatemala and Mexico. The government conducted law enforcement operations targeting irregular migration and increased border enforcement, leading to 160 arrests for smuggling crimes that increased migrants' vulnerability to trafficking. Labor inspectors did not identify any suspected trafficking cases in 2020. The Secretariat of Labor and Social Security (STSS) monitored and regulated compliance with labor laws and policies that could decrease workers' vulnerability to trafficking, including those regulating private employment agencies and establishing protections for vulnerable classes of workers such as domestic workers, seafarers, and temporary workers in Canada; however, the government did not provide details on enforcement. Honduran regulations prohibited charging recruitment fees to workers, but the government did not report enforcement of these regulations in 2020. The government modernized its national identification card system and began distributing new national identification cards in February 2021. The government did not make efforts to reduce the demand for commercial sex acts. Honduras removed the offense of sex tourism from its amended penal code, and the government did not investigate or prosecute any suspected trafficking cases in the tourism sector.

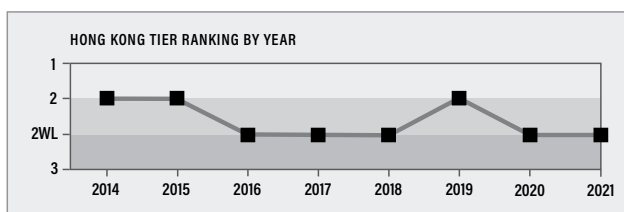
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Honduras, and traffickers exploit victims from Honduras abroad. Traffickers exploit Honduran women and children in sex trafficking within the country and in other countries such as Belize, El Salvador, Guatemala, Mexico, Spain, and the United States. Traffickers particularly target LGBTQI+ Hondurans, migrants, IDPs, persons with disabilities, children in child labor, children whose parents have migrated, and individuals living in areas controlled by organized criminal groups. Officials report family problems, unemployment, and lack of access to healthcare exacerbate these risks. Traffickers exploit victims within their own homes or communities, including sometimes their own family members or friends. Traffickers exploit Honduran adults and children in forced labor in street vending, forced begging, domestic service, drug trafficking, and the informal sector in their own country, as well as forced labor in other countries, particularly Guatemala, Mexico, and the United States. Children, including from indigenous and Afro-descendant communities, particularly *Miskito* boys, are at risk for forced labor in the agricultural, construction, manufacturing, mining, and hospitality industries. Children living on the streets are at risk for sex and labor trafficking. Criminal organizations, including gangs, exploit girls in sex trafficking, force children into street begging, and coerce and threaten children and young adults to transport weapons, sell drugs, commit extortion, or serve as lookouts; this occurred primarily in urban areas, but one NGO reported an increase in gang activity in rural areas. Criminals expanded the use of social network platforms to recruit victims, often with false promises of employment, and continued to target vulnerable populations. The pandemic, as well as Hurricanes Eta and Iota, negatively affected economic opportunity and furthered inequality, resulting in an increased number of individuals vulnerable to trafficking. Among the 45 Cuban medical professionals the government contracted to assist during the pandemic, some may have been forced to work by the Cuban government. Honduras is

a destination for child sex tourists from Canada and the United States. Migrants from Africa, Asia, the Caribbean, Central America, the Middle East, and South America who transit Honduras en route to the United States are vulnerable to being exploited in trafficking. Overall corruption helped facilitate trafficking crimes.

## HONG KONG: TIER 2 WATCH LIST

The Government of Hong Kong does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating more potential cases of sex and labor trafficking than in the previous reporting period, including a case involving a money lending business alleged to have charged foreign domestic workers excessive fees that likely increased their risk of facing debt-based coercion. The government screened more than 6,900 vulnerable individuals for trafficking, trained 880 officials from various agencies, and continued to allocate 62.23 million Hong Kong dollars (\$8.03 million) in its annual budget to fund 98 positions within various agencies dedicated to trafficking issues. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not prosecute or convict any labor traffickers and convicted fewer offenders for sex trafficking-related crimes compared with the previous reporting period. Despite the government screening thousands of vulnerable persons for trafficking indicators, it identified only three victims for the second consecutive year. Ineffective implementation of victim identification procedures continued to result in few victims identified and contributed to authorities penalizing victims for crimes their traffickers compelled them to commit. The government did not enact legislation to fully criminalize all forms of trafficking. Therefore Hong Kong remained on Tier 2 Watch List for the second consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Improve the quality of screenings conducted to identify trafficking victims, including by ensuring all children in commercial sex are identified as trafficking victims. • Cease penalization of victims for unlawful acts traffickers compel them to commit and increase interagency coordination to ensure victims are not punished through immigration proceedings, including before investigating their traffickers. • Vigorously investigate and prosecute suspected sex and labor traffickers, and sentence convicted traffickers to significant prison terms. • Engage in continuous and regular collaboration with NGOs and social welfare experts to update anti-trafficking policies, to review victim-centered interview processes and investigations, to establish improved services for trafficking victims, and to create in-depth training programs for the judiciary, labor tribunal, and other task force stakeholders. • Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in accordance with the definition set forth in the 2000 UN TIP Protocol. • Ensure authorities offer and refer trafficking victims to services. • Ensure non-resident victims, including children, are provided adequate services in Hong Kong, including before their repatriation. • Increase protections for foreign domestic workers to reduce their vulnerability to trafficking, including by prohibiting worker-charged recruitment fees, permanently eliminating the “two week rule,” affording workers



an option to live outside their place of employment, and creating legal maximum working hours. • Proactively investigate unscrupulous employment agencies and money lenders for their complicity in labor trafficking and sufficiently penalize convicted agency operators. • Allow foreign victims to work and study in Hong Kong while participating in judicial proceedings against their traffickers.

## PROSECUTION

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

Authorities investigated 27 cases related to sex trafficking in 2020, compared with nine investigations in 2019 and 136 in 2018. The government initiated investigations of three potential labor trafficking cases but did not report prosecuting or convicting any cases of labor trafficking for the second consecutive year. The government did not report the number of sex trafficking prosecutions initiated in 2020, but it reported arresting 27 suspects (five in 2019) during investigations for offenses related to sex trafficking, including for violations of sections 130 and 137 of the crimes ordinance. Courts convicted one offender for sex trafficking-related crimes in 2020 (10 convictions in 2019) and sentenced them to three months' imprisonment. Short sentences, such as this, did not serve to deter trafficking crimes or adequately reflect the nature of the offense. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Law enforcement officials often did not adequately investigate trafficking cases, including those referred to them by NGOs, sometimes closed cases with clear indicators of trafficking, and did not employ a victim-centered, trauma-informed approach when interviewing victims. The government reported using a "joint investigative process" in trafficking cases to coordinate interviews of victims among law enforcement agencies; however, in previous reporting periods, observers reported weak coordination between law enforcement agencies in practice, which resulted in agencies separately investigating different aspects of cases. Law enforcement generally did not adequately investigate operators of unscrupulous employment agencies or money lenders for their roles in facilitating labor trafficking through debt-based coercion. However, in response to information provided from a local NGO, police investigated one money lender during the reporting period for allegedly charging foreign domestic worker's interest rates of nearly 100 percent for loans paid to employment agencies in the workers' home country, significantly increasing their risk of experiencing debt-based coercion. Police arrested four suspects associated with the money lending company on charges of conspiracy to lend money at an excessive rate and money laundering; however, authorities reported they did not identify indicators of trafficking during the reporting period. The absence of laws criminalizing all forms of trafficking impeded

officials' ability to investigate or charge suspected traffickers. This also resulted in the prosecution of trafficking crimes under laws with weak penalties. NGOs previously reported judicial officials lacked an awareness of trafficking. Well-founded fears of penalization and the absence of adequate services resulted in many victims choosing not to report their exploitation or declining to cooperate with authorities in investigations.

The government provided trafficking-related training to approximately 880 officials from various agencies in 2020, compared with 1,400 trained in 2019. Adjusting to pandemic-related travel restrictions, which prevented their ability to attend overseas trainings, officials also joined online workshops and webinars during the reporting period. The Security Bureau cosponsored a training program with the EU for officials from various agencies, the hospital authority, NGOs, and IOM. The government did not report if it continued to distribute an information packet on trafficking for officials likely to come into contact with victims, which it initially distributed in December 2019. The justice department continued to employ a designated team responsible for prosecuting trafficking-related crimes, and the customs department had a four-person team that led its anti-trafficking efforts. The police force employed dedicated teams for investigating trafficking and the exploitation of foreign domestic workers. The government also reported having designated points of contact for trafficking issues within relevant agencies since 2018. Nonetheless, civil society organizations continued to report being unable to reach these designated contacts and teams, including when attempting to refer victims to police and some reported government officials were unable to direct them to a person responsible for trafficking in their agency.

## PROTECTION

The government continued to make minimal efforts to protect victims. Police, immigration, and customs officials used a two-tiered identification mechanism to screen vulnerable populations for indicators of trafficking. Through this mechanism, officials referred potential victims for a full identification "debriefing" after determining whether an individual met at least one of seven indicators listed on the standard screening form of the first tier of the identification mechanism. Officials screened 6,912 individuals in 2020, but for the second consecutive year identified only three victims. Two victims identified by authorities were foreign domestic workers exploited in labor trafficking, but the government did not report if the third victim was exploited in forced labor or sex trafficking. The labor department's (LD) 10 labor relation division offices continued to use the standard screening mechanism and conducted 1,500 screenings in 2020, which led to the identification of one victim in 2020. The immigration department's Foreign Domestic Helper Special Investigation Section, which the government reported was designed to identify victims at the earliest possible stage, screened 2,500 visa applications of foreign domestic workers, which led to the identification of one victim in 2020.

Ineffective implementation of the screening mechanism and a lack of understanding of psychological trauma associated with trafficking continued to result in few victims identified. In addition, the standard screening form listed the vulnerable populations authorities were required to screen, but it did not include any groups that would include Hong Kong citizens. Law enforcement interviews of victims during the identification process often lacked a trauma-informed approach, exacerbated victims' emotional distress, were sometimes conducted over many hours without adequate breaks, and, therefore, often did not successfully identify indicators of trafficking. NGOs reported identifying victims of trafficking among those who were not recognized by government officials despite undergoing the official screening process. Hong Kong's low age of consent, 16, further complicated efforts to identify child victims exploited in commercial sex as trafficking victims. The failure to consistently provide potential victims with immediate stabilizing care upon their initial contact with authorities, as well as a lack of legal assistance for victims, also

likely impeded officials' ability to effectively interview victims and identify trafficking indicators.

The government did not report providing services to any of the three identified victims. Victims commonly preferred to receive services provided by foreign consulates or NGOs, rather than services offered by the government. The government partially subsidized six NGO-operated and three government-operated shelters that served victims of violence, abuse, and exploitation, including trafficking victims. These shelters could provide temporary accommodation, counseling, and medical and psychological services to local and foreign victims, regardless of gender or age. However, contacts reported no trafficking victims stayed in government shelters, likely due to fears the government would not provide adequate services or compensation.

The government could assist exploited foreign victims, including domestic workers, to return to Hong Kong to serve as witnesses in trials by providing financial assistance; but, due to travel restrictions associated with the pandemic, this likely did not occur during the reporting period. To enable foreign victims to temporarily remain in Hong Kong, the government could provide visa extensions with fee waivers and could provide victims who were foreign domestic workers with permission to change their employer; the government granted one identified victim permission to change their employer. Inconsistent coordination between immigration officials and police made it difficult for victims to obtain visa extensions in practice. Foreign victims, including those allowed temporary residency via visa extensions, were generally not permitted to work or study while they remained in Hong Kong. Hong Kong law allowed victims to seek compensation from traffickers through civil suits and labor tribunals. Nonetheless, poor interpretation services, lack of trained attorneys, the inability to work while awaiting a decision, and judges' inexperience with forced labor cases sometimes impaired victims' attempts to claim back wages or restitution through labor tribunals and deterred some from bringing claims forward.

Although there were no direct reports during the reporting period that authorities penalized trafficking victims for crimes their traffickers compelled them to commit, ineffective victim identification and ongoing reports that authorities were more likely to penalize victims than their traffickers meant this likely occurred in practice. The government typically initiated immigration proceedings against victims, rather than investigating or prosecuting their traffickers. In previous years, some law enforcement officials also reportedly threatened victims with penalization during victim identification interviews. In addition, anecdotal reporting suggested victims of forced criminality, specifically those coerced to carry drugs into Hong Kong, continued to be penalized by authorities without being screened for trafficking indicators. The government continued to intercept mainland Chinese child victims of sex trafficking during anti-vice operations—one in 2020 compared with 15 in 2019—and failed to identify them as trafficking victims or provide them with adequate assistance. Authorities screened the one child identified in commercial sex in 2020 but failed to identify the child as a victim of sex trafficking, despite this being a form of sex trafficking according to definitional standards under international law. Although the government coordinated with the authorities in their country of origin to repatriate these victims, it did not report providing them with sufficient stabilizing services after their initial identification in Hong Kong.

## PREVENTION

The government maintained efforts to prevent trafficking. Although many agencies were fully occupied with implementing new public health measures as part of the government's pandemic mitigation efforts, the government reported it did not divert resources from implementing the 2018 anti-trafficking action plan. The government continued to publicly deny that trafficking is a prevalent crime in Hong Kong, undercutting the anti-trafficking efforts of government officials

and the NGO community. An anti-trafficking steering committee led by the Chief Secretary for Administration and the inter-departmental working group led by the security bureau continued to meet. The government continued to allocate 62.23 million Hong Kong dollars (\$8.03 million) in its annual budget to fund 98 positions within various agencies dedicated to trafficking issues. Except for working with an NGO to investigate one potential case of labor trafficking, the government did not report efforts to improve collaboration with civil society. In addition, following the imposition of the National Security Law by the Chinese National People's Congress on Hong Kong in June 2020, under which any speech critical of the government or its policies could be construed as pro-secession, subversive, or inciting hate against the government, along with increased restrictions to freedom of expression, NGOs and other civil society organizations were less willing to engage with the government, including on human trafficking.

The government did not conduct campaigns to raise awareness of sex trafficking. To improve awareness of the rights of foreign domestic workers and the responsibilities of employers, the government continued to distribute information packets to workers and employers, publish advertisements in Filipino and Indonesian language newspapers, operate workers' rights information kiosks in public areas, work with the Philippine and Indonesian consulates to provide briefings to newly arriving domestic workers, and publish translated versions of standard employment contracts in 11 foreign languages. The government continued to distribute information cards created by an international organization that listed information on support services available to foreign domestic workers and trafficking victims.

The government's process for evaluating non-refoulement claims, which did not allow claimants to legally work in Hong Kong, made some refugees vulnerable to trafficking. In addition, the government's policies requiring foreign domestic workers to live with their employer and to return to their home countries within two weeks after their contracts' termination ("two week rule") increased the ability of abusive employers and unscrupulous employment agencies to subject workers to trafficking. In September 2020, the Court of Appeals upheld the government's live-in requirement. The requirement that workers live with their employers enabled exploitative employers to limit workers freedom of movement and communications, and sometimes required workers to live in inadequate conditions. The lack of regulations setting a maximum number of legal working hours for foreign domestic workers also contributed to their vulnerability. Throughout the pandemic, the live-in requirement contributed to many workers facing increased workloads and daily work hours, and some employers denied workers' the ability to take their mandated day off. Observers reported the "two week rule" continued to deter workers from reporting or exiting exploitative conditions. Due to travel restrictions related to the pandemic in both Hong Kong and workers' home countries, the government temporarily suspended the "two week rule," allowing some workers to remain in Hong Kong and seek new employment after their contracts ended. Although the government requested employers pay the costs associated with quarantine requirements for workers entering Hong Kong during the pandemic, this was not a requirement, and NGOs reported some employment agencies charged both employers and workers, who incurred additional debt from employment agencies from these expenses, further increasing their vulnerability to debt-based coercion.

The government reported convicting eight employers of foreign domestic workers for illegally using workers to perform duties outside their contracts (34 in 2019) but did not report the number convicted for non- or under-payment of wages (three in 2019); sentences included community service and up to two months' imprisonment, which were suspended for two years. The government allowed employers previously convicted for exploiting foreign domestic workers to continue to hire workers. Temporary closures of labor tribunals during pandemic-related lockdowns throughout the reporting period resulted in a backlog of cases, which meant

some foreign domestic workers with pending cases were required to apply for multiple visa extensions to remain in Hong Kong. Each visa extension lasted two weeks and cost workers 230 Hong Kong dollars (\$30), and the government did not permit these workers to work under visa extensions. At the onset of the pandemic, the government reported it would grant free visa extensions on a case-by-case basis. However, workers still faced difficulties obtaining extensions in practice. In June, the government began to grant automatic 30-day free visa extensions to the majority of workers' applications.

Hong Kong law permitted employment agencies to charge job seekers, including foreign domestic workers, up to 10 percent of their first months' salary in recruitment fees. Since enforcement of this rule was lacking, agencies often charged much higher fees and confiscated workers' passports and/or contracts as collateral, practices which perpetuated debt-based coercion. The government required employment agencies to comply with a code of practice covering statutory requirements and standards for Hong Kong-based employment agencies. Despite being a violation of the code of practice, observers reported money lenders and employment agencies often operated at the same address without consequence; this enabled employment agencies complicit in labor trafficking to indebted workers through loans for recruitment fees that were often beyond the legal limits. The government did not report the number of inspections of employment agencies conducted by the Employment Agencies Administration (EAA) in 2020, compared with approximately 2,000 inspections in 2019. The EAA lacked sufficient resources, and its inspections of agencies were ineffective and often only consisted of cursory reviews of documentation. In addition, the EAA did not proactively investigate unscrupulous agencies and typically required a victim to make a complaint against an agency before initiating an investigation. The EAA was not regularly open on Sundays—the only non-work day for most foreign domestic workers—preventing some workers from filing complaints. To facilitate the ability of foreign domestic workers to make inquiries and complaints, LD operated an online portal as well as a 24-hour hotline available in nine languages. In 2020, LD prosecuted 11 agencies for overcharging workers, operating without a license, or other violations, but it did not report the number convicted (10 agencies convicted in 2019). LD cited non-compliance of the code of practice in decisions to revoke or reject the renewal of licenses of seven employment agencies in 2020 (13 in 2019). Nevertheless, some employment agencies reportedly continued to operate—and unlawfully retain workers' passports with impunity—after losing their licenses, sometimes reopening under different names. In addition, NGOs reported fines and other penalties given to employment agencies exploiting foreign domestic workers were too light and did not act as a deterrent. Despite having the legal discretion to revoke agency licenses administratively, observers reported the EAA over-relied on criminal convictions of agencies to do so. The government did not make efforts to reduce demand for commercial sex acts. The government did not provide anti-trafficking training to its personnel posted overseas. While the People's Republic of China included Macau in its accession to the 2000 UN TIP Protocol in 2010, it stated the Protocol "shall not apply" to Hong Kong.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Hong Kong, and traffickers exploit victims from Hong Kong abroad. Victims include citizens from mainland China, Indonesia, Kenya, the Philippines, Thailand, Uganda, and other Southeast Asian countries, as well as countries in South Asia, Africa, and South America. Traffickers exploit foreign women, including from Eastern Europe, Africa, and Southeast Asia, in sex trafficking. There were reports that some women in Hong Kong—often with the assistance of their families—deceive Indian and Pakistani men into arranged marriages that involve domestic servitude, bonded labor in construction and other physically demanding industries, and other forms of abuse via exploitative contracts. Traffickers exploit migrant workers in construction, electronic recycling facilities, nursing homes,

and private homes. Drug trafficking syndicates coerced foreign women, including through the use of physical violence, to carry drugs into Hong Kong.

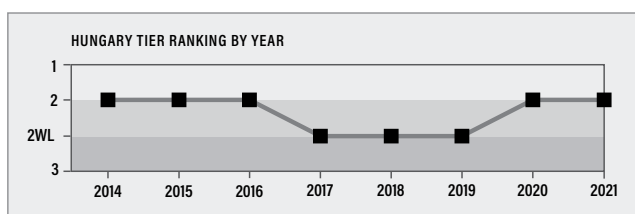
Traffickers recruit victims from the Philippines, South America, and mainland China using false promises of lucrative employment and force them into commercial sex. Some foreign victims enter Hong Kong on two-week tourist visas, as part of a circuit of major cities in the region used by traffickers, including Bangkok and Taipei, and are coerced into commercial sex through debt-based coercion. Following increased travel restrictions related to the pandemic, there were fewer foreign individuals in commercial sex in Hong Kong throughout 2020, including trafficking victims. However, NGOs reported increasing occurrences of online solicitation of commercial sex acts, which reduced their access to individuals in commercial sex and may have increased individuals' vulnerability to coercive tactics. Traffickers use coercive methods such as threats of reporting victims to police or immigration authorities, withholding of identification documents, and blackmailing victims with threats of online distribution of photographs to coerce them to engage in online commercial sex acts. "Compensated dating" continues to facilitate commercial sexual exploitation of Hong Kong children and adults, making them vulnerable to trafficking. Traffickers exploited victims from Hong Kong in North America in commercial sex.

Approximately 400,000 foreign domestic workers, primarily from Indonesia and the Philippines, work in Hong Kong. Some foreign domestic workers become victims of debt bondage in the private homes in which they are employed. A 2018 NGO task force survey of migrant workers found one-third of Indonesian workers in Hong Kong were asked to sign debt agreements as conditions of their employment. In addition, 56 percent of surveyed workers reported having to pay illegal recruitment fees, and 24 percent had their personal documents withheld by employment agencies or employers. Recent estimates suggest that as many as one in six foreign domestic workers are victims of labor exploitation in Hong Kong. Some operators of employment agencies subject victims to labor trafficking through debt-based coercion by charging workers job placement fees above legal limits, and sometimes withholding their identity documents. The accumulated debts sometimes amount to a significant portion of a worker's first-year salary, and unscrupulous agencies sometimes compel workers to take loans from money lenders to pay excessive fees; a 2017 study estimated foreign domestic workers spend up to 35 percent of their monthly salary paying back money lenders. Some employers, money lenders, and employment agencies illegally withhold passports, employment contracts, or other possessions until the debt is paid. Some workers are required to work up to 17 hours per day; experience verbal, sexual, or physical abuse in the home; live in inadequate conditions; and/or are not granted a legally required weekly day off. Throughout the pandemic, many workers faced increased workloads and daily work hours, and some employers denied workers the ability to take their mandated day off. In addition, many workers incurred additional debt from employment agencies for expenses related to quarantine requirements, further increasing their risk of experiencing debt-based coercion. Observers also reported that brothels, bars, and clubs increasingly recruited foreign domestic workers to engage in commercial sex acts, sometimes through fraudulent recruitment methods. Some foreign domestic workers sign contracts to work in Hong Kong, but upon arrival, traffickers coerce or lure them to work in mainland China, the Middle East, or Russia. As demand for foreign domestic workers in Hong Kong increased, NGOs reported workers from countries other than Indonesia and the Philippines were increasingly vulnerable to exploitation. Some employment agencies reportedly hired foreign domestic workers under false pretenses and forced them into commercial sex.



## HUNGARY: TIER 2

The Government of Hungary 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Hungary remained on Tier 2. These efforts included investigating significantly more trafficking cases; convicting more traffickers; and identifying and assisting significantly more trafficking victims. Additionally, the government opened a crisis intervention home, a new shelter and two halfway houses connected to the shelter, three victim support centers, and an interdisciplinary center for child victims and witnesses. The government and an NGO implemented a two-year reintegration pilot project and conducted research on the development of an institutional support system aimed at facilitating victims' reintegration and decreasing their chances of re-victimization. Furthermore, 2020 amendments to the law entered into force, including a non-punishment provision and a general protection measure for child trafficking victims. However, the government did not meet the minimum standards in several key areas. The government's trafficking victim identification mechanism did not apply to foreign victims without legal residency. As a result, government officials did not adequately screen for trafficking indicators or identify victims among third-country nationals, such as asylum-seekers, as well as other vulnerable populations, including domestic workers or children in state-run institutions. The government did not have a specialized framework for identifying, referring, or assisting child victims, and penalized child sex trafficking victims. Overall services for victims remained scarce, uncoordinated, and inadequate, especially for foreigners and children, for whom there were no dedicated shelters; these gaps left victims at risk of re-trafficking. Finally, the government introduced a new asylum system that undermined access for those facing retribution or hardship in other countries and exacerbated the risks of trafficking among asylum-seekers, and extended again the "crisis situation due to mass migration" authorizing police to automatically remove third-country nationals, some of whom could be or could become trafficking victims, intercepted for unlawfully entering and/or staying in Hungary without screening for trafficking indicators.



### PRIORITIZED RECOMMENDATIONS:

Screen for trafficking indicators and proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, children in state-run institutions and orphanages, domestic workers, and individuals in commercial sex. • Significantly increase the quality and availability of specialized victim services for adults and children, including by expanding the national referral mechanism (NRM) to formally include foreign victims without legal residency and providing sufficient funding to NGOs for victim care. • Develop and fund protocols for identification and referral of victims and enhance training for law enforcement and social workers on recognizing indicators of exploitation. • Grant residence permits to asylum-seekers who could be or could become trafficking victims. • Implement the non-punishment provisions to ensure trafficking victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts their traffickers compelled them to commit. • Bolster efforts to protect against the trafficking

of vulnerable children residing in state-run institutions and of individuals who leave these institutions. • Amend the anti-trafficking law to ensure that force, fraud, or coercion are not required for sex trafficking offenses involving child victims. • Investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms. • Enhance the collection and reporting of reliable prosecution data. • Train law enforcement, prosecutors, and judges on the severity of trafficking crimes and the irrelevance of a victim's consent for proving a trafficking crime. • Develop a clear framework for and allocate dedicated resources to regulating foreign labor recruitment in Hungary. • Empower the labor authority to regulate labor recruitment agencies and impose fines or punishments on agencies that committed trafficking crimes. • Increase victim-centered, trauma-informed training for law enforcement, prosecutors, judges, and front-line workers. • Conduct public awareness campaigns on trafficking that target vulnerable populations, such as foreign and domestic workers and children in state-run institutions and orphanages.

### PROSECUTION

The government increased prosecution efforts. Article 192 of the criminal code, in force since July 2020, criminalized all forms of labor trafficking and some forms of sex trafficking. Article 192 prescribed penalties of one to 10 years' imprisonment for offenses involving an adult victim, and five to 20 years' or life 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 2020 amendments helped align the Hungarian definition of trafficking with the international definition by more precisely defining exploitation and including force, fraud, or coercion as an essential element of the base offense of adult trafficking. However, inconsistent with international law, the amended Article 192 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, thereby not criminalizing all forms of child sex trafficking. Article 203 of the criminal code, which criminalized offenses relating to the "exploitation of child prostitution," could be utilized to prosecute some child sex trafficking offenses that did not necessarily involve force, fraud, or coercion. Article 203 prescribed penalties of up to three years' imprisonment, which were not sufficiently stringent nor commensurate with penalties prescribed for other grave crimes, such as rape. Penalties under this provision increased only if a person was "supported partly or wholly by profiting" from such exploitation of a child or for maintaining or operating a brothel for the purposes of such exploitation of a child. Additionally, Article 193 criminalized forced labor, with sentences ranging from one to five years' imprisonment for offenses involving an adult victim and two to eight years' imprisonment for those involving a child victim. Observers noted a gap in the law remained that could allow the prosecution of a victim if that victim consented to the crime without coercion. The Office of the Prosecutor General (PGO) instructed prosecutors not to prosecute such victims.

The government reported the number of registered crimes rather than the number of closed investigations because the data on closed investigations provided in previous years contained possible duplications. Despite the data on prosecutions also containing duplications, the government reported all prosecutions, thereby misrepresenting the number of suspected traffickers in the criminal justice system and making it difficult to assess efforts. Additionally, the government noted prosecutorial guidelines issued in 2018 resulted in a number of pandering cases reclassified as trafficking cases. In 2020, police registered 95 trafficking crimes (57 under Article 192, four under Article 193, 34 under Article 203), a notable increase from 49 in 2019 and 47 in 2018. Officials prosecuted 209 suspected traffickers (155 under Article 192, six under Article 193, 48 under Article 203), compared with 88 in 2019 and 29 in 2018. Courts convicted 10 traffickers (nine under Article 192, one under Article 193), compared with seven in 2019 and 11 in 2018. All 10 convicted traffickers received prison sentences, ranging from one year and eight

months' to 12 years and six months' imprisonment; however, courts suspended four of those sentences. The more lenient sentences raised concerns about weakened deterrence and undercutting broader efforts to fight trafficking. For the third consecutive year, there were no convictions under Article 203; observers raised concerns that authorities regularly underutilized the statute. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. The National Bureau of Investigations (NNI) maintained a specialized unit for investigating trafficking cases with an international or organized crime connection. NNI cooperated with foreign law enforcement agencies on 10 investigations and participated in one Joint Investigation Team, compared with 15 in 2019. In October 2020, authorities from Hungary, Germany, and Romania investigated a group of Romanian traffickers who exploited Hungarian and Romanian citizens in forced begging in Germany. The government extradited two suspected traffickers in 2020, compared with six in 2019.

Observers continued to underscore that the government lacked experts working on trafficking cases and a sophisticated perspective on addressing all aspects of trafficking. In 2020, NNI approved four additional positions to the 11-person trafficking unit. Furthermore, a research institute within the PGO conducted two studies on criminological and sociological characteristics of trafficking; the Ministry of Interior (MOI) funded related training sessions for investigators, prosecutors, and judges on the studies' topics, as well as the victim support system and the new statutory definition of trafficking. The National Office for the Judiciary held trainings for judges on the amended law with 237 participants. Some judges believed the new law defined exploitation more clearly and provided better clarity as to the difference between voluntary commercial sex work and sexual exploitation but noted labor trafficking cases remained difficult to try in court. The Curia (Supreme Court) set up a case law analysis group to learn about judicial practice in interpreting trafficking, and the PGO conducted a survey to better understand prosecutors' views on trafficking and victim cooperation. The National Police held an online training session focused on victim identification for 50 investigators from local police units. In the framework of an EU project implemented by the Ministry of Human Capacities, 48 police officers participated in a training focused on the identification and management of domestic violence and trafficking.

## PROTECTION

The government increased efforts to protect victims. The government reported 188 registered trafficking victims (94 sex trafficking, 25 labor trafficking, eight sex and labor trafficking, 61 uncategorized), a significant increase from 81 in 2019 and 30 in 2018. Of these victims, 21 were children (seven in 2019). The government decree on the trafficking victim identification mechanism, which established the NRM, regulated the identification and referral of victims to assistance. The decree listed the authorities responsible for identifying victims, such as police, border guards, and health professionals, the questionnaire to be completed with suspected victims, and procedural protocols. Experts expressed concern that the decree did not apply to foreign victims without legal residency. Experts also expressed concern about the lack of efforts made to identify trafficking victims among asylum-seekers and irregular migrants in Hungary. Overall, the government did not screen or adequately identify victims among vulnerable populations, such as asylum-seekers, domestic and foreign workers, unaccompanied children, children living in government-run institutions, and adults and children exploited in commercial sex. Some experts noted the need for further training for local police on the vulnerability of individuals in commercial sex to trafficking, including children, screening for trafficking indicators, and applying the non-punishment provision to trafficking victims. Furthermore, the government often did not implement a 2011 EU directive requiring authorities to treat individuals subjected to sex trafficking as trafficking victims regardless of victim consent – per the government decree, authorities required victims' written consent for identification and access to assistance. According to NGOs,

identification, referral, and assistance took place on an ad hoc basis, and NGOs and social service providers mainly based the process on their personal networks and connections. NGOs expressed the need for the government to allocate more effectively its resources, particularly in the identification and referral of victims. They also continued to criticize the lack of dedicated state funding for victim assistance services.

Victim assistance services remained scarce and uncoordinated, especially for foreigners and children, and exposed victims to the risk of re-victimization. In 2020, NGOs reported assisting 80 trafficking victims (58 in 2019, 79 in 2018) of which 13 were children (16 in 2019). Seventy-nine of the victims were Hungarian citizens, and one was a foreign citizen. While the NRM did not apply to foreign victims without legal residency, the government granted ad hoc approval to a government-funded NGO to provide services, such as financial support, shelter, and health care, in cases when the NGO requested it; during the reporting period, the government assisted a sex trafficking victim from Mozambique. Foreign victims could receive a 30-day reflection period to decide whether to assist law enforcement, during which they were eligible for a certificate of temporary stay for up to six months. Those who cooperated with authorities were entitled to a residence permit for the duration of their cooperation. In 2020, the government issued one temporary residence permit to the Mozambican, compared with zero in 2019.

Following the European Court of Justice's ruling that the automatic and indefinite placement of asylum-seekers in border transit zones constituted unlawful detention, the government moved nearly 300 people to reception centers around the country and closed the transit zones. The government introduced a new asylum system in which asylum requests could only be submitted through its embassies in Belgrade or Kyiv; requests required asylum-seekers to submit a statement of intent, including general questions but excluding trafficking-specific questions. While NGOs welcomed the closure of the transit zones, they expressed concern that the new system restricted access to asylum and exacerbated the risks of trafficking among asylum-seekers. Additionally, the government once again extended the "crisis situation due to mass migration," which authorized police to automatically remove third-country nationals, some of whom could be or could become trafficking victims, intercepted for unlawfully entering and/or staying in Hungary. Experts expressed concern that the new asylum system precluded those people already in the country's territory and in need of international protection from applying, undermining access to asylum for those facing retribution or hardship in other countries.

All Hungarian and EU victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, and shelter. In 2020, the government allocated 24.3 million Hungarian forint (HUF) (\$81,880), the same amount as in 2019, to an NGO operating two temporary shelters. Both shelters could assist up to 12 adult victims each with accommodation, transport, psychosocial support, and legal information. Additionally, the government provided 80 million HUF (\$269,580) for the establishment of a crisis intervention home and a new shelter; both opened in 2020. The government allocated an additional 15 million HUF (\$50,550) annually for the operation of the new shelter, which could assist up to 12 victims. Two halfway houses connected to the new shelter also opened in 2020, for which the government provided 8 million HUF (\$26,960) annually. The Ministry of Justice (MOJ) opened three victim support centers in 2020 with the goal to open three centers per year until 2025, creating a nationwide network of victim support centers; trained the staff at the centers on identifying and registering trafficking victims; and allocated 450 million HUF (\$1.52 million) for the operation of the centers as well as the MOJ-run victim support hotline. Additionally, the MOJ provided financial aid, certificates of victim status, and witness counseling, if the government initiated criminal proceedings against a trafficker. In 2020, the government provided 781,900 HUF (\$2,630) in financial aid to 12 trafficking victims, compared with 338,230 HUF (\$1,140) in 2019, and courts

provided witness counseling to 15 victims (one younger than the age of 14). The government repatriated one adult victim, the same as in 2019. The government did not have a dedicated program to provide return and reintegration assistance for Hungarian victims identified abroad. However, in 2020, the government and an NGO implemented a two-year pilot project aimed at providing 50 potential trafficking victims with reintegration support. The government partially funded the project, contributing 25 million HUF (\$84,240). Under the auspices of the project, each victim was eligible for up to 500,000 HUF (\$1,680) in financial support; during the reporting period, three victims received payments. The government, in partnership with another NGO, conducted research on the development of an institutional support system aimed at facilitating victims' reintegration and decreasing the chances of re-victimization, providing 5 million HUF (\$16,850) in research funding.

During the reporting period, anti-trafficking amendments to the criminal code entered into force. The amendments included a non-punishment provision for child trafficking victims and a general protection measure provision authorizing police to place child trafficking victims in designated shelters for up to 60 days. Observers generally were optimistic about the new legislation, but some noted there remained a lack of awareness among professionals about the general protection measure, as information was not widely disseminated. In September 2020, the government formed an intersectoral working group to implement the measure among stakeholders, such as police and designated children's homes. There were five such homes (one exclusively for boys) designated in 2020 for the reception of child victims; the working group referred two child victims during the reporting period. Perennial issues persisted with protecting and providing assistance to child victims. The government lacked a framework for identifying, referring, or assisting child victims other than the general child protection system and state-run homes, which had insufficient staff and resources to provide appropriate care or security, leaving victims at risk for re-trafficking. Some experts criticized the chronic lack of assistance and specialized services in state-run homes. Experts continued to express concern that children in state-run homes or orphanages were vulnerable to trafficking – approximately 23,000 children lived in state-run institutions, including 300 younger than three years of age. EU and national requirements required child protection institutions and state-run homes to report all suspected cases of children exploited in sex trafficking; however, according to observers, some law enforcement did not treat them as victims. The failure to eliminate the requirement of force, fraud, or coercion from the anti-trafficking law for child sex trafficking offenses contributed to this inappropriate penalization. In 2020, authorities penalized 19 children (30 in 2019, 54 in 2018), all of whom were girls, for commercial sex offenses—11 children received a warning, six received a fine, and two received community service. Experts questioned the accuracy of government data on the penalization of children noting children were most likely detained by authorities for short periods of time. In 2020, the government allocated 31.5 million HUF (\$106,150) to the operation of a newly opened interdisciplinary center for child victims and witnesses in Budapest, and 42.5 million HUF (\$143,210) for the operation of another center in Szombathely. Through the Ministry of Human Capacities, 2,447 child protection professionals received a 30-hour vocational training on child trafficking. The government operated a 24-hour child protection hotline, which received three alerts in connection with a potential child sex trafficking victim in state care.

## PREVENTION

The government maintained minimal prevention efforts. During the reporting period, the government adopted a 2020-2021 national action plan to implement the 2020-2023 national anti-trafficking strategy, allocating 91 million HUF (\$306,650) for the 2020 plan, a decrease from 159 million HUF (\$535,790) for the 2019 plan. The police conducted an awareness campaign designed to educate children about the dangers of trafficking. The government supported the operation of an NGO-run, 24-hour national hotline, providing approximately

202.5 million HUF (\$682,370), an increase from 52.5 million HUF (\$176,910) in 2019. The hotline provided services in Hungarian and English and assisted victims of domestic violence and trafficking. In 2020, the hotline assisted 51 potential victims and referred 19 victims to shelter (56 and 16, respectively, in 2019). The MOI researched the effectiveness of victim assistance among male labor trafficking victims and prepared the findings for publication and incorporation into the national strategy, allocating 1.8 million HUF (\$6,070) for this research. The government did not have a clear framework and dedicated resources to regulate foreign labor recruitment, which exposed foreign nationals to the risk of exploitation. The labor authority did not have the competency to inspect labor recruitment agencies or impose fines or punishment on foreign labor exchange agencies that committed trafficking offenses. It could assess agencies' compliance with regulations concerning temporary work but did not report identifying any victims while conducting this type of inspection. The government did not make efforts to reduce the demand for commercial sex acts.

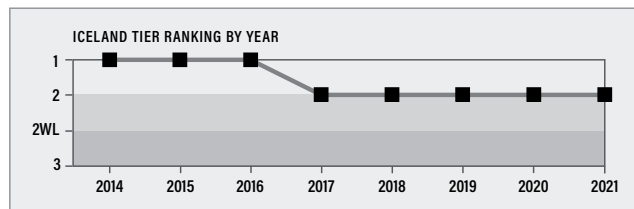
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Hungary, and traffickers exploit victims from Hungary abroad. Vulnerable groups include Hungarians in extreme poverty, undereducated young adults, Roma, single mothers, asylum-seekers, unaccompanied children, and homeless men. Traffickers exploit Hungarian women, boys, and girls in sex trafficking within the country and abroad, mostly within Europe, with particularly high numbers in Germany, Austria, Switzerland, and the United Kingdom (UK). Traffickers exploit Hungarians in labor trafficking in agriculture, construction, hospitality, and factories domestically and abroad, particularly in Belgium, the UK, and the Netherlands. NGOs report domestic labor trafficking is an increasing concern, particularly in rural areas, among Ukrainians and other third-country nationals who come to Hungary to assist with the country's labor shortage. Authorities note a rise in forced labor in domestic service among homeless or elderly individuals. Approximately 23,000 Hungarian children live in state-run childcare institutions, including 300 younger than three years of age, who are vulnerable to trafficking. A large number of child sex trafficking victims exploited within the country and abroad come from state-run institutions and correctional facilities, and traffickers recruit them when they leave these institutions. Trafficking victims from Eastern European countries, as well as asylum-seekers and irregular migrants, some of whom may be or may become trafficking victims, transit Hungary en route to Western Europe. Seasonal workers are at risk for labor trafficking in the agriculture and construction sectors.

## ICELAND: TIER 2

The Government of Iceland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Iceland remained on Tier 2. These efforts included investigating more trafficking cases; identifying more potential trafficking victims; adopting and implementing a national referral mechanism (NRM); and establishing a centralized database for collecting victim information and case history. Furthermore, the government opened a new women's shelter and a counseling and support center for victims and signed two agreements with dedicated funding to support additional accommodations for potential victims. However, the government did not meet the minimum standards in several key areas. Authorities continued to charge suspected traffickers under non-trafficking statutes, such as smuggling, and the government did not prosecute or convict any suspected traffickers for the tenth consecutive year.





### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to prosecute and convict suspected traffickers. • Vigorously investigate and prosecute trafficking cases under the trafficking statute. • Proactively identify trafficking victims and refer them to care facilities for assistance. • Screen all vulnerable individuals for trafficking indicators and stay deportation of potential victims prior to identification and care. • Enhance training for investigating cases and collecting evidence against suspected traffickers. • Increase training for police, prosecutors, judges, and other officials on all aspects of trafficking, particularly on proactive identification of victims among migrant workers, asylum-seekers, and unaccompanied children.

### PROSECUTION

The government maintained law enforcement efforts. Article 227a of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 12 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In 2020, authorities initiated 22 investigations (eight sex trafficking, 10 labor trafficking, and four uncategorized), a significant increase from five in 2019 and 15 in 2018. As in the past decade, the government did not prosecute or convict any trafficking cases, but police referred one labor trafficking case to prosecutors, compared with two (one sex trafficking and one labor trafficking) in 2019. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. Icelandic authorities maintained cooperation with EUROPOL and INTERPOL on international investigations.

Experts noted that limitations of a small government administration and a lack of clear policy, structure across government institutions, and resources restricted progress and coordination. Government officials acknowledged flaws in the criminal justice system. For instance, lengthy investigations, inadequate evidence collection, and overly stringent requirements, such as a high bar for prosecutions, led prosecutors to charge suspects under non-trafficking statutes, such as smuggling, that carried more lenient penalties and were easier to convict. Consequently, the Ministry of Justice (MOJ) developed amendments to the law to facilitate prosecutions by lowering the threshold for evidence required; the amendments were pending approval by Parliament at the end of the reporting period. A government official noted that maintaining statistics on trafficking cases also remained a challenge as trafficking was often one component of larger prosecutions linked to organized crime. As a result, the MOJ allocated 350 million Icelandic krona (ISK) (\$2.75 million) to law enforcement to combat organized crime; authorities reported 15 organized crime groups in Iceland involved in a range of illegal activities, including trafficking. Officials and observers acknowledged the need to develop the capacity and expertise to combat organized crime and identified training as an area for improvement. Subsequently, the government continued to allocate 17.5 million ISK (\$137,680) to the commissioner's office to conduct training on organized crime and preventing trafficking, money laundering, and terrorism. Experts underscored the need for consistently educating law enforcement, prosecutors, and judges on all aspects of trafficking, noting a shortfall of trafficking expertise in law enforcement. In response, the National Police Commissioner published comprehensive guidelines for police officers on investigating trafficking cases. Additionally, the Reykjavik

Metropolitan Police maintained a three-person unit for combating trafficking and commercial sex with a budget of 52.5 million ISK (\$413,030) supported by a cyber-crime unit that monitored the internet for trafficking activity. Moreover, the North Iceland Police maintained a two-person team focused on commercial sex and labor violations and a 33 million ISK (\$259,620) budget, and the Southwestern District Police, which covered the border police at Keflavik International Airport, operated a unit specializing in major crime investigations, including trafficking. Furthermore, the police college curriculum included a legal course and instruction on investigating trafficking cases.

### PROTECTION

The government increased victim protection efforts. The government identified nine potential trafficking victims (eight sex trafficking, one sex and labor trafficking), compared with seven in 2019; all of the identified victims were adult foreign nationals. The police established identification procedures and maintained standardized referral procedures requiring them to contact welfare services in the municipality and the Ministry of Social Affairs (MOW) to coordinate victim care and placement. During the reporting period, the government adopted a NRM and implemented it at the Bjarkarhlíð Family Justice Center. The center assumed the responsibility in July and continued to serve as a "one stop shop" for victims of violence, including trafficking. The government's action plan on preventing violence and its consequences, which included action items to combat trafficking and provide services for victims, allocated 6 million ISK (\$47,200) to open and operate the center in northern Iceland. Additionally, the government allocated 3 million ISK (\$23,600) for the NRM for one year. Through the NRM, the center coordinated social services and law enforcement involvement; provided victims with assistance; and compiled victim information and case history into a new centralized database developed to reflect accurately the scope of trafficking in Iceland. Furthermore, under the auspices of the NRM, officials developed a standardized questionnaire for victims to better quantify and identify vulnerable groups. A team of experts worked to refer victims to relevant NGOs or institutions providing short- or long-term care. The action plan on preventing violence and its consequences called for the creation of standardized guidance for all anti-trafficking service providers, and allocated 15 million ISK (\$118,010) annually until 2023 to ensure the implementation of the guidance as well as all action items no later than 2022. During the reporting period, the government partnered with an NGO to open a new women's shelter in Akureyri, the largest town in northern Iceland, as a two-year pilot project. The government also signed an agreement providing 100 million ISK (\$786,720) to support building the shelter with additional housing units in Reykjavik. Separately, as part of its pandemic-stimulus package in November 2020, the government signed an agreement with the same NGO for a new emergency shelter in Reykjavik using donated funds—100 million ISK (\$786,720)—from last reporting period. Additionally, the government provided 1.5 million ISK (\$11,800) to create a new counseling and support center for victims of gender-based violence, including trafficking, in southern Iceland. The center opened at the end of the reporting period.

Overall, the government maintained a well-managed social welfare system with robust protections. Victims had access to free legal, medical, psychological, and financial assistance, whether or not they stayed at a shelter or cooperated with authorities. In 2020, three potential victims received assistance from social services, compared with one potential victim in 2019. Municipal and national child protection services were responsible for assisting unaccompanied children, including child trafficking victims. Observers noted shortcomings in the assistance process for unaccompanied children, noting that the Directorate of Immigration placed such children in an unsupervised reception center with no child protection staff, only one security guard, and free access from other residents, putting them at risk to trafficking. There were no accommodations available for male victims, though they could access general municipal social

services and receive referrals to NGOs providing food, shelter, legal advice, and health care. Municipal social service agencies provided services and financial assistance to trafficking victims, and the MOW reimbursed the municipalities for all associated expenses. Foreign trafficking victims could obtain either a nine-month residence permit or a one-year renewable residence permit, which was available to victims who faced retribution or hardship in their home countries or cooperated with law enforcement. Officials noted, in most instances of suspected trafficking, foreign victims opted to leave the country instead of cooperating with investigations. In response to the pandemic, the government amended the regulation for foreign nationals who could not return to their country of origin or legal residency, granting them the right to remain lawfully in Iceland until November 10, 2020; these regulations also applied to trafficking victims. Despite reports that the government screened all deportees for trafficking indicators, observers expressed concern over removals of West African asylum-seekers who reported being trafficking victims prior to arriving in Iceland.

## PREVENTION

The government increased prevention efforts. The government continued to implement its national action plan (NAP), which included proposed revisions to legislation, regulations, and administrative directives and action items focused on bolstering public awareness, education, and institutional knowledge. Three task forces, which included a range of government and non-government stakeholders, each assigned with developing specific policy proposals to implement the NAP, comprised the MOJ-led national steering group, which coordinated interagency anti-trafficking efforts. One of the task forces noted the need to raise awareness as well as bolster education for authorities and the general public. Accordingly, the police collaborated with airport authorities to educate employees on trafficking and created a video detailing the different types of trafficking, victim identification, and notification procedures. The police, in partnership with an international airline, conducted training and instituted procedures for front-line personnel to respond to trafficking situations. Furthermore, the government allocated 5 million ISK (\$39,340) for awareness and education campaigns, informing foreign workers about their rights in the Icelandic labor market. Separately, an Icelandic research institute received 4 million ISK (\$31,470) from the government to produce educational videos about trafficking to help workplace inspectors detect potential incidents. The government granted approximately 2 million ISK (\$15,730) to the Icelandic Confederation of Labor for educational materials on organized labor trafficking. The Directorate of Labor (DOL) maintained a three-person team to respond to suspected trafficking cases and educate government employees on trafficking and identifying potential victims. The DOL also maintained a website providing information on the rights of foreign workers in Iceland and the resources available to them. In cooperation with EU countries, the DOL participated in a project aimed at reducing labor market violations and labor trafficking, by combating black-market employment and social dumping, whereby workers are given pay or living or working conditions that are sub-standard compared to the law. In 2020, the government included supply chain responsibility provisions in the Public Procurement Act stipulating the liability of principal contractors to ensure all sub-contractors get paid in accordance with collective bargaining agreements. The Act also stipulated if a bidder or a participant was a convicted trafficker, they were barred from procurement bids for a minimum of three years. Due to the economic consequences of the pandemic and companies reducing the number of hours their employees worked, the government passed a temporary provision entitling payment of unemployment benefits—up to 75 percent of salaries; most applications came from employees in the tourism industry, which comprised mainly migrant workers who remained vulnerable to labor trafficking. Government efforts to combat child sexual abuse, including trafficking, extended abroad with the allocation of 36 million ISK (\$283,220) to a project in Togo. The government made

efforts to reduce the demand for commercial sex acts by investigating 48 individuals suspected of purchasing commercial sex.

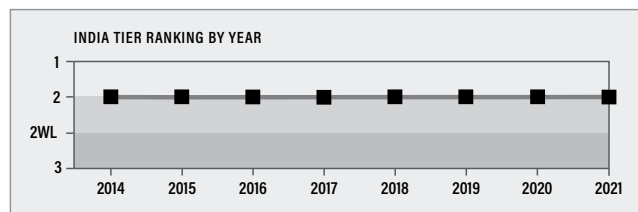
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iceland, and, to a lesser extent, traffickers exploit victims from Iceland abroad. Authorities report that most trafficking cases involve small businesses or individual traffickers, who are foreign nationals living legally in Iceland and engaging in other criminal activities but note a rise in organized crime. Traffickers exploit women from Africa, Eastern Europe, the Baltics, and South America in sex trafficking and men and women from Asia, the Baltics, Eastern Europe, and West Africa in forced labor. Labor trafficking continues to be the largest concern in Iceland with migrant workers in the construction, tourism, and restaurant industries as well as domestic service particularly vulnerable. However, labor union officials report fewer migrant workers in Iceland due to the pandemic. Foreign “posted workers” are at particular risk of forced labor as the traffickers pay them in their home countries and contract them to work for up to 183 days in Iceland to avoid taxes and union fees, limiting tax authorities’ and union officials’ ability to monitor their work conditions and pay. Asylum-seekers and foreign students in Iceland are especially vulnerable to trafficking. A 2019 police threat assessment report notes a nascent nexus between asylum abuse and organized crime through which traffickers seek to manipulate the asylum system. Traffickers reportedly exploit the visa-free regime in the Schengen Zone and the European Economic Area to bring victims to Iceland for up to three months and move them out of the country before they must register with local authorities.

## INDIA: TIER 2

The Government of India does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore India remained on Tier 2. These efforts included identifying more victims and investigating and prosecuting more trafficking cases. In response to heightened vulnerabilities to trafficking as a result of the pandemic, the government allocated funding for the strengthening of existing and establishment of new Anti-Human Trafficking Units (AHTUs) around the country, and media reported railway and transit police increased patrolling of transportation hubs to prevent and intercept perpetrators and victims of human trafficking. The government allocated funding to establish “women help desks” in 10,000 police stations across the country and facilitated services for victims of crime, including human trafficking. Indian courts expanded the use of video testimony for trafficking victims during the pandemic. Some states also made notable efforts to include issuing standard operating procedures (SOPs) for victim identification of bonded labor and granting the maximum amount of compensation outlined in policy to bonded labor victims. However, the government did not meet the minimum standards in several areas. Overall anti-trafficking efforts, especially against bonded labor, remained inadequate. The government achieved fewer convictions, and the acquittal rate for traffickers remained high at 73 percent. Official complicity in trafficking remained a concern; the government did not report any prosecutions or convictions. Although law enforcement increased victim identifications, they identified disproportionately few victims compared with the scope of the problem, with some organizations estimating eight million trafficking victims in India. Efforts to audit government-run or -funded shelters remained inadequate, and significant shortcomings in protections for victims, especially children, remain unaddressed. Many victims waited years to receive central-government mandated compensation, and often state and district legal offices did not proactively request the compensation or

assist victims in filing applications. Some foreign trafficking victims remained in state-run shelters for years due to lengthy or non-existent repatriation processes.



### PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of all forms of trafficking, including bonded labor. • Vigorously investigate allegations of official complicity in human trafficking and sentence perpetrators to significant prison terms. • Criminally investigate all reports of bonded labor. • Develop and immediately implement regular monitoring mechanisms of shelters to ensure adequate care, and promptly disburse funding to shelters that meet official standards for care. • Improve clarity on central and state government mandates for and implementation of protection programs and compensation schemes for trafficking victims, especially children, to ensure states provide release certificates, compensation, and non-cash benefits to all victims immediately. • Urge prosecutors to routinely request and judges to award, as appropriate, trafficking victim compensation, and urge legal aid offices to routinely inform trafficking victims of available compensation mechanisms. • Encourage state and territory compliance with the Supreme Court's recommendation to audit all government-run and -funded shelter homes. • Cease penalization of trafficking victims. • De-link provision of the 2016 bonded labor scheme's overall victim compensation from conviction of the trafficker. • Cease detention of adult trafficking victims in government-run and government-funded shelters. • Strengthen existing AHTUs through increased funding and trainings of staff and ensure newly created AHTUs are fully operational. • Continue to disseminate and implement standard operating procedures for victim identification and referral, and train officials on their use. • Amend the definition of trafficking in Section 370 of the Penal Code to include labor trafficking and ensure that force, fraud, or coercion are not required to prove a child sex trafficking crime. • Eliminate all recruitment fees charged to workers. • Increase oversight of, and protections for, workers in the informal sector, including home-based workers. • Lift bans on female migration through agreements with destination countries that protect Indian workers from human trafficking. • Update and implement a national action plan to combat trafficking. • Provide anti-trafficking training for diplomatic personnel.

### PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts, although efforts remained inadequate compared to the scale of the problem. Indian law criminalized sex trafficking and some forms of labor trafficking. Section 370 of the Indian Penal Code (IPC) criminalized trafficking offenses that involved exploitation that included any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, and servitude. The law did not explicitly address labor trafficking. Section 370 prescribed penalties ranging from seven to 10 years' imprisonment and a fine for offenses involving an adult victim, and 10 years' to life imprisonment and a fine for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Inconsistent with international law, Section 370 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, Sections 372 and 373 of the IPC criminalized the exploitation of children through prostitution without requiring a demonstration of such

means, thereby addressing this gap. These sections prescribed penalties of up to 10 years' imprisonment and a fine, which were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as kidnapping. Bonded labor was specifically criminalized in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Bonded Labor System (Abolition) Act (BLSA), which prescribed penalties of up to five years' imprisonment and up to three years' imprisonment, respectively. The penalties prescribed under the BLSA were not sufficiently stringent. Police continued to file trafficking cases under the Juvenile Justice Act and other sections of the IPC, which criminalized many forms of forced labor; however, these provisions were unevenly enforced, and some of their prescribed penalties were not sufficiently stringent, allowing for only fines or short prison sentences. Additionally, the government prosecuted sex trafficking crimes under other laws like the Protection of Children from Sexual Offenses Act (POCSO) and the Immoral Traffic Prevention Act (ITPA), which criminalized various offenses relating to commercial sexual exploitation. The recruitment of children younger than age 18 by non-state armed groups is criminally prohibited by Section 83 (1) of the Juvenile Justice Act. A draft anti-trafficking bill from 2018 lapsed with the dissolution of the lower house in 2019. The government was working on a revised bill, which was yet to be presented to Parliament at the close of the reporting period.

During the reporting period, the National Crime and Records Bureau (NCRB) issued its 2019 Crime in India Report. In 2019, the government reported 2,088 trafficking cases under the IPC compared with 1,830 trafficking cases in 2018 and 2,854 trafficking cases reported in 2017. The government did not report what sections of the IPC were included in the data, and the government reported the same number of cases for West Bengal in 2018 and 2019 because West Bengal did not provide new data. In 2019, the government completed prosecution in 600 trafficking cases, convicted 306 traffickers in 160 cases, and acquitted 1,329 suspects in 440 cases. The acquittal rate for trafficking cases was 73 percent in 2019. These statistics were compared with the government completing prosecution in 545 cases, convicting 322 traffickers in 95 cases, and acquitting 1,124 suspects in 450 cases in 2018, with 83 percent of cases resulting in acquittal. Three of India's 36 states and territories reported a third of all trafficking cases, most likely due to more sophisticated reporting in those states and territories rather than larger trafficking problems. The government ordered a nationwide lockdown due to the pandemic from March to May 2020; subsequently, regular court proceedings and evidence collection were suspended. Courts resumed trials using video conferencing and online applications after some of the lockdown restrictions were removed in the summer of 2020. India's Supreme Court encouraged courts across the country to utilize online technologies to continue to hear trafficking cases virtually during the pandemic.

Overall law enforcement efforts across the country, especially against bonded labor, remained inadequate compared to the scale of the problem. The law required police to file a First Information Report (FIR) upon receipt of information about the commission of a cognizable offense, such as forced labor or sex trafficking, which legally bound police to initiate a criminal investigation. Police did not always arrest suspected traffickers, file FIRs to officially register a complaint, or file FIRs under trafficking crimes; and officials often settled cases at the complaint stage. For example, in a child trafficking case during the reporting period, the police filed a FIR under IPC 360 (kidnapping) instead of POCSO and IPC 370 (trafficking of minors), allowing the alleged trafficker to be released on bail directly following his arrest. In recent years, West Bengal, Jharkhand, and Assam state authorities allegedly ordered police to register trafficking cases as kidnapping or missing persons to reduce the number of trafficking cases in official statistics. In December 2020, the Supreme Court directed the states of West Bengal, Assam, and Rajasthan to ensure video conferencing facilities were available for children and trafficking witnesses to help mitigate case delays caused by the time and expense of witnesses traveling to the courts. During the



pandemic-related lockdown, district courts granted bail to some alleged traffickers without serving notification of bail hearings to prosecutors or victims, including child victims, in contravention of the POCSO Act. This resulted in prosecutors and victims being unable to present counter arguments in bail hearings and raised concerns of alleged traffickers intimidating victims.

The lack of sufficient political will across many states to address bonded labor stymied efforts nationwide. NGOs previously estimated police did not file FIRs in at least half of bonded labor cases nationally, especially in Bihar and Rajasthan. NGOs stated police, at times, allegedly did not file cases to shield traffickers or to avoid paying compensation to victims. In 2019, law enforcement reported 1,155 cases of bonded labor under the BLSA, an increase from 778 cases in 2018. In 2019, officials convicted 52 persons in 33 cases under the BLSA and acquitted 90 persons in 38 cases. These statistics were a sharp decrease, compared with 2018, when officials convicted 331 persons in 198 cases under the BLSA and acquitted 189 persons in 142 cases. In the 2018 Crime in India Report, the government began including in the BLSA statistics cases that district and labor officials handled administratively, including through summary trials; therefore, because the majority of “convictions” in 2018 and 2019 were administrative decisions, traffickers received inadequate sentences of fines, and authorities did not criminally investigate human trafficking crimes. Twenty-one of India’s 36 states and union territories reported not identifying any bonded labor victims or filing any cases under the BLSA in 2019. This was an increase from 17 states and territories not identifying any bonded labor victims or filing any cases under the BLSA in either 2017 or 2018, despite continued NGO and media reports of bonded labor victims identified in some of those states. Similar to 2018, Uttar Pradesh accounted for 80 percent of all cases under the BLSA, but the evidence did not suggest it had a disproportionately large problem, which called into question other states’ efforts to address bonded labor. Some district magistrates dissuaded bonded labor victims from pursuing cases against their traffickers and mediated cases in lieu of criminal prosecution. NGOs reported the collaboration between Karnataka agencies and other stakeholders resulted in the removal from exploitation of approximately 500 bonded laborers between January and June of 2020. Tamil Nadu officials conducted more than 30 operations to remove approximately 1,500 bonded laborers from exploitation between January and November of 2020. However, in June 2020, Tamil Nadu district officials did not charge a brick kiln owner with violating bonded labor laws because the district administration did not have the funding necessary to compensate victims as mandated by the BLSA, due to pandemic-related budget shortfalls. Police subsequently arrested the brick kiln owner on two other criminal charges. Additionally, Tamil Nadu police and local government officials removed 173 children (mostly young girls) from a private spinning mill. The children, ages 13-18, worked 14-hour days with no days off. Police did not file charges under the Child Labor (Abolition and Regulation) Act or the BLSA and instead filed an FIR under IPC Sections 269 and 271 for negligence “likely to spread infection of disease dangerous to life,” an enforcement provision resulting from the pandemic.

AHTUs, legally established by state governments and partially funded by the Ministry of Home Affairs (MHA), served as the primary investigative force for human trafficking crimes. At the end of the previous reporting period, the government announced it would expand the number of AHTUs from 332 districts to all of India’s 732 districts; the government did not report the outcome of this expansion or final number of AHTUs during the current reporting period. In July 2020, in response to the pandemic, the MHA advised all Indian states and Union Territories (UTs) to expedite setting up new AHTUs and to strengthen existing ones. MHA also advised the state governments to create a coordination mechanism among the different departments, conduct community awareness programs on missing children, increase patrols of transit points and international borders, and train police officers on victim-centered investigations

and protection. MHA released 42.3 million Indian rupees (INR) (\$579,180) to Telangana to set up units in each of its 13 districts and 18 million INR (\$246,460) to Kerala to expand resources in five AHTUs operating in rural police districts. Uttar Pradesh, India’s most populous state, reported allocating 1.6 million INR (\$21,910) to create an additional 40 AHTUs so that all of its 75 districts had AHTUs that operated as separate police stations to facilitate the rescue and rehabilitation of trafficking victims. During the reporting period, Maharashtra created 36 new AHTUs.

An NGO study reported only 27 percent of AHTUs were fully operational and many still only existed on paper. State governments and civil society nationwide agreed the majority of AHTUs currently active were not sufficiently funded or trained, nor solely dedicated to trafficking. The study concluded government funding was mostly spent on infrastructure development and awareness programs, with little devoted to trafficking investigations. Additionally, AHTUs were frequently regarded as less favorable assignments for police officers and were at times occupied by near-retirees or were assigned to officers as a reprisal for poor performance. However, the study also stated some AHTUs were effective in investigating and providing evidence in cases and empowering victims. Some NGOs reported good working relationships and effective coordination with local AHTUs. In March 2020, the national government disbursed 1 billion INR (\$13.69 million) to strengthen existing AHTUs and establish new units along India’s borders with Bangladesh and Nepal.

In December 2020, the government allocated an additional 1 billion rupees (\$13.69 million) to establish “women help desks” in 10,000 police stations across the country. Police staffed the desks and, in coordination with lawyers, psychologists, and NGOs, facilitated legal aid, counseling, shelter, rehabilitation, and other related services for victims of crime, including human trafficking. In the previous reporting period, the government expanded the mandate of the National Investigation Agency (NIA) to include inter-state and transnational trafficking cases. In October 2020, NIA filed charges in its first trafficking case against 12 individuals stemming from the discovery of a sex trafficking criminal operation in Hyderabad in 2019. Criminal Investigation Divisions (CID) within state-level police also investigated human trafficking. States were empowered to dedicate courts to hearing cases under the POCSO Act, including child sex trafficking; as of April 2019, the country had 664 POCSO courts. In some states, however, authorities reported the judges and prosecutors at POCSO courts had no training or expertise in POCSO crimes. Law enforcement generally did not prioritize trafficking cases over murder or drug crimes, which increased the length of trials and in some cases led to acquittals. Unofficial village caste councils have in the past reportedly pressured lower caste female sex trafficking victims not to pursue criminal cases, although no incidents were cited during the reporting period. NGOs reported all police and judicial academies had human trafficking in their course curriculum.

Media reported the government arrested allegedly complicit officials, but as in past years, the government did not report any prosecutions or convictions of government employees complicit in human trafficking crimes. In Hyderabad, police arrested an Assistant Commissioner of Income Tax in May 2020 for exploiting five victims in a sex trafficking scheme. Police arrested a government engineer in Uttar Pradesh for sexually abusing more than 50 children over the span of 10 years and selling the images of the abuse online. In November 2020, police arrested a Chhattisgarh party official for involvement in a sex trafficking case; police also arrested four others in connection to the case. However, the government did not report taking action on allegations of official complicity in other cases. The Ministry of External Affairs (MEA) promoted a former consular officer who has an open U.S. indictment for visa fraud related to her alleged exploitation of an Indian domestic worker to an Ambassadorial position. In 2019, Tamil Nadu state authorities admitted some local politicians benefitted from child sex trafficking and forced begging rings with impunity; the government did not report investigating such allegations. In the previous reporting period, the Delhi Commission

for Women claimed police filed fraudulent criminal charges against the organization to impede the organization's anti-trafficking efforts. Some state-owned tea estates in Assam continued to hold workers in bonded labor by creating recurring debt by underpaying wages and overcharging for daily living expenses such that 37 percent of workers had daily expenditures that exceeded their daily income. Some law enforcement reportedly received bribes from sex trafficking establishments and sexual services from victims in exchange for alerting the traffickers of forthcoming raids.

A lack of accountability for misconduct and corruption persisted at various levels of government, contributing to the perception of widespread impunity for trafficking crimes. Caste discrimination by some police and administration officials impeded identification and investigation of such cases. NGOs across multiple states reported politically connected individuals, including local and state politicians who held workers in bonded labor in agriculture and on brick kilns, successfully avoided prosecution. Civil society reported a number of instances in which police refused to register FIRs against officials who were alleged perpetrators.

During the previous reporting period, the government conducted one high-profile investigation of abuse at a shelter home in Bihar, resulting in the conviction of 19 individuals, 12 of whom were sentenced to life in prison for sexual assault for the sex trafficking of more than 44 girl residents at a government-funded shelter. Among those convicted were three state officials, including the chairperson of the Child Welfare Committee (CWC), and a former legislator. Despite this action in Bihar, the lack of investigations into suspected trafficking crimes and broader physical and sexual abuse of trafficking victims at government-run and government-funded shelters due to widespread negligence created an atmosphere of impunity for shelter employees to engage in trafficking. In 2018, the Supreme Court encouraged the National Commission for Women and state-level institutions to audit the status of their state shelter homes, including homes that care for adult and child trafficking victims. In compliance with this announcement, the National Commission for Protection of Child Rights produced a report on the 7,163 childcare institutions in India of which 88 percent are managed by non-governmental entities. The report noted 40 percent of all shelters did not have adequate measures in place to prevent physical or sexual abuse of children. In addition, staff members were not properly trained to recognize the signs of abuse or raise alarm to proper authorities.

## PROTECTION

The government maintained overall victim identification and protection efforts, but the identification and protection for bonded laborers remained inadequate. In 2019, the government reported identifying 5,145 trafficking victims and 2,505 potential trafficking victims, an increase compared with 3,946 trafficking victims and 1,625 potential victims identified in 2018. In 2019, authorities identified 3,133 victims in labor trafficking, including 1,549 in bonded labor, 2,012 in sex trafficking, and did not report the type of trafficking of the 2,505 potential victims identified. Ninety-four percent of trafficking victims identified were Indian, approximately 57 percent were adults, and 62 percent were female. Despite some estimates of eight million Indians in bonded labor, the Ministry of Labor and Employment reported to Parliament in 2019 that the government had only identified and released 313,687 since 1976. Moreover, due to lack of law enforcement efforts against traffickers, one NGO working in 10 states reported that more than 60 percent of released victims were subjected to bonded labor again following their release. Karnataka, Tamil Nadu, and Uttar Pradesh states, where some authorities may engage more actively against bonded labor, accounted for the majority of bonded labor victims identified, with 130,249, and 964 victims identified respectively, overall accounting for 87 percent of the country's total identification of bonded labor victims. The MHA created standard procedures for trafficking victim identification in 2009, but it was unclear how many states had adopted them. State revenue officers had the responsibility for identifying

bonded labor victims, yet NGOs identified most cases. Poor inter-state coordination between state government agencies impeded trafficking investigations and victims' ability to obtain services, including participation in civil and criminal cases in their home states. The Ministry of Women and Child Development (MWCD) continued to support some broad national child protection mechanisms, including a hotline for children, and a system to identify missing children and remove them from their exploitation or situation. During the reporting year, state and local officials focused resources to contain the spread of COVID-19, which subsequently reduced some trafficking "raid and rescue" operations. However, media reported railway and transit police increased patrolling of transportation hubs to prevent and intercept perpetrators and victims of human trafficking in 2020.

The government did not report how many trafficking victims it assisted or referred to care. The government had shelter and services for child and adult female trafficking victims, although the quality, consistency, and availability varied. Police could refer all adult and child trafficking victims, except bonded labor victims, to state judiciaries and CWCs to determine appropriate care. CWCs generally returned child trafficking victims to their parents, some of whom had subjected their children to trafficking. When CWCs did refer child trafficking victims to care, it placed them in privately run shelters, government-run juvenile justice homes (some of which housed child victims with children accused of crimes), or government-run women and children's homes, some of which allowed routine abuse in previous reporting periods. While judges could reportedly refer bonded labor victims to care, there were no reports officials did so in practice. Judges could require all adult trafficking victims identified under the ITTPA to stay in government- or NGO-run shelters for up to three weeks, and victims who were part of an ongoing legal case as a witness or victim could not leave shelters without a magistrate's order. The government did not operate or fund shelters that could accommodate adult males.

Government-run and -funded shelters remained insufficient, facing serious shortages of space, financial resources, and trained personnel. NGOs relied primarily on donor contributions, although some received government funds. The disbursal of government funding to NGOs was sometimes delayed for multiple years. In 2020, an amendment to the Foreign Contribution Regulation Act that prevented the sub-granting of foreign contributions from the original Indian NGO recipient to other NGOs came into force, preventing collaboration and coordination and severely affecting their activities, including anti-trafficking NGOs. MWCD continued to provide state governments with funding for NGO- and government-run shelter and rehabilitation through the *Ujjawala* program for female sex trafficking victims (operating 136 shelters, compared with 134 in 2019) and the *Swadhar Greh* program for women in difficult circumstances (operating 417 shelters, compared to 514 in 2018). The central government allocated 250 million INR (\$3.42 million) to the *Swadhar Greh* and *Ujjawala* programs in the 2020-2021 budget but did not include separate allocations for the 2021-2022 budget. MWCD ran One-Stop Centers (OSCs) for female victims of all crimes, including sex trafficking. As of December 2020, there were 700 OSCs operating across India, compared with 506 in 2019. It did not report if the centers assisted any trafficking victims, and some NGOs previously reported the centers were ineffective and difficult to access.

Media, NGOs, and authorities continued to document a lack of oversight and negligence in government-run, government-funded, and privately run shelters that sometimes resulted in abuse and trafficking of residents. In several cases, such homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. CWCs were designed to routinely monitor victim shelters and provide updates on victims' cases, although their efficacy varied across states. CWCs promoted interagency collaboration to prevent trafficking during the pandemic. The National Commission for the Protection of Child Rights' (NCPCR) audit of 9,500 Child Care Institutions (CCIs) during the previous reporting period revealed 40 percent lacked

adequate measures to prevent abuse of children and one-third lacked registration and therefore operated with little or no oversight. Moreover, it reported CCIIs subjected the majority of child residents, including trafficking victims, to corporal punishment, substandard food, inadequate medical and legal assistance, and did not provide education or skills training. In response to this audit, the government closed 539 CCIIs between 2018 and 2019 and registered others but did not report whether they filed any criminal charges against the owners and where they referred the residents. In February 2020 the Minister of Women and Child Development directed senior state officials to inspect all CCIIs and implement the required monitoring and evaluation, including regular review of abuse complaints. However, the government did not report the outcome of this directive, and due to the pandemic, social workers throughout the country were frequently unable to contact trafficking victims in shelter homes or conduct effective evaluations. In addition, reportedly due to the fear of transmission of COVID-19, some CCIIs returned children to their families, in some cases as a result of government pressure. The NCPDR sent a letter to eight state governments directing them to reunite children with their families as a measure to halt COVID-19 transmission. In Tamil Nadu, an NGO reported approximately 56,000 children lived in shelter homes in March 2020 but as of August 2020 only 6,000 lived in shelter homes. In October 2020, the Supreme Court required NCPDR to provide more information on their directive as CWCs were the only body authorized to order reunification of children with their families and raised concerns the children may have been returned to abusive situations.

*Ujjawala* and *Swadhar Greh* homes had similar levels of non-registration. Due to a reported loophole in the law, if the government did not act on a shelter's application in a prescribed timeframe, the organization was automatically licensed. Whenever a license application is accepted, the home must go through several inspections, but it was unclear whether authorities conducted these inspections in practice. Allegedly, some corrupt officials purposely missed the licensing deadline to allow inadequate but politically connected organizations to gain licensing. In the states that allowed audits of *Ujjawala* and *Swadhar Greh* homes, previous audits documented many homes violated minimum hygiene and safety standards, did not provide psycho-social support or educational opportunities, and operated without proper registration. Moreover, in some instances the shelters functioned as hostels and charged non-victim residents for accommodation. Due to unsafe conditions and abuse by caretakers, authorities reported multiple cases in which residents, including children, ran away from these shelters during previous reporting periods. MWCD did not report an update on its drafting of a child protection policy to prevent abuse in government-run and -funded shelter homes the Supreme Court had ordered it to create in September 2018.

Four states had previously reported their use of child-friendly courtrooms or procedures, including some that allowed victims to testify via video conference. During the reporting year, courts reportedly expanded video conference capabilities due to the pandemic, although the scale of expansion was unknown. In February 2021, two child trafficking victims testified via a video conference as a part of a measure to expedite trafficking trials and clear up a backlog of cases; instead of traveling 600 miles, the boys went to a local court 25 miles from their village. In other cases, inadequate implementation of victim protection measures and legal assistance provisions, including witness protection, led victims to refuse to participate in trials. Moreover, NGOs reported that judges closed many cases because the government did not provide adequate financial assistance to enable victims to participate in trials. While victims could obtain restitution from their traffickers in criminal cases, courts rarely awarded it. Judges could order compensation to trafficking victims through a variety of government schemes, usually funded by the central government and administered at the state level, but rarely did so. NGO analysis of historical government crime data showed that among 38,503 trafficking victims identified between

2010 and 2018, judges only proactively awarded compensation to 102 (less than one percent) although there have been some minor improvements in compensation in more recent years. In addition, state and district legal offices did not regularly inform trafficking victims that they were eligible to receive compensation. When they did payments were often delayed due to lack of state funds. However, during the reporting period, the District Legal Services Authority (DLSA) in Kolkata awarded 876,410 INR (\$12,000) to a survivor of human trafficking, the highest compensation awarded by a DLSA in West Bengal. The DLSA awarded that amount based on the pending POCSO cases, the absence of interim compensation, the duration of the upcoming trial, the psychological effects of the crime, and the victim's future educational pursuits. While authorities have only awarded 14 victims compensation in West Bengal since 2012, 11 of those decisions were between September 2019 and March 2020 and the amounts awarded were significantly higher than in previous years. Authorities issued an additional 90 compensation orders after March 2020, although payment was still pending at the end of the reporting period. Some states, as allowed in the central government's 2016 bonded labor scheme, controlled how victims could use this compensation, such as requiring them to put it into annuity schemes. The Kolkata High Court ruled against West Bengal's policy of limiting victims to small, monthly withdrawals over 10 years.

The central government funds a program through which district officials identified bonded labor victims and provided them with release certificates that provided access to non-monetary assistance and, upon conviction of their trafficker, to compensation. In 2016, the government amended the program to include female sex trafficking and child forced labor victims as recipients and mandated local district authorities to provide immediate monetary assistance up to 20,000 INR (\$274) to a victim within 24 hours of identification, regardless of the status of the related court case. The release of the overall compensation amounts (between 100,000 INR [\$1,370] and 300,000 INR [\$4,110] based on the victim's demographics) remained contingent upon conviction of the trafficker or conclusion of magisterial processes, which could take several years. The government did not adequately implement any stage of this program, and when states did implement the program, it was often due to sustained NGO advocacy. Some states had SOPs to address bonded labor cases. The Delhi government had an SOP to rescue bonded labor victims. In March 2020, Karnataka released a comprehensive SOP on human trafficking in collaboration with civil society organizations that covers sex trafficking, victim identification, forced child begging, bonded labor, and child labor. In July 2020, Tamil Nadu issued an SOP to address bonded labor among migrant workers. The state government also directed District Collectors to form vigilance committees and monitor the welfare of bonded laborers who had been removed from their exploitation. The government did not report whether any other states had bonded labor SOPs.

The government did not report how many release certificates it provided during the reporting period, compared with approximately 2,300 provided between March 2018 and March 2019. The issuance of mandatory release certificates varied greatly between states, but in many states, officials did not issue release certificates without significant advocacy from high profile NGOs, which could take years. NGOs reported that compensation schemes were too slow in providing victims with funding – survivors waited years to testify in court to determine how much they would be awarded, and state authorities at times delayed payment due to limited funds. During the pandemic, these shortcomings were exacerbated. According to one NGO, state authorities rarely classified children as victims of bonded labor due to what appeared to be inconsistent testimony and a lack of identity documents or proof of enslavement; ultimately this denied child victims government compensation. In Tamil Nadu, by contrast, some NGOs reported success collaborating with the government and securing release certificates, although some smaller NGOs had less success. Authorities continued to misidentify bonded labor or treat it as labor exploitation, child labor, or minimum wage violations,



and not provide victims the mandatory 20,000 INR (\$274) owed upon identification. Some police were unaware these protections applied to trafficking victims whom traffickers had trapped with other forms of force or coercion. During the previous reporting period, Arunachal Pradesh authorities refused to recognize or provide mandatory release certifications and compensation to bonded laborers identified by NGOs because it claimed it had eradicated bonded labor in 1998. In May 2020, the Supreme Court ordered the state government of Bihar to remove 187 bonded laborers from exploitation in a brick kiln and issue release certificates. The Bihar government stated it was unable to help the victims due to the influx of internal migrant workers returning to Bihar from other states as a result of the pandemic-related lockdown. The central government reported it had adequate funding to provide initial compensation to all identified bonded laborers, and the 2016 scheme required each state to have a permanent fund with at least 1 million INR (\$13,690) at all times for district magistrates to use exclusively for bonded labor victims. However, Bihar previously claimed the central government had not reimbursed them for prior bonded labor compensation and many states did not have the established fund, which delayed compensation. The National Human Rights Commission (NHRC) ordered law enforcement and district officials to provide release certificates to bonded labor victims. While NHRC was often effective in securing release certificates when NGOs or bonded labor victims requested its assistance, it required significant time and persistent follow-up from NGOs. Although the NHRC could issue orders to state and local officials to provide release certificates to individuals, there was no penalty for noncompliance. Due to a lack of proactive victim identification, the widespread tendency to handle bonded labor cases administratively in lieu of criminal prosecution, and stalled bonded labor prosecutions, victims infrequently received full compensation. In Telangana state, the government did not provide full compensation to any of 1,174 bonded labor victims removed from exploitation from 2012-2019 because it did not convict any traffickers under the BLSA. However, in June 2020, 12 bonded labor victims in Telangana received full compensation two years after they were removed from exploitation. While the 2016 scheme also required states to provide non-cash benefits, including employable skills training, provision of such services remained weak or nonexistent.

Foreign victims had the same access to shelter and services as Indian nationals. Government policy on foreign victims dictated their return to their country of origin at the earliest possible time. Authorities detained foreign sex trafficking victims in shelters until deportation, and both repatriation of foreign victims seeking to return home and deportation of victims could take years due to bureaucratic constraints. In July 2020, a group of Nepali trafficking victims were stranded in a Manipur shelter due to a lack of clear procedures to facilitate their repatriation. Some officials refused to repatriate victims until they had provided testimony in prosecutions against their traffickers. The government continued to review its 2015 memorandum of understanding with the Government of Bangladesh on identification and repatriation of Bangladeshi trafficking victims. The lengthy and complex approval system forced some Bangladeshi victims to languish in Indian shelters for years before repatriation. Media reported 180 Bangladeshi sex trafficking victims were awaiting repatriation at various shelters in West Bengal, many of whom have waited years for the conclusion of the 15-step approval process. The government provided some funding to NGOs to repatriate child trafficking victims but did not offer financial assistance for repatriation of adults. Indian embassies abroad provided assistance to Indian citizens identified as trafficking victims. MHA facilitated repatriation of Indian women in distress located in the Middle East, including trafficking victims, through the Indian Community Welfare Fund. Six Indian embassies abroad, primarily in the Gulf, had shelters that could temporarily house female migrant workers with serious indicators of forced labor. Suspected trafficking victims in the two embassy shelters in Oman previously reported the shelters did not provide adequate food, basic amenities, or allow the victims to contact family.

Authorities did not always effectively utilize procedures to screen for trafficking among vulnerable populations and arrested, fined, penalized, and deported some adult and child trafficking victims for unlawful acts traffickers compelled them to commit. Penalization of trafficking victims was not systematic, but penalization most often occurred against sex trafficking victims for immigration violations and prostitution offenses. The government required Indians who received a visa from a foreign government indicating the person was a trafficking victim in the foreign country or was a family member of a victim to provide documentation of the trafficking experience in order to renew their passports or travel. In 2016, the government began to include a stamp in the passports of some recipients of the foreign government's visas, for both trafficking victims and their eligible family members, identifying them as trafficking victims involved in a particular investigation or civil or criminal case; this practice continued in 2020 with the government including a stamped paper attached to the recipient's passport. While the stamp requested authorities permit the visa holder to travel without hindrance, some NGOs familiar with this practice noted it made some victims fearful of reprisal and penalization and served as a deterrent to victims interacting with authorities.

## PREVENTION

The government maintained efforts to prevent human trafficking, although efforts remained inadequate compared with the scale of the problem. The government's inter-ministerial committee, chaired by MWCD, met to discuss trafficking-related issues during the reporting period. While the government reported it continued to rely on a 2012 national action plan to combat sex trafficking of women and children, it did not report its implementation efforts or convening any meetings to coordinate action. Since 2016, the central government has offered reimbursement of 450,000 INR (\$6,160) to any district that conducted a census of bonded labor, available once every three years, and additional funding for evaluation studies. The Tamil Nadu Labor and Employment Department accepted funding in 2019 and during the reporting period began the creation of a database of bonded labor to identify the number of bonded laborers and the industries in which they are exploited. In an attempt to mitigate increased trafficking risks for vulnerable populations due to the pandemic, government agencies issued advisories and SOPs designed to combat trafficking as well as awareness campaigns to prevent trafficking. NCPDR released a report recommending increased coordination with local leaders and NGOs to identify child trafficking victims and increase monitoring of vulnerable populations as well as trafficking in transit and destination locations. The report also recommended that officials offer vulnerable communities assistance through government programs to decrease the risk of trafficking. NGOs welcomed the increased action from the central government but cautioned that implementation was uneven and significant challenges remained. The Ministry of Railways increased the number of child help desks at stations from 84 to 139 to support unaccompanied children who were vulnerable to traffickers.

Anti-trafficking preventative measures varied widely by state. Some state governments conducted anti-trafficking awareness campaigns, although NGOs reported local officials, migrant workers, and agricultural workers often still lacked awareness of human trafficking and their legal rights. The governments of Karnataka and Tamil Nadu observed February 9, 2021, as "Anti Bonded Labor Day" to mark the anniversary of the formulation of the BLSA and during the reporting period increased public awareness campaigns about bonded labor. Officials and NGOs reported pandemic-related restrictions on public gatherings severely affected the ability of local and state governments to launch new awareness campaigns or continue existing ones during the reporting period. Several state governments suspended or modified labor laws to boost economic activity immediately after the initial pandemic related lockdown. The changes included higher limits of maximum work hours for certain industries, reduced social security payments, suspension of industrial dispute resolutions, and the suspension of the right to strike. Trade unions and labor

advocates criticized the changes, noting the potential negative effect on vulnerable groups. State governments emphasized the economic recovery measures did not circumvent bonded labor, POSCO, or any other anti-trafficking law.

The government registered foreign recruitment agencies and Indian migrant workers through the eMigrate system. The government required migrant workers going to 16 specific countries to receive emigration clearance before departure; it did not allow emigration to Iraq. The government maintained its ban on females younger than age 30 and older than 50 from working in 17 countries, mostly Gulf states. The UN and civil society argued any ban on migration increased the likelihood of illegal migration and heightened vulnerability to traffickers. MEA operated five national centers and a 24/7 helpline to provide counseling and other resources to those considering migrant work. MEA's Indian Community Welfare Fund, accessible to all Indian missions abroad and funded primarily via overseas consular fees, offered shelter, legal assistance, and repatriation for migrant workers in distress, as well as awareness measures and hotlines. MEA has not reported on the level of utilization of this fund in several years. The government allocated \$463 million of pandemic relief measures for migrant workers; however, a lack of documentation and bank accounts for migrant workers hindered access to aid. The government permitted licensed foreign employment recruiters to charge migrant workers up to 30,000 INR (\$411) for recruitment fees and costs. However, observers stated employers frequently charged migrant workers more than the maximum. For example, a Mumbai-based global recruitment agency charged between 185,000 (\$2,530) and 200,000 INR (\$2,740) to 900 Indian nurses for jobs in Kuwait; the government opened an investigation but did not report taking any action. Other states actively cracked down on illegal recruitment. Odisha state, for example, arrested and filed charges against 91 recruitment agents who fraudulently recruited bonded laborers for inter-state work within India. Unregistered sub-agents often operated online and operated widely without oversight. Every month, the Ministry of Overseas Indian Affairs released a list of illegal agents reported to the ministry from the Overseas Indian Help Desk and sent a list of illegal agents to state governments for investigation and prosecution. According to latest 2019 data, the central government referred 769 cases against illegal agents to respective states.

Officials acknowledged some registered and unregistered spas exploited females in sex trafficking and that officials lacked sufficient oversight of all such establishments. In some cases, law enforcement shut down some of the unregistered spas and initiated criminal investigations while in other cases, law enforcement shut down the spas without further action. In June 2019, the labor ministry drafted a national domestic worker policy to regulate placement agencies and allow domestic workers to formally register for worker benefits, including the right to minimum wage and access to the justice system; however, the document remains in draft form and to date has not been included as part of any legislation. The state of Karnataka outlawed caste based free labor known as *bitti chakri* by classifying it as bonded labor. A local NGO reported more than 3,000 scheduled caste families were working without payment, while a further 10,000 provided unpaid labor for special events such as weddings or other ceremonies. In April 2019, after reports of exploitative conditions including indicators of trafficking in some of Tamil Nadu state's 7,000 garment factories and spinning mills, the NHRC ordered the state to inspect all establishments. The state did not take any action during the reporting period. Following the August 2020 removal of 35 children from forced labor in a garment factory in Tamil Nadu, the Madras High Court directed police and labor inspectors to conduct inspections at all local garment factories. Some states had action plans to combat bonded labor, although the government did not report how many states or if they successfully implemented them. Some officials made efforts to reduce the demand for commercial sex generally by prosecuting those who purchased commercial sex from children. Media reported the pandemic and its subsequent economic insecurity has led some individuals in commercial sex,

including sex trafficking victims, to turn to brothel owners, pimps, and others for loans, increasing their risk of debt bondage. A study by one organization reported more than 95 percent of those in commercial sex in India were willing to leave commercial sex but felt unable to do so due to debt bondage. In November 2020, the NHRC requested state governments register individuals in commercial sex as informal workers, which would entitle them to benefits and access to aid from the COVID-19 relief fund; however, following criticism the non-binding decision was reversed. Despite India being a destination for child sex tourism, the government did not report measures specifically to reduce demand for child sex tourism. The government did not provide information about training provided to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in India and traffickers exploit victims from India abroad. Internal forced labor constitutes India's largest trafficking problem; traffickers use debt-based coercion (bonded labor) to compel men, women, and children to work in agriculture, brick kilns, rice mills, embroidery and textile factories, and stone quarries. Traffickers promise large advances to manipulate workers into accepting low-paying jobs, where traffickers then add exorbitant interest rates; create new deductions for items such as lodging, health care, or wage slips; or fabricate the amount of debt, which they use to coerce workers into continuing to work for little or no pay. NGOs have assessed at least eight million trafficking victims in India, the majority of whom are bonded laborers. Intergenerational bonded labor continued, whereby traffickers transfer the outstanding debts of deceased workers to their parents, siblings, or children. Traffickers often target those from the most disadvantaged social strata. The increase in economic insecurity and unemployment due to the pandemic places substantial burdens on economically vulnerable communities in meeting daily food and shelter requirements, thereby increasing their vulnerability to trafficking. In 2020, traffickers offered cash advances to attract workers who were unemployed, thus increasing the likelihood of debt bondage among economically vulnerable groups. NGOs reported a significant increase in child trafficking due to pandemic-related loss of parental employment and school closures. Traffickers force entire families into work in brick kilns, including children younger than 6 years old. In a 2017 study of brick kiln workers in Rajasthan state, researchers found more than 40 percent of seasonal workers from Uttar Pradesh, Chhattisgarh, Bihar, and Rajasthan states owed debts to kiln owners that were greater than the amount workers earned over the entire season. In some states, the exploitative contractors that trap workers in bonded labor are local government officials or politically influential. Some traffickers severely abused bonded laborers, including those who asked for their rightful wages, and some bonded laborers died under traffickers' control. Traffickers exploit adults and children, including entire families, into bonded labor in carpet production in Jharkhand and Uttar Pradesh states, and in mica mining and textiles, sometimes requiring adults to leave children behind as collateral when they leave the premises for any reason. State-owned tea estates in Assam pay workers much less than the state-mandated minimum wage and do not provide workers with pay slips to document their debts and expenditures. Indian law allows estates to pay workers in both cash and in-kind benefits, but researchers noted the quality and quantity of the food rations constituting part of the workers' salaries were inadequate and disproportionate to the amount deducted. Thirty-seven percent of workers across 50 tea estates in Assam had daily expenditures that exceeded their daily income, making workers extremely vulnerable to debt-based coercion. In some cases, the "Provident Funds" or *Sumangali* scheme in which employers pay young women a lump sum for education or a dowry at the end of multi-year labor contracts, often in Tamil Nadu's spinning mill industry, may amount to bonded labor, and some employers subject these women to sex trafficking. Traffickers exploit children as young as 8 in forced labor in agriculture (coconut, eucalyptus, ginger, and sugarcane); construction; domestic service; garment, steel, and textile industries (tanneries, bangle, and

sari factories); begging; criminality; food-processing factories (biscuits, bread-making, meat-packing, and pickling); floriculture; cotton; ship breaking; and manufacturing (wire and glass). Multiple organizations note physical violence against trafficking victims – in both forced labor and sex trafficking – is particularly prevalent in South Asia, including India. Some traffickers force women and girls to conceive and deliver babies for sale. Non-state armed groups continued to recruit and use children as young as 14 in direct hostilities against the government in Jammu and Kashmir. Maoist groups, particularly in Chhattisgarh and Jharkhand forcibly recruited children as young as 12 to handle weapons, improvised explosive devices, and in some cases serve as human shields. Several women and girls formerly associated with Maoist groups reported that sexual violence, including practices indicative of sexual slavery, was a practice in some Maoist camps. Non-state Naxalite groups continued to systematically recruit and use child soldiers.

Traffickers exploit millions of people in commercial sex within India. Scheduled caste females were sometimes exploited through the traditional *Jogini* system, in which Dalit women and girls are ceremoniously “married” to a local temple deity but in practice are used as sex slaves for higher caste villagers. Traffickers target Indian women and girls, but also fraudulently recruit significant numbers of Nepali and Bangladeshi women and girls to India for sex trafficking. Additionally, traffickers exploit women and girls from Central Asian, European, and African countries in commercial sex, especially in Goa state. NGOs reported that internal trafficking victims in western India came from almost every state. In addition to traditional red light districts, dance bars, spas, and massage parlors, traffickers increasingly exploit women and children in sex trafficking in small hotels, vehicles, huts, and private residences. Media outlets report the recruitment of women and children for commercial sex increasingly took place through social media platforms, including mobile dating applications and websites. Traffickers use encrypted digital communication applications to conduct transactions, enabling them to evade law enforcement. In addition, traffickers increasingly utilize digital payment applications in place of cash to evade suspicion. India is a source for child sex tourists and a destination for child sex tourism.

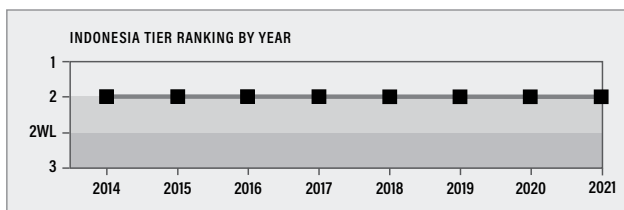
Traffickers kidnap and force Indian and Nepali women and girls to work as “orchestra dancers” in India, especially in Bihar state, where girls perform with dance groups until they have repaid fabricated debts. Traffickers exploit women and children in sex trafficking in religious pilgrimage centers and in tourist destinations. Some traffickers kidnap children from public places, including railway stations, entice girls with drugs, and force girls as young as 5 years old in sex trafficking to take hormone injections to appear older. Some law enforcement officers protect suspected traffickers and brothel owners from law enforcement efforts and take bribes from sex trafficking establishments and sexual services from victims. According to one report, police have accepted bribes to release child sex trafficking victims back into traffickers’ custody. Traffickers arrange sham marriages within India and Gulf states to subject females to sex trafficking. There have been isolated reports of physical and sexual abuse in some government-, NGO-, and privately run shelter homes, including of trafficking victims, and compelling shelter residents into forced labor and sex trafficking in previous reporting periods.

Traffickers force many Indian migrants who willingly seek employment abroad into construction, domestic work, factories, and other low-skilled sectors in many regions, especially Gulf countries and Malaysia, often following recruitment fraud and exorbitant recruitment fees. Indian female domestic workers in Gulf countries, particularly Kuwait and Saudi Arabia, consistently report strong indicators of forced labor, including non-payment of wages, refusal to allow workers to leave upon completion of their contracts, and physical abuse. In United Arab Emirates, labor traffickers bring Indian workers overseas on tourist visas, withhold their identity documents and wages, and force them to work, especially in construction. Authorities have identified Indian forced labor victims in Armenia, Portugal, Gabon, and Zambia,

and Indian female sex trafficking victims in Kenya. Traffickers exploit Rohingya, Sri Lankan Tamil, and other refugee populations in sex and labor trafficking. Traffickers subject some boys from Assam, Bihar, and Uttar Pradesh states to forced labor in Nepal.

## INDONESIA: TIER 2

The Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Indonesia remained on Tier 2. These efforts included investigating, prosecuting, and convicting recruitment agents who facilitated the forced labor of Indonesians aboard Chinese-flagged fishing vessels, enacting implementing regulations to its 2017 migrant protection bill that prohibited employers from charging placement fees to migrant workers, and suspending substantially more recruitment agencies for trafficking-related practices. In addition, the government continued efforts to repatriate Indonesian trafficking victims exploited abroad and civilly recover back wages. However, the government did not meet the minimum standards in several key areas. Investigations decreased for the fourth consecutive year, and prosecutions and convictions decreased for the third consecutive year. Official complicity in trafficking crimes remained a concern, although the government convicted two government officials for child trafficking offenses under its child protection laws during the reporting period. For the fifth consecutive year, the government decreased its budget allocation to the coordinating office of the national task force. Despite some action in individual cases of forced labor in fishing and of Indonesian migrant workers abroad, the government did not prioritize the staffing or funding for effective oversight of these sectors with long-standing, pervasive trafficking problems and pursued civil and administrative remedies in lieu of criminal action. The lack of robust, systematized victim identification procedures continued to hinder the identification of victims overall—particularly male victims. Coordination between the national anti-trafficking task force and its provincial and local-level counterparts was insufficient to translate central government policies into nationwide implementation. The 2007 anti-trafficking law was inconsistent with international law by requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers under the 2007 law, including complicit officials who ignore, facilitate, or engage in trafficking crimes. • Amend the 2007 law to remove the required demonstration of force, fraud, or coercion to constitute child sex trafficking. • Develop, finalize, disseminate, and train all relevant officials, including law enforcement, foreign affairs, marine, and labor ministry staff, on comprehensive standard operating procedures (SOPs) for proactive victim identification. • Complete implementing regulations to enforce the 2017 law on migrant worker protection. • Increase resources for and proactively offer all victims, including male victims, comprehensive services. • Allow victims in government shelters freedom of movement. • Increase efforts to effectively monitor labor recruitment agencies, including in the fishing sector, and take action against entities guilty of illegal



conduct that contributes to the forced labor of migrant workers, including charging placement fees, deceptive recruitment practices, contract switching, and document forgery. • Institutionalize and regularly provide anti-trafficking training for judges, prosecutors, police, and social workers. • Develop and implement mandatory pre-departure and post-arrival orientation and training for Indonesian and migrant fishermen, respectively, in order to provide information on labor rights and safety at sea, and ensure the orientation and training costs are covered by employers. • Increase resources for the anti-trafficking task force and improve its coordination across ministries. • Strengthen coordination between central and provincial-level social affairs agencies to improve implementation of victim protection procedures. • Finalize and implement a national action plan to combat trafficking. • Establish a data collection system to track anti-trafficking efforts at all levels of law enforcement. • Lift current bans on migration to encourage migration through safe, legal channels. • Take steps to increase awareness of trafficking trends and vulnerabilities among local village leaders. • Create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.

## PROSECUTION

The government decreased law enforcement efforts. The 2007 anti-trafficking law criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of three to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2007 law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, judicial officials at the national and provincial level continued to assert the law implicitly established that force, fraud, or coercion were not required to constitute child sex trafficking, and that this therefore was not a barrier in successfully prosecuting and obtaining convictions in child sex trafficking cases.

While the Ministry of Home Affairs issued a ministerial regulation in April 2018 that mandated regional governments include anti-trafficking in their policy priorities, the central government did not have a mechanism to enforce this mandate, and it did not influence all provincial governments to consistently allocate anti-trafficking funding or implement national policies. Consequently, government agency coordination and data collection remained a challenge, and some provincial police reported their budget did not allow for interprovincial or international investigations. Officials noted ineffective coordination hindered the government's ability to investigate, prosecute, and convict traffickers and collect comprehensive data on such efforts, especially when cases involved multiple jurisdictions. Different agencies investigated and prosecuted trafficking cases depending on where the case occurred: in provincial areas, provincial police investigated trafficking cases and referred them to the province's high prosecutor; in cities, district or city police investigated trafficking cases and referred them to district prosecutors; and elsewhere, Indonesian National Police (INP) investigated trafficking cases and the attorney general's office (AGO) prosecuted. During the reporting period, INP's Criminal Investigative Division (CID) in Jakarta, responsible for investigating cases that cross multiple local jurisdictions, received 373 million Indonesian Rupiah (IDR) (\$26,590) dedicated to anti-trafficking activities. Provincial police did not receive dedicated funding for trafficking cases and funded anti-trafficking investigations through their general crimes budget.

The national police anti-trafficking unit did not have a mechanism to track investigations at all levels of government, making it difficult to assess enforcement trends and to determine the total number of investigations and resolved cases. Nevertheless, law enforcement reported substantially lower law enforcement efforts than in previous years, in part, due to pandemic health and other restrictions that

limited their ability to investigate crimes. In 2020, police at the national level reported arresting 42 individuals for alleged labor or sex trafficking, a decrease from 132 in the previous reporting period. Police initiated 38 forced labor or sex trafficking investigations, a substantial decrease from 102 investigations initiated in the previous reporting period, and a continued decrease from 95 investigations in 2018 and 123 in 2017. Police concluded and referred eight of these investigation dossiers to the AGO in 2020, a decrease from 26 in 2019. The Supreme Court's comprehensive recordkeeping mechanism for national court data reported 232 prosecutions for trafficking (an increase from 226) and 202 case convictions of 259 defendants, an increase from 108 defendants in 2019 (overall, a continued decrease from 204 convictions in 2019, 279 in 2018, and 331 in 2017). As in prior years, the government did not report comprehensive sentencing data. According to media coverage of suspected trafficking cases, prosecutors charged some trafficking cases under its Law on Migrant Workers Protection and Law on Child Protection.

During the reporting period, as included in the statistics previously mentioned, INP commenced investigation into several Chinese and Indonesian individuals related to the forced labor of Indonesian fishermen aboard Chinese-flagged fishing vessels. INP arrested and charged at least 16 Indonesian labor recruiters under the trafficking law and Law on Migrant Workers Protection for various trafficking-related crimes. Courts convicted six individuals, sentenced them to between one and four-and-a-half years' imprisonment, and ordered them to pay restitution. Investigations or trials against 10 suspects remained ongoing at the close of the reporting period. Additionally, INP arrested and charged two Chinese nationals who were part of the ships' leadership crews. The trial against one of the suspects, accused of torturing Indonesian fishermen, remained pending. The court acquitted the second official of assault and human trafficking, but the prosecutor appealed at the close of the reporting period. INP continued to investigate additional crewmembers of several Chinese-flagged ships for the forced labor, slavery, and torture of more than 150 Indonesian fishermen and for the death of at least two.

Official complicity in human trafficking offenses remained a significant concern, despite some arrests, investigations, and convictions of government officials for crimes related to trafficking or corruption. During the reporting period, the government convicted two officials for trafficking in cases initiated in 2019; both officials were convicted under the child protection law, one receiving a sentence of six years and three months in prison and a fine and the other receiving a sentence of 12 years' imprisonment. In 2019, Singaporean authorities alleged that an Indonesian labor official accepted bribes from migrant worker insurance companies to illegally authorize the companies to hire Indonesian migrant workers. While INP claimed it was investigating the case, the official reportedly still worked for the government during the reporting period. In January 2019, provincial police arrested a legislator for allegedly sending a migrant worker to Jakarta, where the individual was forced to work for multiple employers without pay.

Civil society alleged some law enforcement officials and politicians organized raids on entertainment venues to extort financial kickbacks from adults in commercial sex, which may have included sex trafficking victims. Corrupt officials reportedly continued to facilitate the issuance of false documents, accept bribes to allow brokers to transport undocumented migrants across borders, protect venues where sex trafficking occurred, engage in witness intimidation, and intentionally practice weak oversight to insulate recruitment agencies from liability. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases, including trafficking cases. Legal aid organizations reported cases often moved very slowly unless a bribe was paid, and prosecutors in some cases sought bribes from defendants in exchange for lighter prosecution or dropped charges. Civil society members alleged some police refused to arrest traffickers who were connected to influential members of society, including through familial relationships with or personal ties to recruitment agencies.

Although some officials received trafficking training from the Indonesian government, international organizations, and foreign governments, authorities did not provide comprehensive trafficking training to all judicial and law enforcement authorities. Observers noted low awareness of trafficking crimes and relevant legislation among local law enforcement and judicial authorities impeded case detection and prosecutorial progress. As a result, authorities often prosecuted suspected traffickers under the Law on Migrant Workers Protection, which prescribed less severe penalties. Civil society contacts reported some civil and criminal trafficking proceedings were informally discontinued prior to a verdict. The Supreme Court included trafficking in its annual curriculum for judges; however, it only accommodated 20 to 30 judges per year. During the reporting period, the Ministry of Women Empowerment and Child Protection (MOWECP) held four in-person trainings for law enforcement on how to investigate trafficking cases using a victim-centered approach. Due to the pandemic, the government limited the number of participants at each training. The government's anti-trafficking task force did not conduct any trainings on trafficking during the reporting period, as compared to two trainings that reached 175 officials in 2019.

## PROTECTION

The government maintained inadequate protection efforts. Officials did not collect comprehensive data on the number of victims identified. Disparate government entities sometimes reported their own statistics, making aggregate data incomparable to data reported in earlier periods and possibly double-counting victims as they came into contact with different government agencies. The Ministry of Foreign Affairs (MFA) utilized procedures for victim identification to assist Indonesian citizens overseas, but the government did not have comprehensive or systematized SOPs for proactive victim identification or referral to rehabilitation services. Observers noted, however, law enforcement did not use SOPs, especially at the municipality and district level. Observers expressed concern that the lack of SOPs and the government's anti-trafficking infrastructure, which was under the purview of local-level police units and protection agencies who focused primarily on women and children, hindered the identification of victims overall and of rural and male victims. Additionally, the government's inadequate efforts to screen vulnerable groups for trafficking indicators may have resulted in the punishment or deportation of unidentified trafficking victims. Police were sometimes unresponsive when victims attempted to report their trafficking circumstances. After identifying a potential victim, provincial police sometimes approached NGO service providers for assistance rather than filing cases with provincial social service officials.

The government primarily coordinated services for victims of abuse, including trafficking victims, through local integrated service centers for women and children (P2TP2A). There were P2TP2As in all 34 provinces and approximately 436 districts. Provincial or district governments managed and funded the centers. Services included short-term shelter, medical care, counseling, family liaison services, and some vocational skills training; however, in practice, services varied based on local leadership and funding. Some P2TP2A facilities were not open for the required 24 hours, and women living in rural areas or districts without a P2TP2A center had difficulty receiving support services. Officials acknowledged the central government's Ministry of Social Affairs (MOSA) had not adequately disseminated legislation passed in 2014 to clarify the roles and responsibilities of provincial social affairs agencies regarding victim protection, resulting in a lack of coordination on victim services at the local level. NGOs continued to play a critical role in supplementing and filling gaps in government services—including for male victims, whom local governments sometimes had to refer to NGOs for shelter. The Witness and Victim Protection Agency (LPSK) maintained a hotline and mobile application to provide information to all victims of crime on filing complaints and available government protection services; however, authorities did not provide statistics on the use of these mechanisms. It operated six shelters for victims and witnesses

to crimes who are facing threats or intimidation. Victims entered and exited the six government shelters only upon the approval of a government agency; victims did not have freedom of movement once placed in a shelter and could not seek employment.

MOSA and provincial social affairs agencies funded and operated 28 trauma centers that were available to trafficking victims, the same as in the previous reporting period. The shelters assisted 8,702 individuals during the reporting period, but authorities did not report how many were trafficking victims. Observers noted MOSA did not adequately coordinate with its provincial capital counterparts to repatriate and rehabilitate victims. MOSA also funded and staffed a protection shelter for women who had experienced sexual violence. It assisted 135 women during the reporting period, some of whom were trafficking victims; this is an increase from no data reported on the victims assisted in 2019 and 38 victims assisted at the shelter in 2018. MOSA allocated 2.2 billion IDR (\$156,830) to the shelters it funded during the reporting period. The government did not report MOSA's funding for shelters in previous years but noted this was a decrease because it diverted some of its funding towards its COVID-19 response. The government prohibited Indonesian seafarers from being placed on certain foreign-flagged fishing vessels where they were likely to be exploited and placed repatriated victims, mostly male, in government shelters; however, a civil society contact noted further government action was necessary to fully protect Indonesian crew aboard foreign-flagged vessels.

The government housed child victims of crimes in children's homes funded by MOSA and provincial or district governments, and in some cases in partnership with local NGOs. The number of children's homes remained at 14; the government did not report how many child trafficking victims it housed in 2020 or 2019, compared with 11 housed in 2018. Authorities disaggregated victim protection data using categorizations outside of the standard definition of trafficking. The Commission for Protection of Children did not report whether it identified any child trafficking cases during the reporting period, compared to "40 child trafficking cases, 43 cases of child commercial sexual exploitation, and 57 cases of child commercial sex" in 2019. NGOs and past government reports estimated the number of child sex trafficking victims to be many thousands more. The government housed foreign trafficking victims identified in Indonesia in MOSA's Jakarta trauma center. The government allowed an international organization to provide counseling and legal services at some shelters. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

The MFA continued to identify and protect Indonesian trafficking victims exploited abroad. It had an online portal and mobile application available through its embassies for individuals to report exploitation and access services. Some Indonesian consular authorities overseas had labor attaches that identified and referred Indonesian trafficking victims to care, including embassy-run shelters. The government allocated 43 billion IDR (\$3.07 million) to the MFA to fund repatriation, maintenance of Indonesian shelters abroad, provision of legal aid, and training for its officials. The MFA received 383 cases of migrant worker complaints in 2020 (259 in 2019, 164 in 2018, 340 in 2017, and 478 in 2016), 290 of which related to labor issues. The MFA did not indicate how many of the 383 it referred to social services (94 referred in 2019 and 95 in 2018). The MFA recovered approximately 140 billion IDR (\$9.98 million) in back wages owed to migrant workers (approximately \$14 million in 2018). The MFA repatriated at least 104 Indonesian forced labor victims from Syria, including providing them with up to two months of housing in Syria prior to repatriation. This is comparable to previous years; the MFA typically repatriated up to 200 Indonesian forced labor victims from Syria annually. Additionally, the Indonesian embassy in Riyadh repatriated 32 Indonesians during one month of 2020, most of whom were trafficking victims. Finally, the MFA repatriated 589 Indonesian fishermen who complained about working conditions from 98 Chinese-flagged fishing vessels in 2020 (unreported in 2019).

The government advocated for workers to receive wages owed from foreign-flagged fishing vessels, including those from China.

Police requested victims stay in government shelters until the completion of relevant investigations, but most victims were only able to stay in the trauma centers for an average of two weeks due to government budget constraints. Women and children reportedly stayed longer, although the government did not provide data on the average length of stay or where victims went once authorities released them. Once the government released a victim from care, it did not track the victim, including for purposes of gathering testimony for their traffickers' prosecution; instead, authorities relied on an international organization to remain in contact with the victims and provide follow-up assistance, if necessary. A general lack of adequate rehabilitative and reintegrative care, coupled with low awareness among village and local leaders, increased many victims' risk of re-trafficking, particularly among fishermen returning to their communities after experiencing forced labor at sea. The government's universal health care system covered some of the medical needs of Indonesian victims; however, the system required identity documents that many Indonesian migrant workers returning from exploitation overseas did not possess. The Ministry of Health (MOH) was responsible for funding victims' health care, which national police hospitals were obligated to provide free of charge. The MOH did not report if it trained hospital personnel to provide health services to victims of trafficking and violence in 2020 or 2019, compared with training for hospital personnel in six provinces in 2018.

In 2017, the Supreme Court issued guidelines stipulating judges protect female victims during legal processes by considering psychological trauma and allowing video testimony. However, the government did not report if it consistently offered such protections during court proceedings for female trafficking victims. Authorities continued to implement regulations allowing the LPSK to add restitution to the perpetrator's penalties before or after conviction for human trafficking and other crimes. The government allocated 79 billion IDR (\$5.63 million) for the LPSK in 2021, an increase from 56 billion IDR (\$3.99 million) allocated in 2020. In 2020, the LPSK provided various protection services to 314 trafficking victims, family members of victims, and witnesses; authorities did not report how many of these were trafficking victims. LPSK officials sought 4.96 billion IDR (\$353,580) in restitution for 194 trafficking victims and witnesses (\$215,000 in restitution for 44 victims in 2019), but courts only approved 1.26 billion IDR (\$89,820) (approximately \$87,000 in 2019). Furthermore, nearly half of the restitution that courts approved—598 million IDR (\$42,630)—was never paid because Indonesian law allowed convicted traffickers to serve additional imprisonment in lieu of paying restitution. LPSK did not report the outcomes or status of the remaining cases. Further compounding access to recompense and justice, some recruitment agencies harassed, intimidated, or filed defamation lawsuits against victims attempting to report their abuses. Many victims originated from remote rural areas and lacked the financial means necessary to travel to, or remain in, urban areas for the long duration of trial proceedings. There were no reports of specific instances in which the government arrested, detained, fined, or otherwise punished trafficking victims for crimes traffickers compelled them to commit. However, adults in commercial sex work have been charged with crimes against morality and decency and can be sentenced to public caning under Sharia law in Aceh province.

## PREVENTION

The government maintained efforts to prevent trafficking. The government had a national anti-trafficking in persons task force, coordinated by MOWECP and chaired by the Ministry of Human Development and Culture, that led anti-trafficking efforts across 21 ministries. It met multiple times during the reporting period and continued development, but did not finalize a draft 2020-2024 anti-trafficking national action plan. The national task force maintained 32 provincial-level task forces, one in every province except Papua

and West Papua, and 251 municipal and district-level task forces—a slight increase from 32 provincial and 242 municipal task forces in the previous reporting period. Observers continued to note insufficient funding and lack of coordination within and between the local task forces and the national task force. Some provincial task forces also suffered from a lack of understanding of trafficking among members, lack of procedures to guide their work, and a lack of coordination. Moreover, it was unclear how many were active or met during the reporting period. The government substantially decreased its budget allocation to MOWECP's trafficking office. While some of the reduction was a result of the pandemic, this was the fourth consecutive year of decreased funding—from 20.1 billion IDR (\$1.43 million) in 2018, to 17.3 billion IDR (\$1.23 million) in 2019, to 6.5 billion IDR (\$463,360) in 2020, and further to 4.26 billion IDR (\$303,680) in 2021.

The 2017 Protection of Indonesian Migrant Workers law mandated that provincial governments – instead of private companies – oversee the provision of pre-departure vocational training and the placement of workers. Article 30 stated Indonesian migrant workers “cannot be borne with placement costs,” and Article 72 prohibited recruiters or employers from passing on to the worker any placement costs that they had originally paid. The law also mandated the designation of a single agency to license recruitment agencies. During the reporting period, the government passed a new implementing regulation defining, and exempting Indonesian migrant workers from, placement fees. While the government began to implement the regulation, migrant workers continued to report payment of illegal placement fees. In addition, one of the new 2020 implementing regulations required married migrant workers to obtain permission from their spouse to work abroad. That requirement increased the probability that women would migrate through illicit channels, which increased vulnerability to traffickers. Prior to the 2017 law, recruitment agencies charged migrant workers fees based on their chosen profession and destination. Observers reported the government was not effective in protecting migrant workers from expenditures higher than the government-set recruitment fee, and many migrant workers still remitted their first year of wages to their recruiters or employers to repay the initial costs of recruitment and placement, which traffickers used to coerce and retain victims' labor. In 2020, the Ministry of Manpower (MOM) temporarily suspended the licenses of five recruitment agencies—the same as in 2019 but still a large decrease from suspending 18 licenses in 2018. Notably, MOM revoked the licenses of 111 such agencies—a substantial increase from not revoking any licenses in 2019 and revoking only one in each 2018 and 2017. The reasons for the suspended and revoked licenses included cramped or unsafe accommodations in dormitories, document forgery, coercive or deceptive recruitment practices and contract signings, underage recruitment, illegal fees, and sending workers to Middle Eastern countries that Indonesia's moratorium on the placement of domestic workers prohibited. The government did not report whether it referred any of the 116 companies to police for criminal investigations of human trafficking-related offenses. The 2017 law stated that MOM had the authority to terminate a recruitment agency's license if it violated any of the regulations, but it did not address the use of unlicensed sub-agents who regularly charged migrant workers a fee to connect them to a recruitment agency.

The government continued its ban on overseas placement to 21 Middle East and North African nations, despite noting the number of migrant workers circumventing the ban through the use of illegal recruiters continued to increase. The UN, other international organizations, and NGOs continued to argue any ban on migration increased the likelihood that workers would migrate illegally, heightening their risk of human trafficking. Constituting a freedom of movement concern that could have further exacerbated irregular migration through unsafe channels, the government confiscated the passports of any Indonesians repatriated with government assistance if they had violated an overseas placement ban. The government maintained memoranda of understanding (MOUs) with nine countries in the



Asia-Pacific and Middle East regions for the recruitment, placement, and protection of Indonesian migrant workers. It continued to negotiate additional MOUs with the Governments of Brunei and Malaysia. In its MOU with Saudi Arabia, the governments agreed migrant workers should not be charged placement fees. Article 31 of the 2017 migrant workers law stipulated the government could only allow a person to migrate to a destination country that had a law on foreign worker protection, a written agreement with the destination government, and a social security system or insurance to protect migrant workers. MOM did not report an update on its initiative to review its existing bilateral MOUs on migrant worker protections to ensure compliance; in the absence of robust monitoring schemes, and amid inconsistent labor laws and regulations in receiving countries, abuses, including forced labor, persisted.

The government did not effectively implement its existing regulations over the fishing sector, which allowed forced labor to persist. Underscoring NGO claims of insufficient oversight, central government records appeared to drastically underreport the number of Indonesians working in the global fishing industry when compared against analogous records maintained by another key destination country's authorities. The Ministry Marine Affairs and Fisheries (MMAF) and the MFA continued to deconflict roles and responsibilities with regard to oversight of recruitment and labor practices in the fishing sector. In principle, MMAF would certify the credentials of both fishermen and fishing vessels cleared to accept Indonesian workers, the Ministry of Transportation would validate work contracts, and MOM would oversee coordination between ministries. For the second consecutive year, the president did not sign the implementing regulations required to solidify these roles and responsibilities (related to Law No. 18/2017 on the Coordinating Ministry of Maritime Affairs and Investment's National Action Plan on Seafarers and Fishing Crews Protection), which hampered coordination efforts. Civil society groups noted many Indonesian and migrant fishermen were unaware of their rights and responsibilities and unprepared for the work in the absence of standardized, employer-paid pre-departure and post-arrival orientation and training. During the reporting period, after media reports emerged of Indonesian forced labor on Chinese-flagged fishing vessels, the government instituted a ban on Indonesian fishermen working aboard Chinese-flagged vessels, vessels operated by Chinese companies, and South Korean- and Taiwanese-flagged vessels operating outside of their Exclusive Economic Zones. One NGO, however, lamented that this ban would not stem forced labor on such vessels because it did not account for the substantial illegal recruitment of workers, and it is easy for a company to change the flag or ownership of the ship to evade the restrictions. Internally, the government established two Fishers Centers in 2020 to handle complaints from fishermen. The centers received 36 complaints of labor violations during the reporting period, from both Indonesian and foreign fishermen.

The Labor Inspectorate had the authority to inspect for, and sanction, child labor violations in the formal sector. MOM conducted more than 10,000 inspections during the reporting period, including more than 580 for child labor, but did not identify any child labor violations. Low compensation for inspectors and limited capacity among provincial and local-level officials reportedly impeded effective oversight. Additionally, MOM officials acknowledged such violations likely existed, including forced child labor, but inspectors' inability to access the informal sector hampered identification efforts. To reduce their vulnerability to child and forced labor, the government sent 94 teachers to Malaysian palm oil plantations to educate the children of Indonesian migrant palm oil laborers. Several ministries and agencies, including MOWECP, MOSA, and the Indonesian Migrant Worker Protection Agency (BP2MI), operated hotlines on a range of issues inclusive of, but not limited to, trafficking. In 2020, BP2MI's complaint system received 1,812 complaints from workers placed overseas, a drastic decrease from 9,377 complaints in 2019 and 4,678 in 2018. Of the complaints, BP2MI reported 89 were related to trafficking (54 in 2019 and 36 in 2018) and 1,363

demonstrated certain trafficking indicators (2,937 in 2019 and 1,852 in 2018). Although BP2MI reportedly referred these cases to police for investigations, the government did not report whether it took any action on the referrals. During the reporting period, BP2MI partnered with religious organizations to launch the Task Force on Migrant Worker Illegal Placement Eradication, which seeks to end illicit labor recruitment. The task force identified 200 villages in six provinces as key source areas for non-procedural migrant workers, or those who go abroad outside of the formal government procedures, and began outlining plans for engagement.

The government continued public awareness events on trafficking, including by conducting awareness-raising activities that highlighted the legal procedures to migrate for work and migrant workers' rights. The Indonesian embassy in Kuwait launched a pocketbook for migrants that explained Kuwait's migrant worker policies, including the right to retain one's visa and work contract, as well as information on salaries, working hours, and overtime requirements. Due to the pandemic, the MFA did not conduct any trainings for junior diplomatic personnel on trafficking (100 trained in 2019 and 59 in 2018). The government did not make efforts to reduce the demand for commercial sex acts. The government made efforts to reduce the demand for child sex tourism by arresting two foreigners who engaged in commercial sex acts with children and coordinating with foreign governments to deny entry to known sex offenders.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Indonesia and exploit victims from Indonesia abroad. Each of Indonesia's 34 provinces is a source and destination of trafficking. The government estimates that more than two million of the six to eight million Indonesians working abroad—many of whom are women working in the domestic sector—are undocumented or have overstayed their visas, increasing their risk to trafficking; the true number of undocumented Indonesian workers is likely much higher. During the reporting period, nearly 200,000 of the documented Indonesian migrant workers returned to Indonesia due to the pandemic. Labor traffickers exploit many Indonesians through force and debt-based coercion in Asia (particularly China, South Korea, and Singapore) and the Middle East (in particular Saudi Arabia) primarily in domestic work, factories, construction, and manufacturing, on Malaysian oil palm plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Indonesian women are exploited in forced labor in Syria, Hong Kong, Malaysia, Singapore, and the Middle East host many Indonesian domestic workers who are unprotected under local labor laws and often experience indicators of trafficking, including excessive working hours, lack of formal contracts, and unpaid wages. Many of these workers come from the province of East Nusa Tenggara. NGOs estimate unscrupulous labor recruitment agents and sub-agents are responsible for more than half of Indonesian female trafficking cases overseas. To migrate overseas, workers often assume debt that both Indonesian and overseas recruitment agents exploit to coerce and retain their labor. Additionally, some companies withhold identity documents and use threats of violence to keep migrants in forced labor. Sex traffickers exploit Indonesian women and girls primarily in Malaysia, Taiwan, and the Middle East. Some for-profit universities in Taiwan aggressively recruit Indonesians and subsequently place them into exploitative labor conditions under the pretense of educational opportunities. These students are often unaware of the work component prior to arrival and reportedly experience contract switching, prohibitive working hours, and poor living conditions contrary to their original agreements. Fraudulent recruitment agencies have sent at least 100 Indonesians to Taiwan under the guise of university scholarships where, upon arrival, they were forced to work at an iron foundry to repay a "loan" for alleged schooling fees.

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

women and girls in forced labor in domestic service. Traffickers may subject children to forced criminality in the production, sale, and transportation of illicit drugs. Government regulations allow employers in certain sectors, including small and medium enterprises and such labor-intensive industries as textile manufacturing, an exemption from minimum wage requirements, thereby increasing the risk of workers in those sectors to debt-based coercion. More than 1.5 million Indonesian children between 10 and 17 years old work in agriculture, including on tobacco plantations, without gear to protect them from the sun and chemicals; working without proper protective gear can be an indicator of forced labor. NGOs report that in the city of Bima, on the island of Sumbawa, some professional horse racers use child jockeys, some of whom may be forced. Early marriage practices pushed many children—especially in poorer rural communities—into employment as new primary earners for their households, driving a high incidence of child labor migration through channels known for deceptive recruitment practices, debt bondage, and other forced labor indicators. In at least one case, an Indonesian lured another woman into marriage with a Chinese male through a “mail-order bride” program, where the woman was forced to work 14 hours per day at her new “husband’s” shop and plantation.

According to one international organization, up to 30 percent of individuals in commercial sex in Indonesia are female child sex trafficking victims. Sex traffickers often use debt or offers of jobs in restaurants, factories, or domestic service to coerce and deceive women and girls into exploitation in commercial sex across Indonesia, and notably in Batam and Jakarta. Sex traffickers use spas, hotels, bars, karaoke establishments, and other businesses to facilitate sex trafficking. Traffickers also exploit women and girls in sex trafficking near mining operations in Maluku, Papua, and Jambi provinces. Traffickers increasingly use online and social media platforms to recruit victims. In 2017, an NGO estimated there were 70,000 to 80,000 child sex trafficking victims in Indonesia. Child sex tourism is prevalent in the Riau Islands bordering Singapore. Bali is a destination for Indonesians and foreign tourists engaging in child sex tourism. Middle Eastern tourists come to Indonesia, particularly Puncak district in Bogor, and pay more than \$700 for a “contract marriage,” usually up to one week in duration, that allows them to have extramarital sex without violating Islamic law. The girls as young as 9 years old, and some of the women, that the tourists “marry” are sex trafficking victims. While this is a religious practice, there is tacit government acceptance. Indonesian women are recruited abroad for ostensibly legitimate employment and are exploited in sex trafficking abroad, including in Timor-Leste.

Indonesians, including children, whose homes or livelihoods were destroyed by natural disasters in 2020 are vulnerable to trafficking; this is also true for four million children deemed by the government to be “neglected” and for approximately 16,000 homeless children estimated to be living in urban environments. Government failure to prevent companies from encroaching on indigenous communities’ land, sometimes in collusion with the military and local police, contributed to displacement that also left some ethnic minority groups vulnerable to trafficking. Endemic corruption among government officials facilitates practices that contribute to trafficking vulnerabilities in the travel, hospitality, and labor recruitment industries. Widespread social stigma and discrimination against members of Indonesia’s LGBTQI+ communities and persons living with HIV/AIDS complicated their access to formal sector employment, placing them at higher risk of human trafficking through unsafe employment in the informal sector. During the reporting period, nearly 350 Rohingya left Indonesian refugee camps by boat with human smugglers to reach Malaysia.

Senior vessel crew on board Chinese, Korean, Vanuatuan, Taiwan, Thai, Malaysian, Italian, and Philippines-flagged and/or owned fishing vessels operating in Indonesian, Thai, Sri Lankan, Mauritian, and Indian waters subject Indonesian fishermen to forced labor. During the reporting period, several Indonesian forced labor victims aboard Chinese-flagged fishing vessels sent a plea for assistance over social

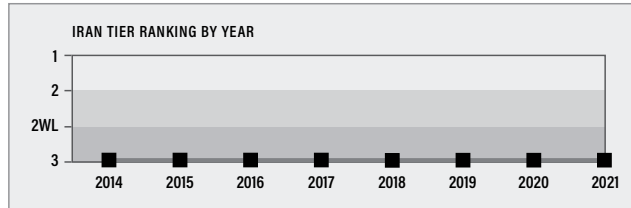
media, detailing persistent exploitation that included physical violence and the vessel’s crew refusal to feed workers until they completed their daily 20-hour shifts. Authorities secured the release of 157 Indonesian fishermen from the vessels, with strong indicators of forced labor, and confirmed that 12 Indonesian workers had died aboard the vessels between November 2019 and August 2020. Some trafficking victims reported the Chinese-flagged vessels had initially recruited them under the guise of well-paying jobs on Korean-flagged vessels. Traffickers recruited many fishing forced labor victims from Java, where they targeted poor farm workers, fraudulently recruited them with promises of high salaries and good working conditions, provided illicit travel documents, and made workers sign contracts so hard to break that experts refer to them as “slavery contracts.” Some Chinese-, Korean-, and Taiwanese-flagged vessels force Indonesian workers to remain on the vessel and work after the conclusion of their contract until the company secures replacement workers. Some of the traffickers promised to send the workers’ salaries directly to their families, but after several months at sea, many workers discovered the vessels had not sent any payments.

Dozens of recruitment agencies in Burma, Indonesia, and Thailand 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 waters on vessels operating under complex multinational flagging and ownership arrangements. Some fishermen are unaware their recruitment agencies continue to withhold or withdraw funds from their salary for years. Crew on board these vessels have reported low or unpaid salaries and coercive tactics such as contract discrepancies, document retention, restricted communication, poor living and working conditions, threats of physical violence, and severe physical and sexual abuse. Boat captains and crews prohibit fishermen from leaving their vessels and reporting these abuses through threats of exposing their fake identities to the authorities, threats of blacklisting them from future fishing employment, and, in previous years, by detaining them on land in makeshift prisons. Forced to sail longer distances to adjust to dwindling fish stocks, some crews remain at sea for months or even years without returning to shore, compounding their invisibility and preserving abusive senior crews’ impunity. Most Indonesian fishermen work aboard vessels operating in Taiwan’s highly vulnerable distant water fleet; many are also fishing in Korea’s distant water fleets. More than 7,000 Indonesian fishermen per year sign in and out of foreign vessels at the port in Cape Town, South Africa, reportedly facing dire working conditions, particularly on vessels owned by citizens of Taiwan, Korea, and Japan. Traffickers also subject fishermen from other parts of Asia to forced labor on board fishing vessels in Indonesian waters; according to one recent study, these vessels account for nearly half of all migrant fishermen trafficked from Cambodia, Thailand, and Vietnam. In Indonesian waters and elsewhere, some senior vessel crew force fishermen to engage in illegal fishing, poaching, smuggling, and illegal entry into national territories, making them vulnerable to criminalization. Companies operating under the auspices of the Japanese government’s “Technical Intern Training Program” have subjected Indonesian nationals to forced labor in food processing, manufacturing, construction, and fishing.

## IRAN: TIER 3

The Government of Iran does not fully meet the minimum standards for the elimination of trafficking and, even considering the impact of the COVID-19 pandemic, if any, on the government’s anti-trafficking capacity, is not making significant efforts to do so; therefore Iran remained on Tier 3. During the reporting period, there was a government policy or government pattern of recruiting and using child soldiers, as well as complicity in sex trafficking of adults and children with impunity. Government officials continued to perpetrate and condone trafficking crimes with impunity, both in Iran and overseas, and did not report law enforcement efforts to address the crime.

The government continued to force or coerce children and adults to fight for Iranian-led militias operating in Syria, and it continued to provide financial support to militias fighting in armed conflicts in the region that recruited and used child soldiers. In addition, the government failed to identify and protect trafficking victims among vulnerable populations and continued to treat trafficking victims as criminals, including child sex trafficking victims. Victims continued to face severe punishment, including death, for unlawful acts traffickers compelled them to commit, such as engaging in commercial sex and immigration violations.



### PRIORITIZED RECOMMENDATIONS:

Cease punishing trafficking victims for unlawful acts traffickers compelled them to commit, such as engaging in commercial sex and immigration violations. • Cease the forcible and otherwise illegal recruitment of adults and children for combat in Syria and cease support for armed militias that recruit and use child soldiers in Iraq, Syria, and Yemen. • Amend the 2004 law to bring the definition of trafficking in line with international law. • While respecting due process, investigate, prosecute, and convict sex trafficking and forced labor perpetrators – particularly complicit government officials – and sentence convicted traffickers to significant prison terms. • Institute nationwide procedures to proactively identify trafficking victims, particularly among vulnerable populations such as persons in commercial sex, street children, and undocumented migrants. • Offer specialized protection services to victims of all forms of trafficking, including shelter and medical, psycho-social, and legal assistance. • Develop partnerships with and allow for the registration of civil society and international organizations to combat trafficking and to help provide essential protection services to victims. • Increase transparency of anti-trafficking policies and activities. • Become a party to the 2000 UN TIP Protocol.

### PROSECUTION

The government did not report anti-trafficking law enforcement efforts, and officials continued to perpetrate trafficking crimes with impunity, including sex trafficking of adults and children and the coerced recruitment and use of adults and children in armed conflict in the region. Iranian law did not criminalize all forms of trafficking. A 2004 law criminalized trafficking in persons by means of threat or use of force, coercion, abuse of power, or abuse of a victim's position of vulnerability for purposes of prostitution, slavery, or forced marriage. Inconsistent with the definition of trafficking under international law, the law required movement to constitute a trafficking offense and required a demonstration of force, fraud, or coercion in child sex trafficking cases. The law did not encompass all forms of labor trafficking. The prescribed penalty under this law included up to 10 years' imprisonment if the trafficking offense involved an adult victim and a penalty of 10 years' imprisonment if the offense involved a child victim. Both penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for kidnapping. The 2002 Law to Protect Children and Adolescents criminalized buying, selling, and exploiting children; the punishments for such crimes were six months' to one year imprisonment and a fine, which were neither sufficiently stringent nor commensurate with other serious crimes such as kidnapping. The labor code criminalized forced labor and debt bondage, but the prescribed penalty of a fine and up to one year imprisonment was not sufficiently stringent. Courts accorded legal testimony by women only half the weight accorded to the testimony by men, thereby

restricting female trafficking victims' access to justice. Moreover, female victims of sexual abuse, including sex trafficking victims, faced prosecution for adultery, defined as sexual relations outside of marriage and punishable by death.

The government continued to conflate human trafficking and smuggling crimes, and efforts to address sex trafficking and forced labor crimes were either nonexistent or not widely publicized. The government did not report statistics on investigations, prosecutions, convictions, or sentences of traffickers. In April 2020, Iranian media reported the government, with the assistance of an international organization, arrested an Iranian national for suspected sex trafficking of Iranian girls in Malaysia over a three-year period. Iranian police reportedly extradited the alleged trafficker from Malaysia and arrested an unknown number of other accomplices in Iran. Influential Iranian officials reportedly guaranteed the safety of the alleged traffickers by helping them avoid earlier arrest and secured the release of some of the victims being detained by the Iranian police and returned them to the traffickers over the three-year period. The government did not report the status of this case at the end of the reporting period; however, Iranian media reported that the alleged traffickers were referred to the courts for prosecution. The government did not report providing anti-trafficking training to its officials.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government condoned or directly facilitated commercial sex involving both adults and children, including clear cases of sex trafficking, throughout Iran and in neighboring countries. Observers continued to report that Iran's Islamic Revolutionary Guard Corps (IRGC) and the Iranian Basij Resistance Force (Basij), a paramilitary force subordinate to the IRGC, continued to actively recruit and use – through force or coercive means – migrant and refugee children and adults, as well as Iranian children, for combat in IRGC-led and commanded militias in Syria. According to a statement made by an IRGC official in October 2019, the IRGC may have recruited child soldiers from 3,700 student Basij bases in Khuzestan province, and these child soldiers were likely still engaged with the IRGC during the reporting period.

### PROTECTION

The government failed to identify and protect any trafficking victims. Official government involvement in trafficking crimes and authorities' abuse of trafficking victims continued unabated. The government reportedly continued to punish sex and labor trafficking victims for unlawful acts traffickers compelled them to commit, such as engaging in commercial sex and immigration violations. As in previous years, the government's continued pattern of human rights abuses against victims of sexual abuse and persons in commercial sex resulted in the government severely punishing potential adult and child sex trafficking victims through lashings, public shaming, forced confessions, imprisonment, and the death penalty. The government also continued to detain and deport Afghan migrants, including children, who did not comply with Iranian officials who recruited them – through coercive means – to fight for Iranian militias abroad. Some detained migrants experienced severe physical abuse, including sexual abuse of young girls, while in government custody, which at times resulted in lack of food and water for extended periods of time and extortion. In 2020, the government deported 325,000 Afghans and did not make efforts to screen for or identify trafficking victims among this highly vulnerable population. Furthermore, in November 2020, the government introduced legislation to impose fines and severe prison terms – up to 25 years – on undocumented migrants and allow security officers to open fire at vehicles suspected of transporting them, an approach that would harm potential victims among this vulnerable population and disincentivize their consultation with law enforcement to report trafficking crimes or seek assistance. Authorities also reportedly arrested street children and sent



them to back to camps pending deportation or to detention centers; between 60 to 80 percent were estimated to be foreign nationals, some of whom may have been trafficking victims.

The government did not provide protection services specifically for trafficking victims. Iran's state welfare system did not provide adequate coverage nor protection to the most vulnerable populations in the country, including children and persons engaged in commercial sex. Foreign trafficking victims were unable to access assistance from the welfare system. The government did not report providing support to or partnering with NGOs that offered limited services to populations vulnerable to trafficking. Furthermore, the government harassed some NGOs working with vulnerable populations, and it arrested and imprisoned some activists under national security charges or for "spreading propaganda against the system." The government did not encourage trafficking victims to assist in the investigation or prosecution of traffickers and did not provide witness support services. The government did not provide foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution.

## PREVENTION

The government failed to prevent trafficking. The government's persistent lack of efforts to prevent official complicity in trafficking crimes further exacerbated trafficking in the country and the region. The government did not make efforts to reduce the demand for commercial sex acts in Iran or child sex tourism by Iranian citizens traveling abroad; on the contrary, Iranian officials were reportedly actively involved in the promotion of commercial sex, including cases of sex trafficking. The government did not take measures to prevent the IRGC's recruitment and use of children to fight in the Iranian-led and funded Fatemiyoun Brigade deployed to Syria. Furthermore, the government did not take action to hold accountable officials, including the current Minister of Education, who in previous reporting periods promoted the recruitment and use of children to fight for Iran in Iraq.

Iran is not a party to the 2000 UN TIP Protocol. The government did not have a national anti-trafficking coordinating body; the government did not report dedicating resources to address human trafficking or the provision of anti-trafficking training to its diplomatic personnel. The government did not improve transparency on its anti-trafficking policies or activities, nor did it implement anti-trafficking awareness campaigns. Hardline elements within the regime routinely stymied efforts to amend relevant existing laws or introduce new measures to improve the government's ability to prevent or address the country's pervasive trafficking problems. Children of unregistered Afghans continued to have difficulty obtaining legal documentation, which increased this population's vulnerability to trafficking. In June 2020, a new nationality law entered into force that stated Iranian women married to foreign men were able to transmit citizenship to their children; this was not automatic, however, as it required the mother to submit an application on behalf of her children. Human rights activists reported concerns, that the nationality law required the Intelligence Ministry and the Intelligence Organization of the IRGC to certify that no "security problem" existed before approving citizenship for children born to Iranian mothers with non-Iranian fathers; this vaguely defined security provision could have been used to arbitrarily disqualify applicants if they or their parents were seen as critical of the government, further increasing this population's vulnerability to trafficking due to lack of citizenship documentation. Due to the pandemic, the government required students to register for online schooling with their national identification number, which undocumented children did not have, further heightening their vulnerability to labor exploitation and trafficking.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iran, and traffickers exploit victims from Iran abroad. The ongoing worsening of the Iranian economy, as

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

Iranian women, boys, and girls are vulnerable to sex trafficking abroad, including in Afghanistan, Armenia, Georgia, Iraq, the Iraqi Kurdistan Region (IKR), Pakistan, Turkey, and the United Arab Emirates (UAE). In 2018, a prominent Iranian NGO reported a rise in the number of Iranian nationals in commercial sex in nightclubs in Tbilisi, Georgia, including some child sex trafficking victims; pimps and madams in Tbilisi reportedly confiscate victims' passports and physically abuse and threaten victims. The media continued to report in 2018 an increase in young Iranian women in commercial sex in Dubai; some of these women are trafficking victims, whose pimps confiscate their passports and threaten them with violence or execution if they return to Iran. Some reports also suggest collusion between pimps in Dubai and Iranian police, the IRGC, and the Basij. Nationals from Saudi Arabia, Kuwait, and Qatar reportedly purchase sex from Iranian women in commercial sex in Dubai, including trafficking victims. Reports suggest that Iranian women are also vulnerable to sex trafficking in Turkey, particularly in Turkish cities close to the Iranian border. According to IKR press reports in 2018, more than 2,000 young Iranian women and girls entered the IKR in 2018, many of whom are victims of sex trafficking in cafes, hotels, and massage centers. According to a regional scholar, traffickers reportedly use Shiraz, Iran, as a transit point to bring ethnic Azeri girls from Azerbaijan to the UAE and exploit them in sex trafficking rings.

Iranian and Afghan refugee children, street children, and orphans in Iran are highly vulnerable to forced labor, and experts suggest child trafficking is increasing in Iran. A local Iranian official stated that the number of child laborers in streets has increased significantly due to the pandemic and the related economic downturn and that some of these children work under the supervision of profiteers and traffickers.

Official Iranian statistics indicate there are three million children working in Iran, but Iranian media suggest there are approximately seven million children sold, rented, or sent to work in Iran. Most of these children are reportedly between the ages of 10-15 years old, and the large majority are foreigners with no official identification documents. The number of children working in transport, garbage and waste disposal, “dumpster diving,” car washing, brick factories, construction, and the carpet industry reportedly continues to increase; these children experience abuse and withheld wages and may be exposed to infectious diseases, all indicators of forced labor. Young Afghan children, mainly boys, are forced to perform cheap labor and domestic work, which often involves debt-based coercion, restriction of movement, non-payment of wages, and physical or sexual abuse, all of which are trafficking indicators. Organized criminal groups target children for child begging rings in Iran. Criminal groups kidnap or purchase and force Iranian and migrant children, especially undocumented Afghan children, to work as beggars and street vendors in cities, including Tehran. These children, who may be as young as three years old, are routinely subjected to physical and sexual abuse and drug addiction. Orphaned children are vulnerable to criminal begging rings that maim or seriously injure the children to gain sympathy from those passing on the street. Poor families “rent” their children by the day to criminal groups that force the children, some as young as five years old, to beg in the street; if the children do not collect a specified amount of money by the end of the day, the groups force children to work in illegal workshops or exploit them in commercial sex. Reports indicate that organized gangs force some children, including Afghan children, to engage in unlawful activities, such as drug trafficking and smuggling of fuel and tobacco. Some Afghan children, ranging from ages 14-17, use smugglers to transport them from Afghanistan to Iran in search of work; once in Iran, smugglers turn the children over to Iranian employers who force them to work.

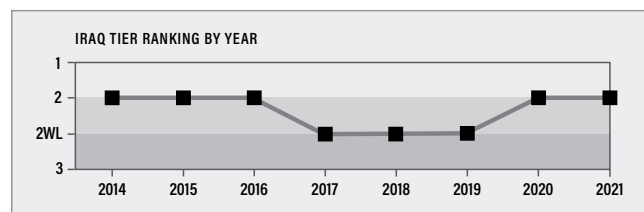
Foreign workers, Pakistani migrants, and Afghan migrants and refugees are highly vulnerable to forced labor and debt-related coercion in Iran. The UN estimates as many as three million Afghans live in Iran and reports there are 951,142 Afghans registered as refugees in Iran. In addition to registered refugees, the government hosts an estimated 450,000 Afghans who hold Afghan passports and Iranian visas and an estimated 1.5 to two million undocumented Afghans. Undocumented Afghans face increased vulnerability to economic and social hardships and exploitation, including trafficking. Afghan refugees and migrants frequently travel illegally through Iran en route to Turkey, making them ineligible to receive state assistance and vulnerable to abuse and exploitation. Organized trafficking groups subject Pakistani men and women migrants in low-skilled employment, such as domestic work and construction, to forced labor using debt-based coercion, restriction of movement, non-payment of wages, and physical or sexual abuse. Increasingly, employers seek adjustable work contracts for registered foreign workers where employers deny workers their benefits and coerce them to work overtime, increasing the workers’ vulnerability to forced labor. Traffickers subject Afghan migrants, including children, to forced labor in construction and agriculture in Iran.

Iranian authorities continue to force and coerce Afghan migrants, including children, as well as some Pakistani migrants and Iranian children, into armed groups in the region. Several credible sources continue to widely report the IRGC and Basij coerce male adult and child Afghans residing in Iran, including boys as young as 13 years old, to fight in the Iranian-led and funded Fatemiyoun Brigade deployed to Syria. Officials threaten these individuals with arrest and deportation to Afghanistan. The Basij also reportedly recruits and trains Iranian children who are deployed to Syria. Sources also indicate the government exploits undocumented and impoverished Pakistani adults living in Iran to fight for the IRGC-led Zaynabiyoun Brigade in Syria. According to a November 2020 media report, the IRGC reportedly established three centers located in Al Mayadin to facilitate recruitment and training of Syrian youth from Dayr az

Zawr to fight in IRGC and affiliated militia in Syria. Established in 2019, the largest center reportedly houses 250 children between the ages of 13-18 years; the children undergo three months of training in preparation for combat. In addition, the Iranian government provides funding to militias operating in Iraq and to Asa’ib Ahl al-Haq (AAH) and Harakat Hezbollah al-Nujaba (HHN), which recruit, train, and use child soldiers in combat in Iraq, Syria, and Yemen. According to an Iraq-based observer, the Iranian government also provided funding to the militia Abu Fadhl al-Abbas Brigades, which used children in combat on the front line in Fallujah, Iraq, in 2016.

## IRAQ: TIER 2

The Government of Iraq does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The Iraqi government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Iraq remained on Tier 2. These efforts included convicting more traffickers, including complicit officials; bolstering the capacity of the Ministry of Interior’s (MOI) anti-trafficking directorate with additional funding and staff; and increasing law enforcement training to improve officials’ knowledge of anti-trafficking laws. The Iraqi government continued to identify and refer victims to protective services, which for the first time included referrals to NGOs. The Kurdistan Regional Government (KRG) established specialized anti-trafficking police units in each of its governorates in the autonomous Iraqi Kurdistan Region (IKR), and it continued to facilitate the release of Yazidis from ISIS captivity. However, the Iraqi government and the KRG did not meet the minimum standards in several key areas. Deficiencies in identification and referral procedures, coupled with authorities’ lack of understanding of trafficking, continued to prevent many victims from receiving appropriate protection services. Authorities did not proactively identify trafficking victims among vulnerable populations, which resulted in the continued punishment of some victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. The government also lacked adequate protection services for victims of all forms of trafficking. In addition, the KRG did not report prosecuting or convicting any traffickers during the reporting period.



### PRIORITIZED RECOMMENDATIONS:

Ensure trafficking victims are not punished for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations. • Prevent the recruitment and use of child soldiers by all armed groups, including units of the Popular Mobilization Forces (PMF) and independent militias, and provide appropriate protection services to demobilized child soldiers. • Develop and institute guidelines for proactive victim identification and referral to protection services for all relevant officials, and train officials on these procedures. • Allow all relevant authorities to officially identify potential trafficking victims and refer them to care, not solely investigative judges via a court order. • Ensure victim identification and protection measures are provided independent of the prosecution of a trafficker. • Significantly increase unhindered access to adequate protection services for victims of all forms of trafficking and their children, including trauma and psycho-social counseling, medical care,

long-term shelter, legal aid, translation and interpretation services, reintegration services, employment training, and financial assistance.

- Protect victims from re-traumatization during trial, including by allowing alternative means for victim and witness testimony.
- Make significant efforts to investigate, prosecute, convict, and stringently sentence traffickers, including complicit government officials and staff and guards at government-run shelters, even when victims do not participate in legal proceedings against their trafficker.
- Amend the anti-trafficking law to ensure that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense, in accordance with the 2000 UN Trafficking in Persons Protocol (Palermo Protocol).
- Finalize regulations to enable full implementation of the anti-trafficking law.
- Establish a legal framework for NGOs to operate shelters for victims, and provide financial resources, facilities, and trained personnel to such organizations.

## PROSECUTION

The Iraqi government increased law enforcement efforts. It reported an increase in convictions of traffickers, including complicit officials; increased the capacity of the MOI's anti-human trafficking directorate; and expanded law enforcement training to address gaps in officials' understanding of the anti-trafficking law. Additionally, the KRG established specialized trafficking units in each governorate within the IKR. Iraq's 2012 anti-trafficking law criminalized forced labor and some forms of sex trafficking. Inconsistent with the definition of trafficking under international law, the anti-trafficking law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. The anti-trafficking law prescribed penalties of up to 15 years' imprisonment and a fine of up to 10 million Iraqi dinar (IQD) (\$8,790) for trafficking offenses involving adult male victims, and up to life imprisonment and a fine of 15 million to 25 million IQD (\$13,180 to \$21,970) if the offense involved an adult female or child victim. These penalties were sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 399 of the penal code criminalized "the prostitution of a child" and provided a penalty of up to 10 years' imprisonment, which was sufficiently stringent, although not commensurate with the penalties prescribed for rape. The MOI submitted a draft amendment to the 2012 anti-trafficking law in December 2020 that included provisions to establish a court specialized in combating human trafficking in each appellate jurisdiction, establish a legal defense fund to assist victims, require referral of all victims to state-run shelters instead of police stations for the duration of criminal proceedings, allow for issuance of residence visas to all trafficking victims, prohibit penalization of victims of any criminal charges resulting from their trafficking, and strengthen legal penalties for trafficking offenses to allow for seizure of movable and immovable property by perpetrators. At the close of the reporting period, the amendment remained pending review by Parliament. The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims. The KRG did not develop the regulatory and enforcement framework required to fully implement the 2012 Iraqi anti-trafficking law, which the IKR's regional parliament approved in 2018.

During the reporting period, the MOI's anti-trafficking unit arrested and detained 394 individuals for alleged involvement in trafficking crimes; the unit arrested 199 of these alleged traffickers after conducting 37 raids on massage parlors, coffee shops, and other establishments known for human trafficking activities. Of the 394 individuals, authorities referred 35 for prosecution under the 2012 anti-trafficking law, while it acquitted 82 and released 21 on bail; the remaining 256 individuals remained under investigation at the close of the reporting period. The government convicted and sentenced 127 traffickers in 18 cases under the anti-trafficking law and sentenced them from five to 15 years in prison. For the first time, the government reported the type of trafficking crimes for which these individuals were convicted; out of the 127 convictions, 80

were convicted for sex trafficking, 28 for forced labor, nine for both sex and labor trafficking and 10 for child trafficking. In the previous reporting period, the government reported it detained 504 alleged traffickers, referred 105 to prosecution, and convicted and sentenced 67. As in the previous reporting period, the KRG made an unknown number of arrests but did not report prosecuting or convicting any traffickers during the reporting period.

Concerns of alleged official complicity in trafficking crimes remained; however, the government reported it convicted eight servicemen—including six MOI officers and two Iraqi military officers—for child sex trafficking and sentenced each official to eight to 10 years' imprisonment. Some NGOs continued to report that government officials in key security positions protected traffickers from investigation and prosecution. Further, during the reporting period, an NGO reported allegations from trafficking victims of abuse by staff and guards at government-run shelters. The government did not report efforts to investigate or prosecute continued allegations that security and camp management personnel in IDP camps were complicit in the sexual exploitation and trafficking of women and girls, particularly those with ties to alleged ISIS members. However, during the reporting period, the government cooperated with an international organization and NGOs to address sexual exploitation concerns in IDP camps. The Iraqi government did not investigate or hold criminally accountable non-compliant militia units affiliated with the PMF that operated under the Popular Mobilization Committee (PMC), a component of the Iraqi security forces (ISF), including for child soldiering offenses. Furthermore, some foreign governments with large numbers of migrant workers in Iraq continued to report Iraqi officials sometimes forced them to pay bribes, along with immigration fees, to release their citizens who were trafficking victims from detention and to repatriate them.

The MOI's anti-trafficking directorate continued to report that its many responsibilities limited its ability to conduct trafficking investigations; lack of resources and weak coordination among governmental ministries also hindered trafficking investigations. Additionally, Iraqi government and KRG officials—including police officers and investigative judges—continued to lack a general understanding of trafficking and the ability to recognize trafficking indicators. Local NGOs reported KRG law enforcement experienced reduced working hours and limited salaries due to pandemic-related government closures and the ongoing financial crisis in the country; a lack of staff and resources also contributed to police units' low capacity to investigate trafficking crimes. Despite a six-month nationwide pandemic-related lockdown that closed all government agencies except some law enforcement and health services, the MOI took steps to address some of these shortfalls during the reporting period.

The government reported it facilitated an increased number of anti-trafficking trainings for MOI, Ministry of Justice (MOJ), and Ministry of Labor and Social Affairs (MOLSA) personnel on Iraq's anti-trafficking law, best practices for investigating and prosecuting trafficking cases with a victim-centered approach, and victim identification and protection through train-the-trainer programs. In total, the Central Committee to Counter Trafficking (CCCT) conducted 18 virtual training programs for police officers and judges; the MOI held 27 online workshops on investigation best practices and conducted 27 train-the-trainer programs on victim identification and protection for community policing officers and counter-trafficking investigators, among others. Several local and international NGOs noted Iraqi officials demonstrated an increased understanding of Iraq's anti-trafficking law during the reporting period. Following the MOI's upgrade of its anti-human trafficking unit to the equivalent of a directorate in March 2020, the government reported it allocated substantial additional financial and human resources to the directorate during the reporting period; this included the creation of additional units—one that focused on professional training for all staff, run by specialized investigators and educators with expertise in trafficking crimes, and another focused on tracking potential trafficking crimes



perpetrated through social media, a trend that increased due to the pandemic. The KRG did not report providing anti-trafficking training for its personnel. However, during the reporting period, the KRG established fully operational anti-trafficking police units in all four governorates of the IKR, as well as in the two independent administrations of Garmiyan and Raparin. Some NGOs reported the anti-trafficking unit in Erbil improved its identification of trafficking cases during the reporting period and often coordinated with courts in Erbil to move trafficking cases through the legal system. However, other NGOs continued to report the KRG generally underestimated the actual number of trafficking cases in the region and judicial actors lacked the necessary capacity to identify and investigate trafficking crimes. Local NGOs also reported KRG law enforcement lacked a clear reporting system for trafficking crimes and many government actors tasked with handling trafficking lacked specialized training for identifying and investigating potential cases.

## PROTECTION

The government maintained mixed efforts to protect victims. Despite the pandemic-related closure of the Iraqi government-operated shelter for six months during the reporting period, the government continued to identify trafficking victims and refer them to shelter. For the first time, the government informally referred victims to NGOs for protection services. It also worked with an NGO to provide training to shelter staff for the first time; however, it continued to penalize trafficking victims for unlawful acts traffickers compelled them to commit and did not establish standardized identification and referral procedures, rendering some potential victims unidentified and therefore unable to receive care. The MOI reported it identified 58 total trafficking victims, which included five female victims of sex trafficking, one child trafficking victim, 14 victims of forced labor, and four victims of forced begging; the government did not provide data on the type of trafficking for the remaining 34 victims identified. During the previous reporting period, the MOI identified 72 total trafficking victims. Of the 58 identified victims in this period, the Iraqi government referred 18 adult female victims to the MOLSA-run trafficking shelter in Baghdad, three child victims to orphanages, and four adult female victims to health care facilities. For the first time, the Iraqi government reported it referred the remaining 34 victims to NGOs to receive protection services; further, several NGOs reported government attitudes toward organizations running shelters significantly improved during the reporting period. Additionally, MOLSA and an NGO launched a collaborative training program for trafficking shelter staff for the first time, which represented a shift towards greater government cooperation with NGOs addressing trafficking. The Iraqi government did not have victim identification guidelines for all officials, including first responders, who came in contact with potential trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in commercial sex. The Iraqi government also did not have a national victim referral mechanism, and the government continued to have an ad hoc referral process. Civil society organizations reported some Iraqi officials, including district-level police officers, did not proactively identify trafficking victims because officials lacked a general understanding of the crime. NGOs reported some police officials proactively identified foreign labor trafficking victims, but they did not adequately screen for victims among Iraqi citizens, including those that were internally displaced, or during investigations of prostitution crimes. Investigative judges were the only officials who could officially identify and refer a trafficking victim to protection services via a court order, including the government-run shelter in Baghdad; however, because judges required victims to testify in front of their perpetrators in court, many victims did not come forward due to fear of retaliation. Because of this requirement and the resulting absence of victim witnesses, judges determined in many cases there was insufficient evidence to officially classify a person as a trafficking victim, thereby denying victims' access to protection services. Furthermore, the Iraqi government did not have specialized judges or courts that were trained or dedicated to handling trafficking cases; both NGOs and international organizations continued to

report that the lack of specialized investigative judges hindered the official determination of trafficking victims, and some victims may have been unidentified and unable to receive protection services. An international organization reported authorities frequently held trafficking victims in detention facilities while an investigative judge determined their status as a victim; due to pandemic-related restrictions and the government lockdown, authorities held some victims for extended periods of time without the ability to receive protection services.

Some officials continued to criminalize and punish trafficking victims. Authorities arrested, imprisoned, deported, and financially penalized trafficking victims in Iraq, including in the IKR, for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations and child soldiering. Foreign migrant workers, including foreign labor trafficking victims, faced regular discrimination in the criminal justice process, re-victimization, and retaliation from traffickers. Police at times inappropriately arrested and detained foreign trafficking victims, rather than the perpetrators, after employers and recruitment agents filed false claims of theft against the victim in retaliation for victims reporting allegations of trafficking to the police. Although employers were legally responsible to pay immigration fees or liabilities related to foreign workers under Iraq's sponsorship system, in practice authorities penalized workers, including identified and unidentified trafficking victims, for failing to pay; additionally, an international organization reported officials sometimes waived residency fines, but the decision-making process appeared arbitrary and highly personalized. In an effort to address this issue, in March 2020, the Higher Judicial Council (HJC) advised its judges to waive all fines for trafficking victims who were in violation of Iraq's residency laws. Likely as a result of this decision, an NGO reported a substantial reduction in the number of vulnerable migrant workers detained for their inability to pay residency fines; in 2020, authorities detained 35 vulnerable workers for not paying fines, compared to 300 workers detained in 2019. Another NGO reported that within IKR, KRG authorities also improved the process for waiving fines that trafficking victims would otherwise be subject to for working in Kurdistan without legal documentation; however, as this process was informal, some trafficking victims may not have benefitted from the change. NGOs continued to report the Iraqi government increasingly recognized that people arrested for prostitution crimes could be victims of trafficking and should be treated as such; however, despite these improvements, other NGOs reported authorities continued to charge sex trafficking victims on prostitution violations. During the reporting period, an NGO reported the KRG arrested 33 individuals for prostitution but failed to screen for trafficking indicators, and therefore may have penalized potential sex trafficking victims. In addition, Iraqi and KRG authorities continued to inappropriately detain and prosecute without legal representation children allegedly affiliated with ISIS—some of whom were victims of forcible recruitment and use—and used abusive interrogation techniques and torture to gain children's confessions; the Iraqi government did not report screening these children as potential trafficking victims or referring them to protection services. However, in December 2020, an NGO reported an Iraqi special judicial committee that adjudicated cases of children with alleged ISIS links appeared to comply with international human rights standards; the committee reviewed individual cases and ordered the release of 75 alleged child offenders for lack of evidence to prevent double jeopardy, and per provisions of Iraq's amnesty law, during the reporting period.

The Iraqi government provided limited protection services to trafficking victims and did not operate shelters specifically for male trafficking victims. By law, the Iraqi government was the only authority permitted to provide shelter to trafficking victims; however, NGOs reported greater cooperation with the Iraqi government during the reporting period and received referrals from the MOI to assist trafficking victims for the first time. In 2020, the Iraqi government allocated funds from different MOI and MOLSA accounts

to fund the government shelter; however, it still partially relied on donations from civil society and international organizations. Previously, the Iraqi government did not allocate funding in its budget specifically for victim protection services. MOLSA continued to operate a trafficking shelter in Baghdad for female trafficking victims; during the reporting period, 18 trafficking victims, the majority of whom were sex trafficking victims, utilized the shelter, an increase from seven victims that were assisted at the shelter in the previous reporting period. MOLSA—in coordination with the Ministry of Health (MOH)—provided victims at the shelter with psycho-social, trauma, and reintegration services and medical care; MOH reported it dedicated two doctors for trafficking victims at the shelter. NGOs and an international organization reported that overall services fulfilled victims' basic physical needs, but a lack of resources, staffing, and case management training limited shelter staff's ability to provide psycho-social and medical care and vocational training specifically for trafficking victims. However, during the reporting year, MOLSA reported it had developed a distinct case management system and clinical psychology tracks for different categories of trafficking victims; it also reported the MOLSA shelter began providing vocational training to trafficking victims in 2020. In most cases, officials did not allow female victims to freely enter and exit shelters because they were referred via a court order and officials limited victims' ability to communicate with anyone outside of the shelters. An international organization reported foreign victims could not easily access services outside of the shelter while they awaited repatriation; instead, foreign victims often relied on their embassies for support. The embassies of the Philippines, Bangladesh, and Indonesia reportedly provided shelter for their nationals while they awaited repatriation during the year. Conversely, the CCCT reported it provided full support to all known foreign trafficking victims, and the MOI reported providing identical physical and mental services and legal assistance to both Iraqi and non-Iraqi citizen trafficking victims. During the reporting period, an NGO reported allegations that staff and guards at Iraqi government-operated shelters abused trafficking victims. To address this, MOLSA reported it installed a monitoring system to prevent any violations by shelter staff against victims during the year, in addition to conducting physical checks when the victims were admitted to the facility and discharged in order to detect and document any potential abuse against the shelter occupants. The Iraqi government did not provide specialized care for rape victims, including trafficking victims who were also victims of rape; due to social norms, rape victims were often encouraged by Iraqi government authorities or sometimes forced by their families to marry their rapists. The Iraqi government did not report providing funding or in-kind assistance to NGOs that provided victim care during the year; however, unlike previous reporting periods, NGOs reported government attitudes towards organizations operating trafficking shelters improved significantly throughout the year. During the previous reporting period, officials of the Council of Ministers General Secretariat (COMSEC) filed a lawsuit against an NGO that provided support to female trafficking victims in an effort to dissolve the NGO. However, the NGO won a final appeal on the case in February 2021.

The KRG continued to operate four shelters in the IKR for women; the shelters could provide services to female trafficking victims but rarely did so during the reporting period. Victims needed to obtain a court order to leave the shelters, which significantly restricted their movement, and shelter space was limited. The KRG did not report how many trafficking victims received services at these shelters during the reporting period. During the previous reporting period, the KRG gave official permission to an Erbil-based NGO to operate the first trafficking shelter in IKR, which could house as many as 38 victims at one time. A local NGO reported the shelter was almost always at capacity, and during the reporting period, 43 trafficking victims received shelter services. The KRG continued to facilitate the release of Yazidis held captive by ISIS, most of whom were likely trafficking victims and reported it coordinated with NGOs and an international organization to provide essential psycho-social and protective services to these victims. The Iraqi government did not

report efforts to provide protection services to demobilized child soldiers of ISIS, the PMF, or other armed groups, thus failing to prevent re-victimization or re-recruitment of these children.

Neither the Iraqi government nor the KRG provided adequate protections to victims or witnesses to encourage their assistance in investigations and prosecutions of traffickers. However, the MOI reported 27 identified victims voluntarily assisted law enforcement authorities during the investigation and prosecution of their traffickers. The Iraqi government did not allow trafficking victims to work, move freely, or leave the country during trials. The MOI reported any foreign or Iraqi trafficking victim could file a civil lawsuit against a trafficker, but an NGO reported no victims filed such lawsuits in 2020, likely due in part to authorities' poor investigative techniques for trafficking cases and the overall lack of protections provided to victims during trial. Courts did not protect the privacy or identity of victims when testifying against their trafficker; during the reporting period, NGOs reported courts required victims to testify in front of their traffickers, as well as—at times—in front of an entire courtroom of other people waiting for their cases to be heard. Iraqi courts also did not provide translation and interpretation services for foreign trafficking victims, which delayed cases for months; in some cases, courts used unqualified interpreters, which harmed the credibility of victims' testimonies. Labor courts in the IKR did not provide translation and interpretation services for foreign workers, including foreign labor trafficking victims, creating difficulties for victims to sue abusive employers. Although the Iraqi anti-trafficking law allowed for the government to provide special residency status benefits to foreign trafficking victims, the government did not report offering this assistance to any victims during the reporting period. The KRG did not offer special residency status to victims during the reporting period either, but it reportedly continued to refrain from deporting victims. The Iraqi government and the KRG provided foreign victims relief from deportation or offered legal alternatives to their removal to countries in which they may have faced hardship or retribution. The Iraqi government and KRG reportedly cooperated with an international organization to repatriate an unknown number of foreign trafficking victims during the reporting period.

## PREVENTION

The government increased its efforts to prevent human trafficking. Political unrest, including mass protests, budget shortfalls, understaffing, a stagnant economy, and the pandemic-related government lockdown for six months of the reporting period limited the Iraqi government and KRG's ability to coordinate anti-trafficking efforts and dedicate resources to combat trafficking. Nevertheless, the CCCT continued to meet nearly every month during the reporting period. The KRG's anti-trafficking committee—established in 2016—which was led by the Kurdistan Ministry of Interior (KMOI) and included 17 government ministries did not meet during the reporting period due to the pandemic. The Iraqi government maintained a national anti-trafficking action plan but acknowledged that the pandemic slowed its implementation. The government did not report whether it dedicated a specific budget to overall implementation of the action plan but reported an increase in staff and funding to the MOI's anti-trafficking directorate, which implemented aspects of the plan, during the year. Additionally, the Iraqi government and the KRG expanded coordination in 2020; the CCCT reported increasing the number of KRG representatives from one to three and launched separate monthly meetings between MOI and the KRG's MOI members of the CCCT to enhance law enforcement efforts.

During the reporting period, the MOI's anti-trafficking directorate and the CCCT conducted a nationwide awareness campaign that included publishing stories about trafficking on national media outlets and government-run radio to highlight the warning signs of the crime; advertised its anti-trafficking hotline and posted information at hospitals, markets, border crossings and security checkpoints, airports, police stations, and transportation hubs; and provided lectures to incoming students at universities throughout the country

on trafficking indicators. As in the previous reporting period, the Ministry of Transportation reported it continued to work with bus companies and airlines to raise awareness about trafficking, and the Ministry of Displacement and Migration raised awareness at IDP camps during the reporting period. In addition, the MOI reported partnering with local and international NGOs to conduct an awareness campaign on human trafficking at government and public offices, airports, and border checkpoints that reached over 200,000 people from May 2020 to January 2021. The MOI continued to operate a 24-hour anti-trafficking hotline; the hotline received 169 calls, which resulted in 35 alleged trafficking cases, 17 arrests, and 10 convictions during the year. During the previous reporting period, the hotline received 26 alleged trafficking cases, but the government did not report if these cases resulted in arrests or convictions. In 2020, the MOI also launched a public email address to receive trafficking tips. The KRG operated its own hotline where trafficking victims could seek assistance and report labor abuses, but it did not report how many alleged trafficking cases it received through the hotline during the reporting period.

The Iraqi government and the KRG continued to cooperate with each other to maintain an online visa system to track migrant workers and their sponsoring companies to prevent employers from committing labor abuses; the government reported the system could automatically block any single individual or company from sponsoring more than 50 foreign laborers. However, the KRG reported challenges tracking migrant workers hired by employers and companies that used fake or fraudulent registrations and others who acted as agents, sponsoring foreign labor visas before ultimately hiring the workers to third-party companies for profit. The government reported it regulated labor recruitment and placement of foreign workers through MOI's Residency Office and MOLSA, where recruitment agents licensed by the government sponsored workers. Under this sponsorship system, a worker could not change employers until completing two years of work with a sponsor, unless the worker had a complaint of poor treatment or abuse. However, even in cases where an employee had a legitimate complaint, NGOs and an international organization reported the employee was often relocated to a new employer and authorities rarely held the abusive employer accountable. An international organization also reported agencies that the government blacklisted changed names frequently to enable them to continue to operate, and in cases where an employer was punished for abuse, it was common for a single perpetrator to be penalized, rather than the entire company or agency. However, in an effort to improve the identification of potential trafficking cases in instances of abuse or labor law violations, in January 2021, the HJC allocated judges with greater knowledge and experience of trafficking crimes in Iraqi labor dispute courts. The Iraqi government did not provide anti-trafficking training to its diplomatic personnel. The government reported it made efforts to reduce the demand for commercial sex acts by increasing surveillance on social clubs, hotels, massage parlors, and marriage offices; MOI also reported providing human trafficking training to police responsible for securing tourism sites. The government did not make efforts to reduce the demand for child sex tourism. In the previous reporting period, the HJC directed courts to use the anti-terrorism law to counter some forced marriage practices, including *falsiya* and *nahwa*—a practice in which a family forces a woman to marry one of her father's cousins—which placed women and girls at increased risk of trafficking. The government reported arresting three individuals in June 2020 for *nahwa* and referred them for prosecution; additionally, as of February 2021, the government reported courts had prosecuted 59 *nahwa* cases in 2020.

During the reporting period, the Iraqi government announced its decision to begin to close all IDP camps across the country. NGO and media reports alleged government officials forced thousands of civilians, mostly women and children, out of camps with very little notice. NGOs and an international organization expressed concern that many of the camps' residents did not have anywhere to return to as their homes were destroyed during the conflict with ISIS, or

feared retaliation and violence if they returned home because of real or perceived affiliation with ISIS. Further, NGOs reported other camp residents experienced challenges obtaining civil documentation and security clearance to travel to other parts of the country, resulting in secondary displacement and exacerbating the risk of exploitation and trafficking in a highly vulnerable population. An international organization reported tens of thousands of IDP children lacked civil documentation, particularly those born or formally residing in areas under ISIS control, and could not access basic services, including enrolling in school.

Iraqi law prohibited voluntary recruitment of any person younger than age 18 into the governmental armed forces, including governmental paramilitary forces, militia groups, or other armed groups. There were no reports of child soldiers used within the Iraqi military, and the government reportedly provided training to military officers on child soldier issues. However, the Iraqi government did not exercise complete control over certain units of the PMF, which sometimes undertook operations independent of political leaders or military commanders. The Iraqi government's inter-ministerial senior committee to monitor, evaluate, and report on children's rights violations in conflict zones in Iraq continued to closely coordinate with an international organization during the reporting period but did not report on actions by the committee during the reporting period. The government also continued to discuss the development of an action plan with an international organization for the PMC to address the recruitment and use of children in armed conflict.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iraq, and traffickers exploit victims from Iraq abroad. The violent conflict with ISIS exacerbated the population's vulnerability to trafficking, in particular women and children, although the government's territorial defeat of the terrorist group, announced December 9, 2017, has improved conditions for Iraqi civilians. However, insecurity remained in many areas, including those liberated from ISIS rule. Since January 2014, more than five million Iraqis have been displaced, with approximately 1.2 million still displaced as of the end of 2020; about 80 percent have been displaced for more than three years, placing them at continued risk of exploitation. Many of those that are displaced are female heads of household vulnerable to sexual exploitation and abuse due to their perceived affiliation with ISIS. In addition, more than 245,000 Syrian refugees remained displaced in Iraq, the vast majority in the IKR. With the defeat of the ISIS physical caliphate, the reported incidence of these violations has diminished. Between 2014 and 2018, ISIS militants kidnapped and held captive thousands of women and children from a wide range of ethnic and religious groups, especially Yezidis, and sold them to ISIS fighters in Iraq and Syria, where ISIS fighters subjected them to forced marriage, sexual slavery, rape, and domestic servitude. ISIS maintained an organized system to buy and sell women and girls for sexual slavery, including sales contracts notarized by ISIS-run courts. Media have reported ISIS sold some captives to wealthy individuals in Gulf countries, and reports suggested some Yezidi captives were moved to Syria, Turkey, and Saudi Arabia. IKR-based civil society organizations also reported in 2018 that ISIS members and supporters kidnapped Yezidi children for exploitation in Turkey. ISIS reportedly kidnapped 120 Turkmen children in 2014; they have reportedly been sold multiple times for the purpose of sexual exploitation, and only 20 of the kidnapped children were rescued by the end of 2018. Throughout 2015-2019, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape, forced marriage, and sex trafficking; these women and girls, including IDPs among this population, remain highly vulnerable to various forms of exploitation, including re-trafficking. Some Yezidi women and girls reportedly reside in Iraqi IDP camps or Al-Hol camp in Syria where they continue to live with Sunni families that formerly exploited them under ISIS rule. As of February 2021, the KRG reported 2,872 Yezidis—including adults



and children—remain missing. Some reports indicate the missing women and girls remain with ISIS in eastern Syria and Turkey or have been exploited in other parts of the region, Europe, or Asia.

Children remain vulnerable to forcible recruitment and use by multiple armed groups operating in Iraq, including—but not limited to—ISIS, the PMF, tribal forces, the Kurdistan Worker's Party (PKK), and Iran-backed militias. Despite the defeat of the physical caliphate, ISIS continues to abduct and forcibly recruit and use children in combat and support roles, including as human shields, informants, bomb makers, executioners, and suicide bombers; some of these children were as young as eight years old and some were mentally disabled. Multiple sources report the PKK and People's Protection Units (YPG) operating in the IKR and Sinjar continued to recruit and use children. In 2021, an unverified source reported that the PKK recruited dozens of children to prepare them for combat, including children from Kirkuk, Iraq. Local NGOs reported in 2018 that Yezidi militias in Sinjar recruited approximately 10 to 20 Yezidi boys. NGO and local government contacts confirmed that hundreds of Yezidi children have been recruited by the PKK-aligned Yezidi Civil Protection Units (YPS) and other PKK-affiliated militias. In 2018, civil society organizations reported the PKK recruited and trained children from Sinjar, Makhmour, and other locations, and sent them to bases in Sinjar, Turkey, and the Qandil Mountains between Iraq and Iran.

Since 2015, NGOs have reported some non-compliant, Iran-aligned PMF units recruit, use, and provide military training to children, though the incidence of these reports has declined with the defeat of ISIS's territorial presence in Iraq. The number of incidents of child soldier recruitment and use continues to decline, according to an international organization in 2019. In 2018 and 2019, NGOs alleged that some PMF-affiliated militias, including Iranian-backed Harakat Hezbollah al-Nujaba (HHN) and Asaib Ahl al-Haq (AAH), recruited boys younger than the age of 18 to fight in Syria and Yemen. In 2017, reports also indicated both the AAH and Kata'ib Hezbollah (KH) militias recruited and used child soldiers. Some of the forces in the HHN, AAH, and KH militias operated under the umbrella of the PMF, but they generally operate outside of the command and control of the Iraqi government. Civil society organizations and local contacts reported in 2017 that posters commemorating children who died while fighting for Shia militias were commonplace in Shia-majority areas of Baghdad and throughout southern Iraq. Most of the children who were celebrated for fighting allegedly fought for brigades of the AAH and KH militias. According to the PMF official social media site and posters in the street in mid-2017, the PMF offered military training courses to children and youth ages 15-25. In 2015 and 2016, multiple sources reported factions of the PMF recruited and used children in operations in Fallujah and other areas of the country, while PMF-affiliated media celebrated the service and sacrifice of child soldiers. Credible reporting in 2017 indicated Sunni tribal militias recruited boys out of IDP camps, some of whom received military training. In August 2016, an international NGO reported that Sunni tribal militias affiliated with the PMF recruited at least seven children from the Debaga IDP camp in northern Iraq; witness accounts reported that members of the ISF facilitated the recruitment of children from the camp. In addition, international observers reported the ISF used three children at a checkpoint in early 2019.

Refugees and IDPs face heightened risk of forced labor and sex trafficking due to their economic and social vulnerability and lack of security and protections. Between 2015-2018, NGOs reported trafficking networks in the IKR targeted refugees and IDPs, operating with assistance from local officials, including judges, officials from the Asayish forces, and border agents. Women and girls in IDP camps whose family members have alleged ties to ISIS continue to be exposed to a complex system of potential sexual exploitation, sex trafficking, and abuse by armed actors residing in the camps, as well as security and military officials. In 2015 and 2016, NGOs reported some personnel from the Asayish forces facilitated the sex trafficking of women and girls in Syrian refugee camps in the IKR. Reports from

2015 indicated a trafficking network exploited IDPs and some Syrian refugee women in sex trafficking in hotels and brothels in Baghdad, Basrah, and other cities in southern Iraq after agents of the network promised to resettle them from the IKR; the network also forced the women's children to beg on the street. Criminal gangs reportedly force boys and girls to beg, especially IDP and refugee children and children with disabilities, primarily in urban areas; criminal gangs also force children to sell and transport drugs and weapons, particularly in southern Iraq.

Iraqi, Iranian, and Syrian women and girls, as well as LGBTQ+ persons in the IKR, are particularly vulnerable to sex trafficking. LGBTQ+ individuals across all ethnic and religious groups remained at risk of sex trafficking primarily because of cultural stigmas. According to IKR press reports, the collapse of Iran's currency and economic slowdown spurred an influx of more than 2,000 young Iranian women and girls into the IKR in 2018, many of whom were victims of sex trafficking in cafes, hotels, and massage centers. According to KRG law enforcement in 2018, IKR-based taxi drivers allegedly facilitate the transportation of these women and girls from Iran to the IKR under the cover of tourism. Numerous media reports in 2018 claim girls as young as 11 years old are observed in nightclubs and casinos in Baghdad as waitresses, dancers, and in commercial sex; some militia groups, including AAH, reportedly provided security at these establishments and relied on them for income. NGOs reported in 2018 and 2019 that male sex traffickers in the IKR use the threat of publicizing compromising photos of women to sexually exploit or force them into commercial sex. NGOs in 2016 reported cases in which criminal networks exploited in child sex trafficking girls who had run away from their families out of fear of honor killings. The media reported in 2018 that trafficking gangs increasingly used social media sites, particularly Facebook, to buy and sell women and girls for sex and labor exploitation. Reports from 2014-2017 suggested some Iraqi law enforcement officials have allegedly frequented brothels known for sex trafficking or accepted bribes to allow sex trafficking. Foreign media reports from 2018 suggested a growing trend of child sex trafficking of Iraqi girls ages 11-16 in Syria, Jordan, Saudi Arabia, Lebanon, and the UAE. Trafficking networks also reportedly sell Iraqi children in neighboring countries and Europe for commercial sexual exploitation. Iraqi refugees in Jordan are vulnerable to labor trafficking in Jordan's informal labor sector, in part due to employers paying them below-market wages and expecting them to work excessively long hours.

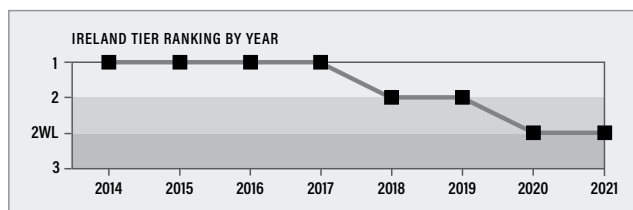
Traditional practices, including *falsiya* – the exchange of family members to settle tribal disputes—and child-forced and “temporary” marriages also place women and girls at increased risk of trafficking within the country. In 2019, an international media outlet reported clerics operated “marriage offices” in areas outside of important shrines in Iraq, which advertised “temporary marriages” with girls as young as nine years old for the purpose of sex trafficking. Some militia groups, such as AAH, reportedly provided security for these “offices” and relied on them for income. Additionally, a local NGO disclosed in early 2021 that reports from local partners in southern Iraqi border provinces noted Saudis and Kuwaitis sought child sex during hunting trips in areas inhabited by Kawalyah, nomadic tribesman without civil documentation. Child protection organizations reported in 2016 incidents of child marriage—which could increase a child's risk of trafficking—increased among IDPs and Syrian refugees in the IKR, as heads of households sought ways to generate income and reduce the family's economic burden. As reported in previous years, traffickers forced Syrian girls from refugee camps in the IKR into early or “temporary marriages” with Iraqi or other refugee men; some KRG authorities allegedly ignored, or may have accepted bribes to ignore such cases, including those in which girls are sold multiple times. An NGO reported in early 2021 that traffickers continued to open massage parlors in five-star hotels in Iraq as a cover for commercial sex and sex trafficking; some of these hotels are owned by state entities, which allow the traffickers to operate with impunity. The Iraqi government further confirmed in early 2020 that

massage parlors, coffee shops, bars, and nightclubs were locations for sex trafficking. Additionally, according to the Iraqi government, traffickers use social media to operate their networks and recruit victims, such as by advertising fake job offers.

Some men and women from throughout Asia and Africa who migrate—both legally and illegally—to Iraq are subjected to forced labor as construction workers, security guards, cleaners, handymen, and domestic workers. Contacts reported in early 2020 an increase in trafficking victims from Ghana, Kenya, and Sierra Leone. In January 2016, the MOLSA reported approximately 140,000 foreign workers lacked formal work permits; NGOs reported some employers and recruitment agents exploit workers' illegal status by withholding salaries and subjecting workers to substandard living conditions. Some foreign migrants are recruited for work in other countries in the region but are forced, coerced, or deceived into working in Iraq and the IKR. In 2018, the KMOI reported 22 workers from the Philippines legally entered the IKR under the sponsorship of a labor contracting company but were subsequently forced to work in Baghdad. In early 2020, NGOs reported that smugglers in the IKR promise some sub-Saharan African workers better work opportunities in Baghdad, but upon arrival, traffickers exploited the workers in forced labor. An international organization reported in 2018 that if a foreign worker had a complaint of abuse about an employer, recruitment agents moved the worker to a different employer and did not report the employer to the police. Recruitment agencies reportedly operate clandestinely without permits and beyond the control of the government.

## IRELAND: TIER 2 WATCH LIST

The Government of Ireland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included designating an independent human trafficking national rapporteur and establishing a formal national anti-trafficking forum composed of interagency and civil society stakeholders. In coordination with an international organization, the government launched a national anti-trafficking public awareness campaign. The government also increased funding for victim assistance, antitrafficking public awareness campaigns, and training. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. While courts convicted one trafficker under false imprisonment charges, the government has not obtained a trafficking conviction under the anti-trafficking law since it was amended in 2013, which weakened deterrence, contributed to impunity for traffickers, and undermined efforts to support victims to testify. The government investigated and prosecuted fewer suspected traffickers, did not prosecute any labor traffickers, and victim identification decreased for the fourth year in a row. The government continued to have systemic deficiencies in victim identification, referral, and assistance, and lacked specialized accommodation and adequate services for victims. Therefore Ireland remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute suspects, and convict traffickers of both sex and labor trafficking using the trafficking law. • Continue to

systematically train law enforcement, prosecutors, and judges on a victim-centered, trauma-informed approach to law enforcement efforts and trials and sensitize judges to the severity of trafficking crimes. • Update and adopt a national anti-trafficking action plan with a clear timeline for implementation, responsible ministries, and resources for implementation. • Improve victim identification and referral and issue a revised referral mechanism in coordination with NGOs, offering formal identification, a recovery and reflection period, and services to all victims. • Allow formal victim identification by and referral from entities other than the police, including civil society, social workers, and healthcare professionals. • Allow all victims to access the national referral mechanism without requiring cooperation with law enforcement. • Increase efforts to identify and protect all victims, especially of labor trafficking and forced criminality. • Continue to train law enforcement and prosecutors on developing cases with evidence to corroborate victim testimony. • Adopt a legal provision to exempt victims from penalization for the unlawful acts traffickers compelled them to commit. • Offer specialized accommodations to trafficking victims that are safe, appropriate, and trauma informed. • Continue to enforce the amended rules for the working scheme for sea fishers to reduce their risk of labor trafficking. • Increase resources for legal assistance to trafficking victims as well as the legal services provided, including assistance to victims through investigations and court proceedings, which can be accessed at the earliest opportunity and prior to engaging with police. • Establish a national hotline to report trafficking crimes and provide victim assistance and referral. • Increase efforts to order restitution for victims, particularly for undocumented workers or victims of sex trafficking. • Continue to increase coordination between law enforcement and prosecutors through regular case conferencing and consider prosecution-assisted investigations on trafficking cases. • Prioritize investigating fraudulent labor recruitment and labor trafficking, and prosecute these crimes as trafficking rather than labor code violations. • Expand government authorities to ensure the effective regulation and monitoring of agencies that recruited domestic workers and au pairs.

### PROSECUTION

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

The national police anti-trafficking unit reported investigating 22 suspects in 2020 (15 for sex trafficking and seven for labor trafficking), compared with 39 investigations in 2019. Courts were shut down for 16 weeks in 2020 due to the pandemic, which postponed the vast majority of jury trials, a requirement for human trafficking cases, to 2021. Despite this, the government initiated prosecutions for three sex trafficking suspects (compared with five in 2019, zero in 2018, and three in 2017). The government did not initiate any prosecutions for labor trafficking in 2020. For the seventh year in a row, the government did not convict any traffickers under the anti-trafficking law, as amended in 2013, although the government has reported identifying 508 victims since 2013. However, in 2020, courts convicted one trafficker under another law after he pled guilty to false imprisonment; he had yet to be sentenced at the end of the reporting period. In its 2017 report, GRETA expressed concern about the inadequate criminal justice response in Ireland, noting the failure to convict traffickers and the absence of effective sentences could contribute to impunity and undermine efforts to support victims to testify.

The Office of the Director of Public Prosecutions (ODPP) had a specialized team responsible for prosecuting trafficking crimes. However, the government did not have specialized judges or courts that could hear trafficking cases, and judges often had little understanding of trafficking crimes or familiarity with the effects of trauma on trafficking victims. Civil society continued to express concern regarding the lack of judicial training. NGOs recommended training for law enforcement, prosecutors, and the judiciary regarding the complexities of commercial sex and sex trafficking, as well as non-punishment of trafficking victims. In February 2021, the government established a new specialized police unit, which focused primarily on vulnerable populations within the commercial sex industry and its links to organized crime, and included identifying trafficking victims as an area of priority.

During the reporting period, the government and a government-funded NGO trained two officials from the criminal justice police unit, as well as other justice department officials and members of the legal aid board, but the government noted it was unable to train any police recruits due to pandemic-related restrictions. The government did not report how many officials received training in total, compared with 1,699 officials trained in 2019. The government reported that coordination between law enforcement and the ODPP improved during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking. In 2020, law enforcement cooperated in an international investigation with the United Kingdom (UK), which resulted in the identification of five trafficking victims in the UK and Ireland. The government continued to coordinate with INTERPOL, including information and intelligence sharing. In 2020, the government received 19 European arrest warrants for suspected human traffickers and arrested nine suspects from warrants issued by Latvia, Lithuania, Romania, and the UK. The government also extradited three suspects—one to France and two to the UK.

## PROTECTION

The government maintained inadequate victim protection efforts. Authorities identified 38 trafficking victims, a small decrease compared with 42 in 2019; however, 2020 was the fourth consecutive year of decreasing victim identification and the fewest victims identified since 2013. Of the 38 victims, 26 were exploited in sex trafficking and 12 in labor trafficking (which included two victims of forced criminality), compared with 34 victims of sex trafficking and six victims of labor trafficking identified in 2019. Of the 38 victims identified in 2020, all were adults, 33 were female and five were male. Unlike 2019, when the government identified nine child trafficking victims, the government did not identify any children as victims in 2020. This may have been due to the ODPP's 2018 decision to reclassify child trafficking victims as victims of sexual exploitation, which consequently excluded children from trafficking statistics. While the government increased efforts to identify victims of forced labor, it again did not report identifying any victims who were Irish nationals. However, some experts raised concerns that the number of victims formally identified by police did not represent the true scale of trafficking in Ireland, as many victims remained unidentified. An independent and comprehensive 2021 study found that from 2014-2019, victim identification statistics were approximately 38 percent higher than the official national statistics. Since the government amended its atypical working scheme for sea fishers in 2019, it has identified zero trafficking victims in the fishing industry, compared to 23 victims in 2018. Some experts also continued to raise serious concerns and asserted that foreign national sea fishers outside of the European Economic Area (EEA) were at even greater risk following the amendment of the scheme because the government failed to enforce the amended rules of the scheme, no longer identified victims, and had begun revoking the status and associated protections against previously identified trafficking victims within this sector. A government-funded international organization repatriated five trafficking victims in 2020, compared to none reported for 2019 and 15 in 2018. Although labor inspectors reported conducting 7,687

inspections, including one joint inspection with the police in 2020, the government has not reported identifying any trafficking victims as part of these inspections since 2017.

Experts continued to raise concerns regarding the government's inability to identify trafficking victims due to shortcomings in its identification mechanism and limiting identification of victims solely to police. While the government had national formal procedures for victim identification, they were valid only for victims lacking legal residency in Ireland, namely foreign nationals from outside the EEA who were not asylum-seekers. The formal identification scheme excluded EEA-nationals, including Irish nationals, and asylum-seekers with pending applications. As a result, the government did not formally identify such persons as suspected victims of trafficking, with implications for their access to social welfare and other specialized victim services, as reported by GRETA in 2017. The government reported that, in practice, domestic and foreign victims had equal access to all state services. GRETA and NGOs, however, asserted EEA-national victims could be excluded from accessing general social welfare, housing support payments, and other state support until they satisfied or were granted an exemption from the Habitual Residence Condition, which some victims may not have been able to satisfy because of an inability to prove a documented work history. The government maintained it assessed suspected victims on a "reasonable grounds" basis to allow them access to support and services; victims that cooperated with law enforcement were often referred to services, but referral was not systematic throughout the country. A 2021 academic study concluded the government did not have a formal victim identification process due to a lack of specific criteria for "reasonable grounds" decisions. NGOs and lawyers asserted the national police lacked consistent standards when assessing victims; anti-trafficking efforts varied widely from urban to rural areas; and there was no consistently used formal referral mechanism for all police units for sex trafficking victims. NGOs and other front-line responders did not have a formal role in the identification of victims, although police could receive victim referrals from any source. In its 2017 report, GRETA criticized the exclusive police authority to identify victims, asserting it created a potential conflict of priorities between law enforcement efforts and victim assistance. A formal victim statement to police and a law enforcement referral were required for potential victims to access the national referral mechanism; victims unwilling to go to the police could access emergency accommodation, counseling, medical care, and legal services from NGOs that received government funding, but not through the referral mechanism. Victims who did not cooperate with law enforcement did not have access to statutory care or the sexual health screenings available to victims that did cooperate. In 2017, the government reported plans to institute a new and revised referral mechanism; however, the government has not yet issued the revised mechanism. While experts welcomed ongoing government plans to develop the new mechanism, they expressed concern with the slow pace and lack of clarity surrounding its development. The government continued to have incomplete data on victims provided with assistance. Of the 38 victims police formally identified in 2020, they referred 36 to some or all of the services available to victims under the national referral mechanism, including medical care, housing, social workers, legal aid services, and various trafficking NGOs, but the government did not report how many victims utilized these services.

The government provided €453,000 (\$555,830) to NGOs for victim assistance, including both sex and labor trafficking, an increase compared with €338,450 (\$415,280) in 2019. However, due to the pandemic, the caseworkers for trafficking victims within the Health Services Executive (HSE), were seconded to COVID-19 contact tracing roles; subsequently, case management of trafficking victims and referral to services may have been diminished. Further, civil society continued to raise concerns regarding the government's ongoing, chronic deficiencies providing assistance and protection to trafficking victims. Through the national referral mechanism, which was administered at government-run direct provision centers,



the government provided victims with voluntary access to health services, immigration permission, accommodation, welfare and rent allowance, police assistance, residence permits, repatriation, translation and interpretation assistance, and access to education for dependent children. While there were no dedicated services or accommodations for child trafficking victims, children were usually placed in children's residential centers or in approved foster care and had access to social workers. In 2020, the government hired one psychologist for the anti-human trafficking team at the HSE that specialized in trauma care. However, there was no legally mandated psychological assistance for victims, and NGOs continued to report a lack of specialized services to address the physical and mental health needs of victims. According to experts, the lack of clear rights and legal protections for victims often required NGOs to use the legal system to ensure victims' rights were protected, which only benefited a limited number of victims. Further, access to legal services was limited, as resources were insufficient for demand and delays in application processing resulted in some victims becoming undocumented, limiting their access to care and assistance. Services available from the government's Legal Aid Board were inadequate for victims' needs, as the board only provided information to potential victims referred by police but did not provide legal assistance or support to victims during investigations or trials. Only one government-funded NGO provided legal representation for labor trafficking victims in 2020. GRETA urged the government to ensure victims had early access to legal practitioners with specialized knowledge of trafficking who could represent them.

The government provided accommodation arrangements for victims and potential victims through its direct provision system, which housed asylum-seekers, refugees, and trafficking victims in centers and temporary accommodation facilities across the country. Victims were not required to stay in the direct provision accommodation provided by the government, though the government did not offer dedicated shelters for victims of trafficking. NGOs stated the mixed-gender housing in the direct provision system had inadequate privacy, was unsuitable and potentially unsafe for traumatized victims, could expose them to greater exploitation, and undermined victim recovery. Experts also noted a lack of specialized services in the centers for all victims, but especially for female victims who had been traumatized due to psychological, physical, or sexual violence. Experts noted that accommodation in direct provision was inappropriate and unacceptable for emergency or long-term stays. NGOs raised concerns that the placement of trafficking victims in direct provision accommodation isolated victims from other available services and exposed them to re-trafficking and re-traumatization. Potential victims who were in the asylum process remained in direct provision accommodation while a determination was being made in relation to their claim for international protection, which could continue for years. Accommodations in the direct provision system were particularly strained in 2020, due to a housing shortage, increased demand on the system, and decreased housing capacity to ensure compliance with social distancing requirements due to the pandemic. While the government, including a parliamentary committee, an Advisory Group, and Ireland's Ombudsman, acknowledged the lack of adequate accommodation for several years and announced plans to phase out the direct provision system by 2024, officials took no concrete steps to do so during the reporting period.

The government could give potential foreign trafficking victims temporary relief from deportation, contingent upon cooperation with an ongoing investigation. The government also had legal alternatives to removal to countries in which victims would face retribution or hardship. The government issued some form of immigration permissions, including renewals, to 81 trafficking victims in 2020, compared with nine in 2019 and 47 in 2018. The permissions were granted through a 60-day recovery and reflection period, a six-month temporary residence permission, or a two-year residence permission that allowed the holder to engage in legal

employment. Trafficking victims could not work for the first 60 days. NGOs reported the six-month periods acted as a barrier to work and that the recovery and reflection period was not uniformly granted to victims. The temporary protection could evolve into permanent residency and residency benefits were not linked to a conviction. To respond to the pandemic, the government allowed applicants for international protection to apply for work permits after six months, as opposed to nine months, and doubled the time for which permits were valid. However, the government precluded victims who sought asylum from obtaining six-month renewable residence permits, which limited their access to certain benefits, such as work permits.

The government did not provide compensation to victims of trafficking. The law did not require prosecutors to request restitution for victims for the crime of trafficking, though courts could order restitution for victims and victims could also obtain restitution for lost wages through a criminal trial, a civil suit, state bodies dealing specifically with work-related rights, and the criminal injuries compensation tribunal. Some NGOs reported victims infrequently received payment in the past, as the court did not have enforcement authority and employers would frequently close down, transfer directorship, leave the country, or claim inability to pay. The Minister of Justice could decide to order restitution for unpaid labor of foreign trafficking victims, but the minister never utilized this authority. NGOs criticized the lack of viable avenues for victim restitution, particularly of cases that involved sex trafficking and undocumented workers. Victims of sex trafficking had no verifiable expenses or employment losses, and the labour relations committee was unavailable to undocumented workers, who could only pursue civil suits if they could prove they took all reasonable steps to rectify their irregular working status. The law protected the privacy and identity of victims in court proceedings and allowed victims to testify via video link at the discretion of the judge; however, this was not always uniformly granted, and NGOs were concerned that victims were not always informed of these protections. The government had a witness protection program but did not report how many trafficking victims were provided this service during the reporting period.

Additionally, the government remained without a specific legal provision on the non-punishment of victims of trafficking and GRETA urged adoption of such a provision in both its 2013 and 2017 reports. Further, in 2015, the Irish high court found a need for protocols or legislation to dictate what happens when a victim is suspected of criminal activity; however, the government took no action to rectify this gap and the existing trafficking law did not include a provision to protect victims from prosecution for crimes their trafficker compelled them to commit. However, in practice, prosecutors sought to avoid victim prosecution and utilized internal guidelines that instructed prosecutors to consider the public interest and mitigating factors, such as coercion, when deciding whether to charge an individual with a crime. The government reported the national police also collaborated with ODPP to ensure victims were not prosecuted, but that decision rested entirely with the ODPP and was not subject to scrutiny. NGOs noted the process for victims to seek immunity from punishment for criminal activity as a result of trafficking was complex and required early legal representation. If authorities prosecuted an individual before they were formally identified as a trafficking victim, their criminal record could not be expunged. NGOs noted that the government historically detained potential victims in prison for cannabis production prior to assessing whether they were victims of trafficking and urged the government to complete the identification process first. The government did not report how many reviews of cannabis production cases for possible trafficking indicators police conducted, the number of victims identified, or the number of cases overturned for 2019 or 2020; compared with 70 reviews in 2018 with no victims identified and no prosecutions overturned.

## PREVENTION

The government increased prevention efforts. The justice ministry's criminal justice policy unit functioned as the national coordinating body and was responsible for coordinating interagency efforts, raising awareness, providing funding to anti-trafficking civil society organizations, collecting data, and publishing an annual trafficking report. In 2020, the policy unit established a formal national anti-trafficking forum, composed of interagency and civil society stakeholders; the forum met twice during the reporting period and focused one meeting on the creation of a role that would bridge gaps between police and victims to improve evidence collection. In October 2020, the government appointed the Irish Human Rights and Equality Commission as the independent national rapporteur; it was responsible for monitoring human trafficking policy and data collection. It was uncertain whether the government followed its national antitrafficking action plan; the plan, adopted in 2016, had no end date, timeframe, budget allocation, or indication of agencies responsible for its implementation. NGOs described the national action plan as outdated; the new anti-trafficking committee stated its intention to draft an updated plan. The government continued extensive efforts to raise awareness of trafficking by funding and launching a new national human trafficking public awareness campaign, in partnership with an international organization, and by maintaining a website, updated in 2020, that provided information on human trafficking and encouraged the public to report possible cases of trafficking to authorities. In 2020, the government provided €137,700 (\$168,960) to NGOs for anti-trafficking public awareness campaigns and the development of training material for front-line officials, specifically targeting labor trafficking and vulnerable populations, an increase compared to 2019. The government funded several studies into human trafficking and the efficacy of its laws in 2020, one of which found the government undercounted victims by 38 percent.

Labor recruitment and employment agencies were required to have a license, and passport withholding was illegal. The government did not report investigating or prosecuting any labor recruitment agencies for fraudulent labor recruitment or labor trafficking. The workplace relations commission (WRC) provided information on employment rights to approximately 52,566 callers (54,748 in 2019) and replied to 6,895 emails from the public in 2020. The WRC did not have the authority to regulate agencies that recruited au pairs, who were allowed to work up to 20 hours per week without the need for a work permit. NGOs reported employers regularly paid au pairs less than minimum wage and forced them to work more than the maximum of 20 hours of work per week, creating vulnerability to labor trafficking; however the government did not report any steps taken to address this during the reporting period. Further, an NGO also raised concerns regarding the lack of jurisdiction for WRC inspectors to address violations regarding the number of hours worked on fishing vessels. The WRC reported conducting 7,687 labor inspections in 2020, 5,202 of which were unannounced—an increase compared with 4,800 in 2019; however, it did not report identifying any trafficking victims through the inspections. Of the 171 vessels under the scope of the amended atypical working scheme, in 2020, the WRC conducted 31 desktop inspections and two on-board inspections, identifying zero trafficking victims. While no trafficking victims were identified, WRC inspectors found 36 violations of employment rights or employment permits pertaining to 19 vessels and referred three violations for prosecution. While the WRC prosecuted several employers for these employment-related offenses, it did not report law enforcement actions against any companies for labor trafficking in 2020.

In an effort to address vulnerabilities created by the pandemic when migrant workers became unable to travel or physically apply to extend their immigration status, the government permitted those that became undocumented to access unemployment payments and ensured officials did not report undocumented workers to immigration authorities. The government prohibited convicted

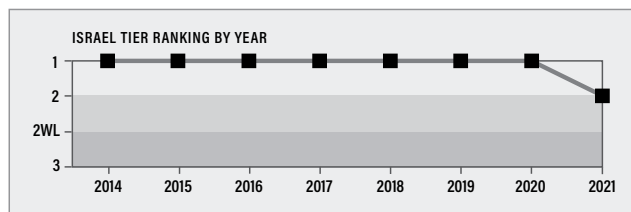
human traffickers from being selected for public contracts. The government made efforts to reduce the demand for commercial sex acts by providing €96,050 (\$117,850) for research and awareness raising projects in relation to the criminalization of the purchase of sex and the inherent exploitation involved, the same amount as in 2019. The government continued to provide funding to several anti-trafficking programs abroad. The government did not fund the operation of a dedicated trafficking national hotline but promoted a general crime hotline for anonymously notifying police about various crime incidents; police officers staffed the hotline, which was available for 12 hours daily. The government did not report the number of calls received for trafficking-related cases during the reporting period. The national police had a dedicated email address for reports of trafficking and received 33 emails in 2020, compared with 67 in 2019.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ireland, and traffickers exploit victims from Ireland abroad. Traffickers subject Irish children to sex trafficking within the country. The prevalence of human trafficking in Ireland is likely much higher than official statistics report, and an independent and comprehensive 2021 study found that from 2014-2019, the true number of trafficking victims was approximately 38 percent higher than the official national statistics. Foreign trafficking victims identified in Ireland are from Africa, Asia, Eastern Europe, and South America. In recent years, authorities and media have reported an increase in suspected victims from Brazil, Indonesia, Nigeria, Pakistan, and Romania. Traffickers exploit victims of forced labor in domestic work, the restaurant industry, cannabis cultivation, nail salons, food processing, waste management, fishing, seasonal agriculture, and car washing services. Undocumented workers in the fishing industry and domestic workers, particularly au pairs, are vulnerable to trafficking. Migrant workers from Egypt and the Philippines are vulnerable to forced labor on fishing vessels. Women from Eastern Europe who are forced into marriage in Ireland are at risk for sex trafficking and forced labor.

## ISRAEL: TIER 2

The Government of Israel does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating, prosecuting, and convicting complicit officials. The government repealed the "Deposit Law," thereby decreasing the vulnerability of foreign and migrants' workers to trafficking and began returning funds to some workers. The government continued to operate shelters and other facilities that provided victims a wide variety of immediate and long-term care and rehabilitative services. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic on the government's anti-trafficking capacity. The government's victim identification policies sometimes re-traumatized trafficking victims and delayed access to necessary care, at times for years. In addition, the government decreased overall efforts to investigate, prosecute, and convict traffickers. Government policies towards foreign workers increased their vulnerability to trafficking, and the government did not consistently investigate trafficking cases referred by NGOs. For the fifth consecutive year, the Police Anti-Trafficking Coordinating Unit (PTC), which remained the only authority to officially recognize victims of trafficking, remained severely understaffed, which further impacted the efficiency of victim identification procedures and referral of victims to protection services. Therefore Israel was downgraded to Tier 2.



### PRIORITIZED RECOMMENDATIONS:

Expedite processes to identify and refer trafficking victims to appropriate care without re-traumatizing victims, including those referred by NGOs, and ensure victim identification procedures take a trauma-informed approach. • Authorize more government officials, including throughout the country, to identify trafficking victims to allow for more efficient access to protection services. • Proactively screen irregular African migrants and foreign workers to ensure trafficking victims among these populations are not penalized for unlawful acts traffickers compel them to commit, such as immigration violations. • Significantly increase investigations, prosecutions, and convictions of labor traffickers, including potential trafficking cases referred by NGOs. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Substantially increase anti-trafficking awareness and victim identification trainings for law enforcement, including police officers and prison officials, at regional and local levels. • Provide access to the national healthcare system, including shelter and medical and psycho-social treatment, for victims of all forms of trafficking for the duration of their presence in Israel. • Increase the number of labor inspectors, social workers, and interpreters in the agricultural, construction, and caregiving sectors, and provide them with training on victim identification procedures. • Increase enforcement of foreign worker labor rights, eliminate worker-paid recruitment fees for all foreign and Palestinian workers and ensure any recruitment fees are paid by employers. • Establish systems to ensure foreign and Palestinian workers have valid and fair labor contracts and ensure any employer-paid recruitment fees are not passed onto workers. • Amend the 2006 anti-trafficking law to include a definition of human trafficking consistent with international law. • Transparently share information on government anti-trafficking efforts with civil society. • Designate a Knesset committee or subcommittee to address labor trafficking.

### PROSECUTION

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

In 2020, the police initiated 11 total investigations, including one investigation of sex trafficking crimes, eight potential forced labor crimes, and two potential child sex trafficking crimes; the government also investigated 91 sex trafficking-related crimes but determined all were prostitution-related offenses. This was a decrease compared with 18 total investigations (three adult sex trafficking, eight forced labor, and seven child sex trafficking investigations) in 2019. In 2020, the government initiated nine total prosecutions, including three for adult sex trafficking, one for forced labor, and five for child sex trafficking; this was a decrease compared with 20 total prosecutions (16 adult sex trafficking, two forced labor, and two child sex trafficking) in 2019. In a case indicted in April 2020, the defendant allegedly held women and children in conditions of slavery in a Jerusalem cult; the defendant allegedly forced participants in his "women's seminar" to

provide involuntary domestic services and cede any wages directly to him. In 2020, the government convicted 12 traffickers, including nine for adult sex trafficking, two for forced labor, and one for child sex trafficking; this was a decrease compared with convicting 17 traffickers (13 for adult sex trafficking, none for forced labor, and four for child sex trafficking) in 2019. Of the 24 sentences issued during 2020, including cases convicted in previous reporting periods, 13 traffickers received sentences greater than one year imprisonment. Sentences ranged from a fine and five months' community service to 5.5 years' imprisonment and a 12-month suspended sentence; sentencing also included fines and victim compensation in some cases. The government coordinated with a foreign government to investigate an alleged child sex trafficking case involving foreign and Israeli suspects. Additionally, authorities opened 145 criminal investigations and filed 94 indictments against employers of foreign workers for suspected violations of labor laws; courts rendered 77 sentences with sanctions and compensation totaling approximately 3.7 million Israeli shekels (\$1.15 million). This represented a significant decrease from 2019 when the government opened 1,087 criminal investigations for suspected violations of labor laws, filed 94 indictments, and rendered 123 sentences with sanctions and compensation totaling 6.88 million shekels (\$2.14 million).

The government continued to report law enforcement efforts to address government officials complicit in trafficking offenses during the reporting period. In September 2020, the government initiated one investigation involving a police officer who allegedly attempted to solicit commercial sex from a child sex trafficking victim; the government indicted the police officer in March 2021. In November 2020, the government sentenced a police officer to 18 months' imprisonment, a suspended sentence, and a fine for accepting a bribe from the owner of a brothel, where trafficking allegedly occurred, to allow the facility to continue to operate in a case indicted the previous reporting period; at the end of the reporting period, the State Attorney's Office appealed to the Supreme Court challenging the leniency of the sentence. In January 2021, the government also filed an indictment against a Population and Immigration Authority (PIBA) official responsible for coordinating private recruitment agencies in the caregiving field—a sector highly vulnerable to trafficking—for allegedly fraudulently obtaining visas for foreign workers, accepting bribes, and breach of trust.

Authorities reduced the size of the PTC of the Israeli National Police (INP) to one officer for most of 2020 and often re-assigned the officer to enforce pandemic-related mitigation measures. NGOs reported the government was, at times, reluctant to investigate complex trafficking cases due to lack of resources. For example, the INP initially declined to investigate a potential forced labor case involving Thai agricultural workers; after an NGO petitioned the Supreme Court, the INP opened an investigation, recognized the workers as trafficking victims, and referred them to a trafficking shelter. At the end of 2020, the acting police commissioner decided to divert additional resources and directives to the PTC, including by adding two additional officers to the unit; at the end of the reporting period, the new officers had not yet joined the PTC. The government reported difficulties gathering victim and witness testimony, which was exacerbated by foreign victims' wishes to return to their home country during the pandemic. To address this gap, the government distributed policy documents on early testimony in these cases to create a uniform standard. The government reported investigations were inhibited during the reporting period due to illness among investigators, mandatory quarantines, and other pandemic-related mitigation measures. To address challenges in reporting trafficking crimes during the pandemic, the INP established an online system to file complaints for victims hesitant to meet with law enforcement officials, including irregular migrant workers. As in previous years, the government provided extensive anti-trafficking training, awareness-raising workshops, and seminars, at times in coordination with NGOs; several trainings were held virtually in response to pandemic-related mitigation measures. However, the government canceled anti-trafficking trainings for key entities due to



pandemic-related mitigation efforts, including a training for new-hire police officers and training for border and immigration officials. Due to the pandemic, the government canceled mandatory training on sex crimes and trafficking for judges hearing criminal cases in 2020.

## PROTECTION

The government decreased victim identification and protection efforts. In addition, the government's victim identification policies actively re-traumatized victims and delayed access to appropriate services. In 2020, the government reported receiving 74 victim referrals from NGOs and government sources, compared with 96 referrals in 2019. Of the 74 referrals, the government granted official trafficking victim status to 69 individuals—including 53 women and 16 men—a slight decrease from the 73 victims identified in 2019. Of the 69 identified victims, 39 Israeli women and girls were victims of slavery in a cult, nine were victims of sex trafficking, and 20 were victims of forced labor. The government identified one male victim exploited in the Sinai prior to arriving in Israel, a decrease from three exploited victims identified in the Sinai the previous year. The government continued to circulate trafficking victim identification guidelines widely to relevant ministries. However, the government reported the PTC was the only government entity with the authority to grant individuals official trafficking victim status, which allowed a victim full access to protection services. Because the government only authorized one PTC officer to review victim applications throughout the country, the process significantly delayed for months—and in some cases, years—and at times inhibited victims' access to much-needed protection services during those delays. NGOs reported the sole PTC officer denied victim identification requests because they appeared complex and only uncomplicated requests received approval; in 2020, the government approved several cases initially denied by PTC after NGOs petitioned the Supreme Court. NGOs reported the government's strict evidentiary standard for granting official victim status, which required eyewitness accounts, dates, and details from the victims, prevented some victims referred by NGOs from receiving status and, thus appropriate care, in 2020. In addition, due to the high burden placed on victims to recount and prove their victimization, including by providing witnesses to their accounts, NGOs reported victims were re-traumatized without guarantee of receiving government services; victims were also reluctant to contact witnesses due to stigmas associated with their exploitation. In May 2020, the government committed to establishing an appeal process within six months and to create a set of criteria for official victim identification in response to a Supreme Court case; at the end of the reporting period, the PTC had drafted both policies but had yet to finalize or begin implementation of them. Some NGOs did not submit cases of trafficking among the Eritrean and Sudanese irregular migrant community due to this high standard and the risk that the application process would re-traumatize victims but not result in recognition. NGOs also reported multiple cases in which the government significantly delayed the identification of trafficking victims. For example, the government granted victim status to a Moldovan sex trafficking victim 18 years after her exploitation; the recognition was ultimately too late, and she died of a drug overdose two months after her recognition as a trafficking victim.

The government continued to provide a wide range of protective services for victims of all forms of trafficking. The government continued to operate a 35-bed shelter for female trafficking victims, a 35-bed shelter for male trafficking victims, and transitional apartments with 18 beds for female victims. In response to the pandemic, the government divided shelter residents into "bubbles" to limit transmission, and each shelter designated quarantine areas for isolating residents potentially exposed to COVID-19. Ministry of Labor, Social Affairs and Social Services (MLSS) also facilitated the vaccination of shelter residents and staff ahead of the general population to decrease chances of an outbreak at the shelters. Shelter residents could leave freely. These shelters offered one year of rehabilitation services, including job training, psycho-social support, medical treatment, language training, and legal assistance. Due to pandemic-related mitigation measures, some services, such as medical consultations and psycho-social care,

took place virtually or via telephone rather than in-person during part of the reporting period. In 2020, the women's shelter assisted 40 adult victims and three children of victims; the men's shelter assisted 32 victims, and the transitional apartments assisted 9 women and 21 children accompanying their mothers; in 2019, the women's shelter assisted 59 adult victims and three children of victims; the men's shelter assisted 33 victims, and the transitional apartments assisted 21 men and women, including 18 children. Shelter staff adjusted operations to accommodate deaf and deaf-mute victims during the reporting period including by contracting an interpreter. The MLSS continued to operate the National Center for Survivors of Slavery and Trafficking in Persons, formerly known as the "day center," in Tel Aviv for male and female trafficking victims who were waiting for a space at a shelter, chose not to reside at a shelter, or had completed one year at a shelter. The center provided psycho-social services and food aid, with social workers trained to identify individuals at risk of re-trafficking. In 2020, the center provided services to 133 male and 106 female victims, as well as 160 children; this is compared to 2019 when the center provided services to 230 male and female victims, as well as 125 children of victims. The government allocated 7.78 million shekels (\$2.42 million) to the operation of the shelters, transitional apartments, and center in 2020, the same as 2019. Additionally, for identified trafficking victims who opted not to stay in shelters, the government continued to provide an official letter that protected them from potential arrest for immigration violations and emergency contact numbers for shelters and relevant ministries. The government continued to provide free medical treatment for one year at various government-funded health facilities for identified trafficking victims living outside of shelters.

The government continued to encourage victims to assist in the investigation and prosecution of their traffickers but did not require their participation in court cases as a condition for receiving visas and protective assistance; victims could opt to leave the country pending trial proceedings. During the reporting period, the government distributed new policy guidance for collecting early testimony in cases involving foreign victims if foreign victims requested repatriation before completion of their case. In March 2021, the government established a new procedure for managing sex crimes, including sex trafficking, by designating a contact person at every court to coordinate victims' security during proceedings, arranging private waiting rooms, and enabling video testimony. The government allowed trafficking victims to work during the investigation and prosecution of their traffickers. The Legal Aid Administration (LAA) continued to provide free legal aid to trafficking victims; due to the pandemic, staff regularly consulted with victims virtually rather than in person. In 2020, the LAA received 76 legal aid requests to assist potential trafficking victims compared to 86 legal aid requests in 2019. The government provided all victims residing in the shelters with B1 visas—unrestricted work visas; in 2020, the government issued 29 new B1 visas and 99 B1 visa extensions to trafficking victims. Following the conclusion of criminal proceedings, trafficking victims could request a rehabilitation visa for an additional year; due to delays caused by the pandemic, the government extended rehabilitation visas on an ad hoc basis. In 2020, the government issued 14 one-year rehabilitation visas and three one-year extensions. It also issued eight visas to trafficking victims to return to Israel after leaving the country in 2020, a significant decrease compared with 34 visas of this kind issued in 2019. The government forfeiture fund, which used property and money confiscated from traffickers to assist victims, lacked sufficient resources to allocate new grants to victims in 2020. However, the National Anti-Trafficking Unit (NATU) and the fund's committee ensured allocations approved in previous reporting periods would be fully allocated; the government transferred 83 percent of the approved 2019 allocations totaling 419,500 shekels (\$130,560) to an unknown number of applicants for the provision of various protection services, including housing, counseling, and vocational training for victims, monetary compensation ordered by courts, and funding for NGOs. The anti-trafficking law dictated the court must explain its decision to abstain from awarding compensation in the

verdict, making compensation the default; in 2020, the government awarded at least 235,600 shekels (\$73,330) in victim compensation during criminal proceedings.

The government maintained guidelines discouraging the prosecution of trafficking victims for unlawful acts traffickers compelled them to commit during their exploitation. However, the government did not systematically screen for trafficking among the irregular African migrant population or individuals in prostitution and, as a result, authorities may have penalized unidentified and some identified victims for immigration violations or prostitution offenses. In December 2020, the government announced a program to expunge the records of individuals convicted of prostitution-associated offenses, including potential sex trafficking victims; the government did not report how many records it expunged during the reporting period, and the program was only available to those not sentenced to prison terms. In April 2020, the Supreme Court declared unconstitutional the “Deposit Law” (article 4 of the Prevention of Infiltration Law), which required employers to deposit a certain percentage of irregular migrants’ wages—including those of identified trafficking victims—into a fund that migrants could not access until they departed the country; the government could also deduct from the fund for each day a migrant remained in the country without a visa. Following this ruling, PIBA set up a website through which workers could request their deducted wages be returned. As of March 2021, the government had returned 210.54 million shekels (\$65.53 million) to 14,473 workers; 3,445 workers had not yet received their deposit, and 3,202 had not yet filed a request. As the government began returning all withheld money to workers, the government opened 60 investigations into employers who deducted but did not deposit funds; 30 employers received fines and authorities launched five criminal investigations, leading to one indictment. In October 2020, the MLSS rejected proposals by Knesset members to require the government to repay money owed to workers or to provide workers with legal assistance to sue their employers; at the end of the reporting period, the government did not address how to return money owed to this group of workers. The government continued to incentivize irregular African migrants to “voluntarily” depart Israel to third countries in Africa, which included a paid plane ticket in most cases and a \$3,500 stipend in some cases; however, NGOs and an international organization confirmed that migrants who arrived in a third country in Africa did not receive residency or employment rights upon arrival.

## PREVENTION

The government maintained woefully inadequate efforts to prevent human trafficking and government policies towards foreign workers increased their vulnerability to trafficking. NATU within the Ministry of Justice continued to coordinate anti-trafficking efforts effectively among relevant ministries and NGOs during the reporting period, and NATU officials continued to appear regularly in the media to raise awareness of trafficking. The government maintained its 2019-2024 national action plan (NAP) to combat human trafficking. However, for the second consecutive year, the government did not submit its implementation plan for the five-year NAP. Throughout 2020, the five inter-ministerial teams, each focusing on key objectives outlined in the NAP, held more than 20 discussions with NGOs and civil society organizations; the teams were scheduled to present their recommendations to the Committee of Directors General for approval in mid-2021. One of the five inter-ministerial teams was tasked with conducting research on the scope and characteristics of trafficking in Israel; the government did not report whether future research products would be publicly available. The government did not allocate additional funds for full implementation of the NAP for the third consecutive year. In August 2020, the government re-established the Knesset Subcommittee on Trafficking in Women and Prostitution and convened four roundtables with civil society on trafficking-related issues; the subcommittee was not active between April 2019 and August 2020 due to lack of government formation. While the government produced an annual report on its anti-trafficking efforts, the report was not publicly available; NGOs reported difficulty

obtaining information on the government’s anti-trafficking efforts, and the government did not respond to most information requests. The government conducted various national awareness-raising campaigns during the reporting period, including education programs for students, national television commercials, radio broadcasts, and lectures for government officials, shelter staff, and academics.

In 2020, the MLSS, which employed 231 labor inspectors during routine inspections, issued 217 administrative warnings, imposed 66 fines totaling 9.96 million shekels (\$3.1 million), and filed six indictments for labor violations involving foreign workers; in 2019, the MLSS issued 415 administrative warnings, imposed 53 fines worth 9.6 million shekels (\$2.99 million), and processed four criminal complaints that resulted in five indictments for labor violations. NGOs continued to report there were not enough labor inspectors, especially in the construction and agricultural sectors, to sufficiently monitor and enforce labor laws. Additionally, NGOs reported the government did not effectively regulate work force companies, nor did it combat criminal networks that recruited foreigners for the construction and caregiving fields and for commercial sex. In 2020, the government ratified bilateral work agreements (BWA) with Sri Lanka and Georgia for employment of Sri Lankan and Georgian workers in the caregiving sector and caregiving in institutions, respectively; the government also signed a BWA with Nepal but did not ratify the agreement. The government did not implement the BWA ratified in a previous reporting period with the Philippines during the reporting period. The government maintained BWAs with six other countries for agricultural and construction work; in 2020, 3,646 of the 10,662 foreign migrant workers who arrived in Israel did so through these agreements. Foreign workers recruited under BWAs had triplicate standardized labor contracts held by the worker, employer, and the government. While Israeli law required employers of foreign workers to provide detailed labor contracts in a language the worker understands, there was not adequate government oversight to ensure contracts for workers not covered by BWAs met labor standards, which left workers vulnerable to exploitative employment practices. NGOs reported foreign workers often paid exorbitant fees to recruitment agencies in their country of origin or the Israeli manpower agency; NGOs reported many foreign workers financed the fees through high interest rate loans from informal or illicit lenders in Israel further increasing workers’ vulnerability to trafficking. In 2020, the government adopted a policy change wherein foreign workers recruited on an “expert” visa could only be recruited from countries with a higher GDP than Israel and if their home country made adequate efforts to combat trafficking; NGOs reported “expert” foreign workers would continue to be vulnerable to trafficking because they are unable to change employers.

While most foreign workers could change employers without their previous employers’ permission, foreign construction workers were limited to being able to change employers on a specified date each quarter and otherwise required employers’ permission to change employers. NGOs reported the government’s agreements with private Chinese employer associations required workers in the construction industry to pay licensed employment recruiters’ fees and costs, which could increase their debt and vulnerability to forced labor. An NGO also reported that in several cases, a Turkish company coerced migrant workers into signing promissory notes; in at least one case with forced labor indicators, the PTC did not investigate the case when reported, and the government only granted the victim status after the worker filed a petition with the Supreme Court. During the reporting period, the government reassigned PIBA official responsible for construction company oversight to assist pandemic-related mitigation measures, leaving workers without a means of redress. PIBA procedures for recruitment agencies in the caregiving sector continued to require every agency to hire a licensed social worker responsible for supervising the conditions of foreign caregivers, including home visits, and for informing relevant authorities about labor violations. While the government contended that workers’ visas were not tied to a specific employer, government policies restricted foreign caregivers’ ability to change employers by allowing them to work only in a specific

geographical area, preventing them from changing employers more than three times, and preventing them from changing employers after being in Israel for 63 months. NGOs reported that more than 68,000 foreign workers were employed under arrangements that did not allow them to change employers within the caregiving sector or dramatically limited their ability to do so. NGOs also reported that if a foreign caregiver abruptly left their employer, including due to physical or sexual violence, government policy allowed employers to unilaterally revoke their visa, and foreign caregivers were not entitled to an immigration hearing. During the reporting period, caregivers were mandated to remain in their employers' homes during pandemic-related lockdowns; when lockdowns eased for others, including caregiving employers, the government restricted caregivers to their employers' homes on rest days which further increased caregivers' vulnerability to trafficking. In December 2020, PIBA adopted a new policy regarding Palestinian work permits in the construction sector to allow Palestinian workers to change employers more easily; however, NGOs reported the new policy was too narrowly focused on the construction sector at the expense of other sectors such as agriculture and the government did not take sufficient steps to inform Palestinian workers about the policy change or implement mechanisms to facilitate the job search process. Due to the government failing to enact a permanent policy to address refugee and immigration processes, asylum-seekers and migrants—including potential trafficking victims—have not been eligible for social benefits such as unemployment compensation and health insurance, which is tied to their work and cannot be obtained otherwise, since their arrival in Israel. The lack of social benefits further increased this population's vulnerability to trafficking.

PIBA, in collaboration with an NGO, continued to operate a 24-hour hotline to assist foreign workers who were in Israel under bilateral agreements. The hotline employed 13 interpreters in nine languages: Chinese, Thai, Bulgarian, Russian, Nepalese, Sinhalese, Romanian, Ukrainian, and Turkish. In 2020, the hotline received 2,874 calls; similar to previous years, the majority of calls were from Chinese construction workers (1,828 calls). There was no comparable hotline for the approximately 117,000 documented migrant workers who worked in Israel through private recruitment, nor for the approximately 148,000 Palestinian workers in Israel and Israeli settlements in the West Bank. The Child Protection Bureau Hotline, which handled online offenses against children, reported addressing more than 10,000 cases in 2020, an increase from 7,665 in 2019; however, the hotline did not report identifying any suspected cases of trafficking. As in previous years, the government did not maintain a separate hotline for potential child victims of all forms of trafficking. The government also maintained an emergency hotline for women and girls in commercial sex, which provided referrals to emergency and psychological assistance; the government did not report whether the hotline received any calls in 2020. The government made efforts to reduce demand for commercial sex acts by coordinating an awareness campaign that consumption of prostitution is illegal in Israel in Hebrew and Arabic and conducting operations against 24 websites advertising commercial sex. The government did not report efforts to prevent child sex tourism.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Israel. Palestinians and foreign workers, primarily from South and Southeast Asia, Eastern Europe, and the former Soviet Union, migrate to Israel for temporary work in construction, agriculture, and caregiving; traffickers exploit some of these workers in forced labor. As of March 2021, data from the Israeli government and NGOs indicated there were 265,000 legal foreign workers and 93,000 non-citizens present in Israel, many of whom without legal status, including Palestinian workers, in Israel and Israeli settlements in the West Bank. Due to pandemic-related travel restrictions, approximately 12,476 fewer foreign workers entered Israel in 2020 compared with 2019. Israeli and foreign employers exploit foreign workers, particularly Turkish, Chinese, Palestinian,

Russian, Ukrainian, and Serbian men, in the construction sector where they suffer from labor rights abuses and violations and labor trafficking. Some employers in the construction sector illegally charge Palestinian workers monthly commissions and fees, and in many cases, employers illegally hire out Palestinian workers to other workplaces; these workers are vulnerable to forced labor. The employer-based work permit system for Palestinians—except those working in the construction sector—binds Palestinian workers to specific employers, which enables some employers to exploit workers in forced labor. Furthermore, as a condition of their overnight permits, employers retained identity documents of some of the 19,000 Palestinian workers, effectively restricting their movement in Israel. The approximately 1,000 Jordanian day workers are vulnerable to forced labor in construction, agriculture, and other sectors, primarily in the resort city Eilat, due to limits on entry permits and the geographic isolation of Eilat. Traffickers subject some Thai men and women to forced labor in Israel's agricultural sector imposing conditions of long working hours, no breaks or rest days, withheld passports, poor living conditions, and difficulty changing employers due to limitations on work permits. Some traffickers in the agricultural sector recruit agricultural students to take part in an agricultural study program on student visas and force them to work in the industry upon arrival, effectively circumventing the BWA process; observers reported the programs contain no academic content and students are bound by tuition fees—which NGOs reported were de facto recruitment fees—up to 11,000 shekels (\$3,420) effectively creating situations of debt bondage. Over the past two years, trafficking victims were identified in four of the six academic agriculture programs in Israel, including a group of Guatemalan and Honduran agricultural engineering students in 2020. Caregivers are highly vulnerable to forced labor due to their isolation inside private residences and their lack of protection under the labor law; local NGOs report that traffickers subject caregivers to excessive recruitment fees, fraudulent work contracts, long work hours, confiscation of passports, underpayment of wages, physical violence, sexual harassment and abuse, denial of severance pay, and poor housing including—in some cases—living in the same room as their employer. Foreign caregivers constitute the largest share of all legal foreign workers in the country; the vast majority of these workers are women. During the reporting period, NGOs reported Chinese and Turkish construction companies in Israel compelled Chinese and Turkish workers to work under the threat of debt bondage or coercive promissory notes. Foreign workers who entered Israel on “expert” visas—a visa procedure intended to facilitate the recruitment of highly skilled workers to fill hard-to-fill jobs—were vulnerable to trafficking as the manufacturing sector increasingly uses the visa system to recruit workers for low-wage jobs; in 2020, an estimated 7,000 foreign workers in Israel on “expert” visas, primarily from low-income countries, were subjected to worker-paid recruitment fees as high as 98,350 shekels (\$30,610). Networks of workforce agencies recruit workers to Israel through a fraudulent asylum-claim process, charge workers high mediation fees, and sell them fake documents; these workers are vulnerable to exploitation. The government's policy of refusing fast-track asylum claims has resulted in fewer claims from Ukrainian and Georgian applications; however, they were replaced by increased numbers of Russian and Moldovan workers following the same pattern. Some Bedouin Israeli children are reportedly vulnerable to forced labor, experiencing long working hours and physical violence. NGOs reported an increase in Palestinian children exploited in forced begging in the Northern District of Israel and Jerusalem during the reporting period. NGOs also reported large numbers of Arab children in Israel exploited in various forms of labor exploitation during the reporting due to pandemic-related school closures; NGOs cited concerns many of these children will not return to school due to their increased labor exploitation.

Eritrean and Sudanese male and female migrants and asylum-seekers are highly vulnerable to sex and labor trafficking in Israel. As of March 2021, there were approximately 31,000 African migrants and asylum-seekers in Israel, most of whom were from Eritrea or Sudan. According to NGOs, these migrants and asylum-seekers were increasingly vulnerable to trafficking due to the government's implementation



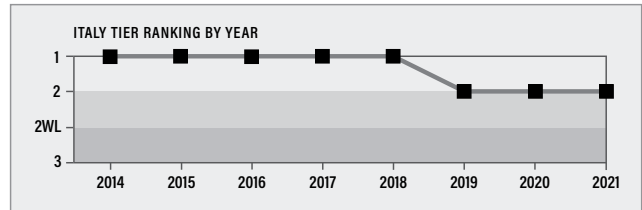
of the Deposit Law that reduced net wages for this population; the government repealed this law in April 2020, but the government was not able to return all funds to workers due to fraudulent practices by employers. NGOs reported, due to the pandemic, nearly 80 percent of this population experienced some type of unemployment, further increasing their risk to exploitation. Economic distress among women in this population, especially Eritrean women, greatly increases their vulnerability to sex trafficking. Approximately 400 female asylum seekers engaged in survival sex prior to the pandemic; the government estimates that figure tripled during 2020. Since 2007, thousands of African migrants entered Israel via the Sinai Peninsula. The flow of these migrants arriving in Israel, peaking at more than 17,000 in 2011, dramatically decreased to zero in 2017. Many of these migrants were kidnapped in the Sinai and subjected to severe abuse, including forced labor and sex trafficking, at the hands of criminal groups in the Sinai before reaching Israel. In 2020, an NGO reported that of the approximately 4,000 to 5,000 of these migrants still present in Israel, the government had only recognized approximately 400 to 500 as trafficking victims but that the actual number was much higher.

Israeli children, Israeli Bedouin and Palestinian women and girls, foreign women, and transgender adults and children are vulnerable to sex trafficking in Israel. Traffickers use social media websites, including dating apps, online forums and chat rooms, and Facebook groups, to exploit girls in sex trafficking. In 2020, an NGO reported there were approximately 3,000 Israeli child sex trafficking victims in Israel. Israeli Bedouin and West Bank Palestinian women and girls are vulnerable to sex and labor trafficking after family members force them into marriages with older men; these women and girls experience physical and sexual abuse, threats of violence, and restricted movement. Russian, Ukrainian, Eritrean, and Ethiopian women are also vulnerable to sex and labor trafficking through online-facilitated forced marriages. NGOs report some Palestinian LGBTQI+ men and boys in Israel are vulnerable to abuse and sexual exploitation due to their lack of legal status and restrictions on work eligibility for Palestinian nationals in Israel. Some Israeli transgender women and girls are sexually exploited in commercial sex to be able to afford gender-affirming care. Some transgender children as young as 13 years old, many of whom ran away from home, come under the mentorship of transgender women in commercial sex; sometimes these “mentors” then exploit these transgender children in commercial sex. Traffickers subject women from Eastern Europe and the former Soviet Union, China, and Ghana, as well as Eritrean women, to sex trafficking in Israel; some women arrive on tourist visas to work willingly in commercial sex—particularly in the southern coastal resort city of Eilat—but sex traffickers subsequently exploit them. Some traffickers reportedly recruit sex trafficking victims with false, fraudulent, or misleading job offers on the internet, sometimes through legitimate employment websites. During the reporting period, Israeli authorities indicted a suspect for allegedly holding people in conditions of slavery while operating a religious cult by allegedly forcing women and children to provide any earnings to the suspect and to perform involuntary domestic work; media reporting also alleged the suspect sexually exploited the victims.

## ITALY: TIER 2

The Government of Italy does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Italy remained on Tier 2. These efforts included increasing funding for labor trafficking prevention and awareness campaigns compared with the prior year. The government also trained more law enforcement officials and adopted new decrees that largely revoked 2018 decrees affecting humanitarian protections for asylum-seekers that had

increased vulnerability to trafficking. However, the government did not meet the minimum standards in several key areas. The government reported fewer trafficking investigations and prosecutions compared with the prior year and reported partial sentencing data. The government identified and assisted fewer victims and decreased labor inspections. The national victim identification and referral mechanism was implemented unevenly throughout the country and was not always consistently effective. The government did not adopt a new national action plan, appoint a national rapporteur, or award restitution to any victims.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases and convict and sentence traffickers with adequate sentences. • Increase proactive victim identification by improving and consistently implementing the national identification referral mechanism across the country, including for Italian nationals and vulnerable populations such as foreign migrants, Cuban medical professionals, and children. • Intensify efforts to effectively screen for labor trafficking through increased inspections and improved training of labor inspectors to spot trafficking indicators and refer victim for services. • Strengthen interagency coordination and partnership with civil society. • Adopt a national action plan. • Continue to increase migrant worker protections by consistently enforcing strong regulations and oversight of labor recruitment agencies and labor brokers, including investigating and prosecuting for labor trafficking. • Ensure labor trafficking is investigated and prosecuted as a trafficking offense and not pursued as an administrative labor code violation or other lesser crime. • Consolidate data among different ministries, and make public a database on investigations, prosecutions, and convictions, including sentencing data. • Implement a licensing and accreditation process for massage parlors. • Continue to increase international cooperation with source and transit countries, especially Nigeria, Tunisia, and Libya, on information sharing and countering trafficking rings. • Improve security standards in and around reception centers to limit contact between traffickers and victims or potential victims. • Continue to strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Amend the law on the non-punishment of victims to ensure that trafficking victims could not be inappropriately penalized for acts traffickers compelled them to commit. • Appoint a national rapporteur to provide an independent review of government efforts. • Increase efforts to order restitution for victims.

### PROSECUTION

The government decreased law enforcement efforts. Article 601 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 20 years' imprisonment, which increased by one third to one half if the offense involved a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. Additional penal code provisions were utilized to prosecute trafficking crimes. Article 600 criminalized placing or holding a person in conditions of slavery or servitude, and Article 602 criminalized the sale and purchase of slaves – both prescribed the same penalties as Article 601. Additionally, Article 600-bis criminalized offenses relating to child sex trafficking and prescribed punishments of six to 12 years' imprisonment and a fine of €15,000 (\$18,400) to €150,000 (\$184,050).

Courts were closed for approximately four months due to the pandemic, which postponed criminal proceedings, and pandemic-related restrictions limited the ability for law enforcement to pursue trafficking investigations. In 2020, the Ministry of Interior (MOI) reported investigating 254 persons under Articles 600, 601, and 602, a decrease compared with 323 in 2019. The government also reported investigating 116 suspects in 2020 under Article 600-bis for child sex trafficking, compared with 166 suspects in 2019. The government reported prosecuting 106 suspects under articles 600, 601, and 602, a significant decrease compared with 202 in 2019. In 2020, trial and appellate courts reported convicting 175 traffickers under articles 600, 601, and 602, compared with 170 as originally reported in 2019. The government did not report comprehensive sentencing data for 2020, or in any prior year, but reported that the average sentence for convicted traffickers was 8.2 years in 2020, an increase compared with 6.6 years in 2019. In 2020, authorities extradited 36 suspects from abroad who were accused of crimes under Articles 600, 601, and 602, as well as other crimes such as sexual intercourse with children, abetting illegal immigration, illicit labor mediation and exploitation of prostitution; this compared with 26 in 2019. The government also extradited 26 persons accused of the same crimes to foreign countries; this compared with 24 in 2019.

The government did not maintain a consolidated database on investigations, prosecutions, convictions, and sentencing of traffickers, or of their victims, a deficiency noted by the Council of Europe's expert group (GRETA). Specialized anti-mafia units of prosecutors and judiciary police handled trafficking prosecutions. Whenever investigators found clear evidence of trafficking, they referred the case to an anti-mafia unit, which relaunched the investigation and consequently extended the timeframe for prosecution and trial. To avoid this delay, non-specialized investigators and prosecutors sometimes charged perpetrators with crimes other than trafficking. Anti-mafia units continued to prioritize investigations of criminal networks over individual cases, citing limits on available resources. Lack of a sufficient number of interpreters, especially for West African dialects, continued to limit law enforcement arrests and investigations, as well as diminish the benefits of investigators' wiretapping capability. Italian prosecutors and police continued to cite insufficient cooperation in investigations from officials in source and transit countries; with many cases being transnational, this hindered prosecutions and convictions.

Law enforcement agencies received training on victim identification and investigation of trafficking crimes within their standard curriculum. In 2020, the MOI provided anti-trafficking training to more than 1,500 law enforcement officers and, in collaboration with an international organization, trained 60 members of asylum committees and social workers on victim identification and referral, as well as an additional 67 caseworkers. This was a significant increase compared with 763 officials trained in 2019. In 2020, the government cooperated in an international law enforcement operation with Spain and Romania, which resulted in the arrest of 16 suspects and the identification of 13 victims. In 2020, the government continued to provide funding to an international organization for an anti-trafficking project across Africa, part of which focused on improving international judicial cooperation between Italy and Nigeria. Through the program, the government continued to support a liaison magistrate exchange with Nigeria, which included joint-investigations, case coordination, legal assistance, and information-sharing between the government and Nigeria. The program also organized a 2020 visit to Nigeria by an Italian NGO to strengthen cooperation between Italian and Nigerian NGOs working on human trafficking and to improve assistance to returning Nigerian victims. The government formalized a bilateral agreement with Nigeria in October 2020 on extradition, mutual legal assistance, and transfer of convicted persons, though it did not report utilizing this agreement. Trafficking networks and gangs continued to grow more sophisticated, organized, and violent, particularly Nigerian gangs linked to the Black Axe, Supreme Viking Confraternity, and the Eiye syndicate. The government did not report

any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government decreased protection efforts. The government ordered national and regional lockdowns due to the pandemic several times in 2020, which included home confinement and limited freedom of movement – this, coupled with the increased use of private residences for commercial sex operations, decreased victim visibility to authorities, exacerbated vulnerabilities for sex trafficking victims, and made them more difficult to detect. The pandemic also exacerbated vulnerabilities for labor trafficking victims through the increased isolation of migrant and seasonal workers, which complicated detection by officials and NGOs. The government identified 470 new victims in 2020, a decrease compared with 657 in 2019. Of the victims identified, 310 were sex trafficking victims and 160 were labor trafficking victims, which included 142 victims of forced labor, eight victims of forced criminality, six victims of domestic service, and four victims of forced begging. The government also identified 175 persons at migration centers who the government believed were likely to become victims of trafficking but had not yet been exploited. Irregular migrants and asylum-seekers continued to make up the majority of identified trafficking victims, with most victims originating in Nigeria and a smaller percentage from Pakistan and The Gambia. All newly identified victims were foreign nationals. NGOs reported that gaps in authorities' proactive victim identification efforts persisted during the reporting period. The government again did not identify any Italian nationals as victims and very few children (less than one percent); experts raised concerns about this potential gap in victim identification. Furthermore, NGOs reported police forces in some provinces did not fully cooperate with civil society organizations focused on undocumented migrants, due to a lack of understanding or mutual distrust, which subsequently limited the ability of local authorities to identify victims among this population.

The government cooperated with NGOs and international organizations to provide shelter and services to victims. In 2020, the government allotted €24 million (\$29.45 million) to 21 trafficking victim assistance programs implemented by NGOs across the country, the same as in 2019. NGOs reported high but inconsistent quality standards of assistance programs across regions. NGOs reported that the Department of Equal Opportunity (DEO), which coordinated protection efforts, was not sufficiently funded or staffed to consistently monitor assistance programs nationally. In 2020, the DEO reported government-supported NGOs assisted 757 trafficking victims and 745 potential victims, compared with 1,877 trafficking victims assisted in 2019. The government also assisted 390 persons at migration centers whom the government believed were likely to become victims of trafficking but had not yet been exploited. Statistics pertaining to the number of victims assisted by the government included victims assisted for the first time in 2020 and ongoing assistance to victims identified in prior years. The DEO reported that in 2020 it performed fewer evaluations of potential victims and admitted fewer victims to protection services than in 2019 due, in large part, to the pandemic's impact and the national lockdowns. While the government had a formal referral mechanism, it was implemented unevenly during the reporting period. NGOs and the DEO recognized inconsistencies in the efficiency and effectiveness of the current referral process between regions and found that quality standards were lower in the south. Insufficient availability of interpretation services for lesser-known African dialects, with victims coming from as many as 15 different language groups, remained a significant challenge. Trustworthy interpreters were also difficult to secure, as reportedly many interpreters came from the same communities as the accused traffickers.

According to NGOs and *pro bono* lawyers, many victims applied for asylum upon arrival rather than protection as a trafficking victim, either through pressure from their trafficker or believing that asylum status afforded greater freedoms, more immediate access

to employment and services, and long-term residency. During the reporting period, regional committees continued to utilize national guidelines for asylum-seekers to adjudicate asylum applications to identify trafficking victims among applicants; however, inconsistencies in implementation persisted throughout the reporting period. Furthermore, asylum hearings for potential trafficking victims significantly declined in 2020 due to pandemic-related restrictions, though the government adapted by holding some hearings on virtual platforms. The overall decrease in hearings may have left some trafficking victims unidentified during the reporting period. To address prior identification inconsistencies, in January 2021, the MOI, in collaboration with an international organization, published updated comprehensive victim identification guidelines for asylum committees. Further, the National Commission on Asylum signed an information sharing agreement with the anti-mafia directorate to facilitate the prosecution of traffickers.

To reduce the number of refugees and migrants from Libya, Italy continued training operations with and assistance to the Libyan Coast Guard, as did other EU member states. However, many NGOs criticized this coordinated effort because it often resulted in the occupants of vessels identified in the Libyan search and rescue area being returned to Libyan shores; NGOs and international organizations cited severe security and human rights conditions inside Libya and Libyan detention centers and a heightened risk of trafficking for migrants forced to remain in Libya. For four months in 2020, the pandemic prompted the government to temporarily close its ports to NGO humanitarian ships carrying refugees and migrants from Libyan search and rescue waters, which temporarily prevented them from docking at Italian ports. NGOs coordinated with law enforcement and immigration officials at both the arrival points and the longer-term reception centers. The government observed standard UNHCR procedures to screen for trafficking victims among all asylum-seekers, although NGOs asserted authorities did not properly identify many of the victims on arrival, potentially leaving some trafficking victims unidentified within the system and classified instead as asylum-seekers or undocumented immigrants subject to deportation. NGOs continued to stress the need for longer time periods for screening of refugees and migrants at arrival ports to more accurately ascertain victim status, but they acknowledged conditions were not conducive to a stay there beyond one or two days.

In October 2020, the government adopted new decrees that largely revoked 2018 decrees affecting humanitarian protections, which had increased vulnerability to trafficking. The new decrees increased the availability of humanitarian protections for asylum-seekers who could face persecution if returned to their country of origin and introduced new services to facilitate reintegration of asylum-seekers. In May 2020, the government also adopted a decree allowing for the regularization of workers informally employed in the agricultural, fishing, home care, and domestic-work sectors. In 2020, 31,000 informal workers in agriculture and 177,000 in homecare requested work permits based on the new decree; of the permits the government reviewed, it accepted the vast majority. The law allowed for an initial three to six months of government assistance to all trafficking victims. After initial assistance, foreign victims were eligible to obtain temporary residency and work permits and had a path to permanent residency; additionally, foreign victims were eligible for six months of shelter benefits, renewable for an additional six months, if the victim obtained a job or enrolled in a training program. To adjust to pandemic-related restrictions on movement imposed by the government, the government extended the expiration dates of residence permits for asylum-seekers by several months in 2020. The government granted at least 108 residence permits in 2020, compared with 155 in 2019 and 270 in 2018 to trafficking victims. In 2020, 26,551 migrants submitted asylum applications compared with 31,136 in 2019; adding to an already existing backlog of nearly 140,000 applications. Of the applications the government processed, it granted asylum status or subsidiary protections in approximately one fourth of the applications. In some cases, the government housed victims and potential victims with irregular migrants, and such housing lacked

adequate security against traffickers inside and outside the centers seeking to recruit victims or remove those already under their control.

In January 2020, the Ministry of Interior published specific guidelines for identifying and referring child victims mostly within the asylum system. While the government had a victim identification and referral mechanism for some forms of child trafficking, it remained without a separate national mechanism that included all forms of trafficking. In its 2019 report, GRETA recommended establishing a separate national referral mechanism specifically for the specialized needs of children. Children represented five percent of victims receiving assistance. NGOs estimated there were several thousand children in Italy who were victims of sex trafficking in 2020. Many unaccompanied Nigerian child victims misrepresented their age to gain placement in an adult reception center, giving them greater freedom to leave the center unnoticed with their trafficker. NGOs, however, welcomed increased scrutiny by authorities of these age-claims, and authorities more often sent victims into child protection if unable to confirm adult age-status. Foreign child victims automatically received a residence permit until age 18 and accommodations in a general children's center or a designated center for trafficking victims who were also asylum-seekers. Children received counseling and were enrolled in public schools with the support of mentors.

Italian criminal law lacked a provision specifically prohibiting punishment of trafficking victims for unlawful acts traffickers compelled them to commit, but during the reporting period there were no reports of judges convicting trafficking victims forced to commit such crimes, and cooperation between NGOs and police to prevent victim penalization remained strong. Current law required proof of exploitation in a criminal action against the perpetrator, which left victims and potential victims at risk of prosecution and conviction when a court did not first convict the perpetrators. The government did not require victims to cooperate with law enforcement to obtain assistance and a residence permit, although NGOs and international organizations reported authorities did not consistently implement this policy and sometimes gave preference to those who cooperated. The government reported it often had difficulty prosecuting trafficking cases because victims were often unwilling to cooperate with law enforcement, and in a March 2021 document, NGOs urged the government to adopt a victim-centered approach. The government had a witness protection program but did not report whether any trafficking victims were able to access this protection during the reporting period; experts noted that increased utilization of witness protection programs could increase the willingness of victims to cooperate with law enforcement proceedings. The government offered a single payment of €1,500 (\$1,840) to victims for compensation, although GRETA and NGOs noted the application procedure was overly complex, the amount insufficient, and very few victims ever received compensation. The government did not report granting compensation to any victims during the reporting period. GRETA further recommended the government increase the use of existing legal remedies to provide restitution to victims and more proactively seize assets and pursue forfeiture against perpetrators. The government did not award restitution from criminal cases or damages from civil suits to any trafficking victims during the reporting period.

## PREVENTION

The government increased prevention efforts. The DEO, as coordinator of the interagency steering committee on trafficking, was responsible for drafting the national anti-trafficking action plan, coordinating programs for prevention and victim assistance, and submitting a biannual anti-trafficking report. The government remained without a national rapporteur to provide independent analysis of government efforts to combat human trafficking; in a March 2021 document submitted to the government, several NGOs urged the government to establish such a body. The interagency steering committee continued to meet virtually and work on updating the 2016-2018 national action plan; however, the government did not adopt a new plan during the reporting period. NGOs urged the government to strengthen interagency coordination



and partnership with civil society and adopt a victim-centered approach. During the reporting period, the inter-ministerial working group on labor exploitation, which focused on the agricultural sector and illicit labor brokers and aimed to prevent exploitation and offer legal alternatives to illegal employment, continued to meet, expanded its membership to include representatives from the south, and established a subgroup on victim protection and assistance. In 2020, the working group successfully obtained €95 million (\$116.56 million) in funding for its previously proposed national three-year plan, from 2020-2022, to combat labor exploitation in agriculture, which included several programs that ranged from victim protection and reintegration services to awareness raising and training. As part of its three-year plan, the government continued to contribute trained cultural mediators to communicate and raise awareness among refugees, migrants, and victims. In 2020, mediators conducted outreach to 3,600 workers in migrant communities on labor exploitation and available protections. Under the plan, the government also funded local awareness campaigns on labor exploitation, including trafficking, but did not report any national-level awareness campaigns on sex trafficking. In 2020, the labor ministry released a cell phone application in five languages, to connect agricultural workers with potential employers with the goal of increasing transparency and reducing the need for illicit labor brokers and subsequently decreasing the risk of exploitation. In 2020, the government provided €250,000 (\$306,750) to a program in Niger to raise awareness and strengthen judicial cooperation on human trafficking and other crimes. The government also contributed €1 million (\$1.23 million) for a trafficking awareness campaign in Nigeria in 2020.

The law required businesses to submit reports on their actions to minimize the risk of forced labor and prohibited the purchase of products made with forced labor. Part of the government's three-year plan included creating ethical agricultural supply chains, with a particular focus on the harvesting of tomatoes. In 2020, the government continued efforts to investigate labor brokers for illicit labor mediation by arresting 67 suspects, prosecuting 271 suspects, and convicting 109 criminals; compared with arresting 113 suspects, prosecuting 313 suspects, and convicting 131 criminals in 2019. While illicit labor mediation does not meet the threshold for labor trafficking, law enforcement efforts in this sector helped reduce the demand for forced labor. In 2020, the government reported inspecting 83,421 sites, including 5,372 agricultural sites, and identified 17,788 unregistered workers. This represented a significant decrease compared with the inspection of 128,376 sites in 2019, including 5,950 agricultural sites, and the identification of more than 41,000 unregistered workers. Unions expressed concern that the pandemic hampered labor inspections, which decreased by nearly half in the harvesting season from 2019 to 2020. Furthermore, fraudulent labor recruitment and passport retention remained concerns during the reporting period. Experts estimated that in 2020, as many as 180,000 agricultural workers, especially seasonal workers, were at risk of labor trafficking in Italy. Employers in the agricultural sector sometimes submitted falsified forms pertaining to their workers, which impeded labor inspections and the potential identification of trafficking victims. Although illegal, employers or labor recruiters sometimes charged a placement fee to employees, which increased their risk of trafficking. The government had a licensing and accreditation system for labor brokers and labor recruitment agencies. There was a lack of regulation, including a licensing or accreditation system, and oversight on massage parlors, which remained places of high concern for sex trafficking. The government did not report the extent to which it screened or identified potential trafficking cases during its inspections. The government did not effectively regulate labor recruitment agencies or illicit labor brokers during the reporting period. While authorities seized several farms and arrested many suspects for crimes that could potentially reach the threshold for labor trafficking, the government did not report investigating or prosecuting any agencies or companies for labor trafficking, including for fraudulent labor recruitment, but instead arrested suspects for other related crimes. GRETA recommended the government intensify

efforts to more effectively screen for trafficking victims through increased labor inspections, expanded training of inspectors, and in monitoring of recruitment practices including in agriculture, domestic labor, hospitality and food service.

The DEO continued to operate its 24-hour hotline for victims of human trafficking, which reported receiving more calls in 2020 (5,510 calls), compared with 2019 (3,711 calls), but fewer relevant calls. Of the relevant calls, 73 percent pertained to sexual exploitation, 25 percent pertained to labor exploitation, and two percent pertained to forced begging. The national government did not coordinate efforts to reduce the demand for commercial sex, although some local governments imposed fines on purchasers. The government made efforts to reduce the demand for participation in international sex tourism by its citizens through the initiation of two investigations into child sex tourism in 2020.

## TRAFFICKING PROFILE

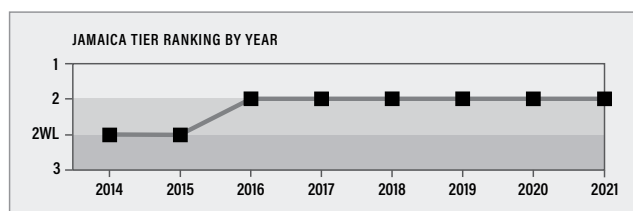
As reported over the past five years, human traffickers exploit foreign, and to a lesser degree domestic, victims in Italy. Victims originate primarily from Nigeria and other African countries, China, Pakistan, Romania, Bulgaria, and include ethnic Roma. The pandemic exacerbates vulnerabilities for trafficking victims, including through increasing isolation of migrant and seasonal workers as well as sex trafficking victims, which complicates their identification by officials and NGOs. In 2020, sex traffickers left thousands of Nigerian women and children trafficking survivors destitute and without basic needs, such as food, during the national lockdowns; many anti-trafficking NGOs raised concerns that travel restrictions and limited social and public services make it more difficult for trafficking victims to escape and return home. Traffickers, often part of Chinese criminal networks, systematically exploit Chinese women in sex trafficking in apartments, beauty centers, clubs, and massage parlors, as well as labor trafficking in a variety of Chinese owned businesses. Massage parlors are sometimes used as fronts for the purchase of commercial sex, raising concerns about sex trafficking. Of an estimated 40,000 to 45,000 individuals involved in commercial sex on the streets, NGOs reported approximately 60 percent (or 24,000 to 27,000) are trafficking victims or at risk of trafficking and between five and eight percent are children (or approximately 2,000 to 3,200 of 40,000). The majority of sex trafficking victims are from Nigeria, although more recently their numbers have decreased. The government and civil society maintain that Nigerian women and unaccompanied children remain extremely vulnerable to trafficking because of the continued operation of organized Nigerian trafficking networks. Several Nigerian trafficking networks have expanded operations across Italy and reportedly receive protection from Italian crime syndicates. International organizations estimated up to 75 percent of the Nigerian women and unaccompanied children who arrived in 2018 were trafficking victims. Traffickers subject Nigerian women and girls to sex trafficking through debt-based coercion and voodoo rituals. Authorities report traffickers encourage Nigerian victims to claim asylum to obtain legal residency and facilitate their continued exploitation. Traffickers sometimes exploit migrant women in sex trafficking in and around migration centers. The Government of France reports receiving Nigerian victims who were exploited in trafficking while awaiting legal residency in Italy. Italian citizens will sometimes engage in child sex tourism abroad. Traffickers frequently target unaccompanied children, who are especially vulnerable to trafficking; children are exploited in child sex trafficking, forced to commit crimes or beg, and forced to work in shops, bars, restaurants, and bakeries. Ethnic Roma children are at risk for trafficking, including forced begging and child sex trafficking. Unlike the downward trend in prior years, authorities state the number of seaborne unaccompanied children increased in 2020 to 4,631 identified, compared with 1,680 in 2019, 3,534 in 2018, and 15,731 in 2017.

Labor traffickers operate in agriculture, predominantly in southern Italy, construction, household labor, hospitality, and restaurants. Traffickers use fraudulent recruitment, passport retention, and

debt-based coercion to control trafficking victims; traffickers also extort payments from the victim's family in the source country. Cuban medical professionals working in Italy during the pandemic may have been forced to work by the Cuban government. Italy has an estimated 1.5 million unregistered workers and 3.7 million irregular workers who are at risk for labor trafficking. Specifically for the agricultural sector, experts estimated that as many as 180,000 workers, particularly seasonal workers, are at risk for forced labor in Italy. Employers in the agricultural sector will sometimes submit falsified forms pertaining to their workers, which impedes labor inspections and the potential identification of trafficking victims. Italy has approximately 517,000 irregular migrants in 2020, many of whom are at risk for trafficking. Italy received 34,154 irregular arrivals by sea in 2020, a significant increase compared with 11,471 in 2019, many through Libya, where victims reported experiencing extortion, torture, and rape by militias or traffickers while awaiting passage to Italy. In 2017, government officials, including intelligence officials, met with a notorious alleged human trafficker to discuss controls on refugee and migrant flows from Libya, where the alleged trafficker requested funds from Italian authorities to manage the reception of migrants in Libya. Irregular migrants that arrived by sea mostly originate from Tunisia and Bangladesh. In 2019, of the roughly 31,000 persons requesting asylum, authorities estimate up to 30 percent were at risk for sex trafficking or forced labor while waiting for adjudication of their petitions. Traffickers target migrant centers to recruit and later exploit asylum-seekers, sometimes claiming to be family members to gain access to the centers. Asylum-seekers may legally work beginning two months after filing their applications, although many seek illegal employment immediately in informal sectors, increasing their risk for trafficking. Many also attempt passage to other European countries; under the European Commission's Dublin Regulation, countries have six months to repatriate victims to the EU country of their arrival but must accept their asylum claim if they fail to transfer them in due time. This regulation likely increased the number of asylum-seekers or trafficking victims forced to remain in Italy or return to Italy from another country.

## JAMAICA: TIER 2

The Government of Jamaica 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, considering the impact of the pandemic on its anti-trafficking capacity; therefore Jamaica remained on Tier 2. These efforts included achieving a trafficking conviction that resulted in a significant prison term and restitution paid to the victim; adopting a national referral mechanism (NRM) to standardize procedures for victim identification and referral to services across government entities and the public; and publishing its second annual report on trafficking in persons in Jamaica. However, the government did not meet the minimum standards in several key areas. The government identified and assisted fewer victims, and it significantly reduced funding for trafficking victim protection services. Although the government provided some training for law enforcement and criminal justice officials, these efforts were *ad hoc*, and the government did not provide consistent, standardized anti-trafficking training for officials.



## PRIORITIZED RECOMMENDATIONS:

Adopt, fully implement, and train officials—including local police, Center for the Investigation of Sexual Offences and Child Abuse (CISOCA) investigators, social workers, and justices of the peace—on government-wide SOPs to guide proactive identification of suspected trafficking victims and referral to services, including screening for indicators of trafficking among vulnerable groups. • Increase efforts to provide more victims, whether identified in Jamaica or repatriated from abroad, with comprehensive services, including legal, medical, psycho-social, shelter, case management, educational/vocational, and reintegration assistance, for the full length of any legal proceedings. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with penalties for other grave crimes, including by removing sentencing provisions that allow fines in lieu of imprisonment and increasing the available maximum imprisonment term. • Allow adult victims greater independence to make informed choices about their own security needs and do not impose restriction of movement on adult victims while in the government's care. • Provide all victims with the necessary long-term protection and reintegration assistance to safely transition to living outside shelters. • Strengthen the role of government or NGO service providers when conducting victim interviews, formally identifying victims, and assessing victims' needs. • Allow authorities and the public to refer all potential victims directly to government or NGO service providers, and make victims eligible to receive formal identification and trafficking-related services without police referral. • Increase efforts to investigate, prosecute, and convict traffickers, including officials who are complicit in human trafficking and foreign tourists or Jamaicans who purchase commercial sex acts from child trafficking victims. • Increase funding and human resources to ministries, departments, and agencies responsible for trafficking victim protection services. • Allocate sufficient resources to the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) to conduct an independent assessment of the government's victim identification efforts, including systematic implementation of the screening tools and NRM. • Strengthen and institutionalize training on human trafficking and victim-centered procedures for police, prosecutors, and judges and assign cases to trained personnel.

## PROSECUTION

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

Officials investigated 42 potential sex trafficking cases and one labor trafficking case, compared with 41 potential sex trafficking cases and two labor trafficking cases investigated in the previous reporting period. During the reporting period, the government initiated three new sex trafficking prosecutions, a decrease from five sex trafficking prosecutions and two labor trafficking prosecutions initiated during the previous reporting period, and it continued 19 previously initiated prosecutions. The government convicted one sex trafficker from a 2016 case and sentenced him to nine years and five months' imprisonment for trafficking and 12 months' imprisonment for living off the earnings of prostitution, to be served concurrently; courts also required the trafficker to pay 250,000 Jamaican dollars (\$1,670) restitution to the victim. During the previous reporting period, the government also convicted one trafficker. From the cases investigated for trafficking, the government ultimately prosecuted five suspects for separate crimes. The slow pace at which cases moved through the courts hampered efforts to hold traffickers criminally accountable and deterred victims from serving as witnesses. There

were no investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, but reports indicated that some police officers were complicit in sex trafficking.

The government maintained a specialized police unit with island-wide jurisdiction to investigate human trafficking and vice crimes, as well as a team of prosecutors specialized in human rights, intellectual property, and sexual offenses. Police adapted investigation methods in response to the pandemic, such as conducting witness interviews via telephone; authorities reported these methods posed limitations to evidence collection efforts. Police reportedly screened for victims of trafficking during raids on venues where commercial sex occurred, although these operations were not effective in identifying victims. The government reported pandemic-related diversion of funds and restrictions on gatherings limited its training of law enforcement officers. The government conducted six virtual training sessions attended by 250 police officers on topics related to human trafficking and migrant smuggling; in comparison, 721 police attended training or other information sessions on human trafficking in the previous year. The government provided facilitators for donor-funded training on human trafficking for 25 prosecutors. Some individual judges had specialized trafficking experience, but there was no mechanism to assign trafficking cases to these judges. The government's training efforts for law enforcement and criminal justice officials continued to be *ad hoc* and largely dependent on foreign donors, rather than sustained year to year through consistent government delivery mechanisms. The government reported international police cooperation with the Cayman Islands.

## PROTECTION

The government maintained efforts to protect victims. The government formally identified eight trafficking victims, all through calls to a government hotline. In comparison, police formally identified ten victims during the previous reporting period. Identified victims included seven girls and one young woman, and all were Jamaican citizens exploited in sex trafficking. The government reported referring three victims to government-run shelters but did not specify the types of shelter, their length of stay, or lodging for the remaining victims. During the previous reporting period, the government referred six victims to accommodations, including government shelters and temporary private lodging, where they remained between three months and one year. The government reported providing all eight victims with care and services that may have included food, clothing, medical care, counseling, psycho-social support, legal assistance, training and educational support, or employment assistance, but it did not provide additional details on the scope or duration of services provided. The government spent approximately 2 million Jamaican dollars (\$13,330) on protection and assistance to victims, a significant decrease from 7 million Jamaican dollars (\$46,670) spent in the previous reporting period. Local experts reported the government likely provided shelter or other services to some child trafficking victims it did not formally identify and classified as victims of other crimes.

The government's National Children's Registry (NCR) operated a hotline for reporting cases of child abuse, including human trafficking, that was available seven days a week but not overnight. The NCR hotline received 23 calls about suspected trafficking cases. Hotline officials referred all cases to the specialized police unit for investigation, and police identified eight victims as a result of these calls.

The government had several written guidelines to assist healthcare workers, labor officials, diplomats, hotline officials, and officers in the Jamaica Constabulary Force's (JCF) anti-trafficking and vice crimes unit in proactively identifying potential trafficking victims. However, these guidelines were not comprehensive, and local experts could not verify how consistently they were applied. With support from an NGO, several government agencies participated in the development of ministry-specific screening tools to guide officials in assessing behavioral, situational, health, and other factors to identify potential child trafficking victims among vulnerable groups, and a NRM to

standardize procedures for victim referral and management of care. The National Task Force Against Trafficking in Persons (NATFATIP) and several individual government agencies endorsed the screening tools and national referral mechanism during the reporting period but did not begin standardized implementation. The Victim Services Division (VSD) began implementing the screening tool during its intake assessments of children. The government required all reports of suspected trafficking to go through the JCF's anti-trafficking and vice crimes unit, and victims were not eligible to receive formal identification or trafficking-specific services without police referral. JCF, NATFATIP, and in the case of child victims, the Child Protection and Family Services Agency (CPFSA), worked in consultation to arrange accommodation and other services to formally identified victims on a case-by-case basis. The government conducted virtual and in-person sessions to train immigration officials, medical professionals, and labor inspectors on procedures for identifying and referring trafficking victims. Nonetheless, many front-line responders had limited understanding of trafficking crimes, and the government identified and assisted a small number of victims. According to press reports, the government contracted approximately 450 Cuban medical professionals during the year. Authorities did not acknowledge their presence or provide information on measures taken to screen Cuban medical workers for trafficking indicators, despite ongoing concerns the Government of Cuba may have compelled some of them to work.

NATFATIP operated a shelter exclusively for trafficking victims, which could accommodate 12 female victims, and arranged private lodging for some victims, including men; in addition, authorities could place child victims in CPFSA facilities or female victims in NGO-operated shelters that were not exclusive to trafficking victims. The government reported adult victims had the option of residing in the government's specialized shelter or in private accommodation; in practice, however, authorities limited some victims' options based on an independent police assessment of the victim's security risks. Authorities placed victims deemed to be at high risk in private accommodations, guarded by police, and they were unable to move freely. The government closely monitored and sometimes restricted victims' movement while residing in the specialized shelter. These high security measures may have re-traumatized some victims. CPFSA had a protocol for providing services to child trafficking victims under the agency's care, and the government had victim management guidelines for facilities that provided care to victims of trafficking in Jamaica. The government provided few long-term services to support victims' reintegration, prevent re-exploitation, or sustain protection throughout the duration of lengthy court cases. The government continued to fund training for a Haitian woman who has been a resident of the NATFATIP shelter since 2013, but authorities did not take steps to assist her in safely transitioning to long-term independence outside the shelter.

Foreign victims were able to access the same services as Jamaican victims. The government did not have a formal policy to provide residency to foreign victims who faced hardship or retribution upon return to their home countries, but authorities could provide this assistance to victims on a case-by-case basis. No victims received residency during the reporting period. The government continued to provide lodging, medical services, food, and clothing to an Indian victim identified during the previous reporting period before he returned to India.

VSD offered court orientation sessions for victims participating in the judicial process, including children, and officers from VSD or CPFSA accompanied victims testifying in court. The government provided legal assistance, security, transportation, and lodging to two victims who testified in court during the reporting period. In certain instances, justice officials permitted victims to provide testimony through video or written statements. However, the government did not allocate adequate human or financial resources to provide victims with sustained support during legal processes, and authorities did not always employ victim-centered procedures. Years-long court cases, re-traumatization during the criminal justice process, and fear of reprisal further disincentivized victims from reporting cases or participating in trials.



Jamaica's anti-trafficking law directed the court to order restitution to victims, and prosecutors increased efforts to ensure judges implemented this provision appropriately. The court ordered one convicted sex trafficker to pay 250,000 Jamaican dollars (\$1,670) to the victim. Jamaican law protected trafficking victims from prosecution for immigration or prostitution-related offenses traffickers compelled them to commit, but it did not provide immunity for other unlawful acts traffickers may have compelled victims to commit. Due to inadequate screening for indicators of potential trafficking among vulnerable populations, including children apprehended for gang-related criminal activity, authorities may have penalized some victims.

## PREVENTION

The government maintained efforts to prevent trafficking. NATFATIP, which included representatives from relevant government institutions and select NGOs, met monthly to coordinate implementation of the 2018-2021 national action plan. With support from an international organization, the government drafted its first national policy to combat trafficking in persons 2018-2030, though the cabinet did not approve it during the reporting period. ONRTIP provided independent oversight of the government's anti-trafficking efforts and published its second annual report on trafficking in persons in Jamaica in April 2020, but it reported insufficient access to data and information from relevant stakeholders in a timely manner.

The government initially allocated 11 million Jamaican dollars (\$73,330) to the NATFATIP secretariat—a significant decrease from 27 million Jamaican dollars (\$180,000) allocated during the previous fiscal year—although this was later reduced to 7 million Jamaican dollars (\$46,670) due to pandemic-related budget cuts. Ministries also funded anti-trafficking activities from their respective budgets. NATFATIP continued to maintain a database to collect information on traffickers and victims and worked with an NGO to improve this system; however, ONRTIP reported shortcomings in data entry and data sharing across ministries with this system. The government did not use information from the database to support development of its policy and programming. Centralized decision-making hindered interagency cooperation and individual ministries, departments, and agencies did not allocate sufficient resources to effectively combat trafficking.

Pandemic-related restrictions limited the government's ability to conduct in-person awareness-raising events, but officials utilized virtual platforms to hold numerous information sessions targeting children and young adults, community leaders, and front-line government personnel. The government also conducted awareness campaigns on the risks of trafficking for the public through radio, television, and print media.

The Employment Agencies Regulation Act set guidelines for the licensing of employment agencies and prohibited charging some workers recruitment fees, but this only applied to participants in overseas programs in which host governments had prohibited such fees. Separate laws prohibited fraudulent recruitment practices such as contract switching; however, the government did not report enforcement efforts against fraudulent recruitment practices, unlawful recruitment fees, or unlicensed employment agencies during the year. Authorities reported difficulties in identifying and sanctioning illegally operating employment agencies, particularly those operating online. The labor ministry conducted pre-departure orientation sessions for migrant workers in the hotel and agricultural sectors in the United States and Canada; these sessions included information on types of human trafficking, identifying and avoiding potential risks, and who to contact for assistance. Pandemic-related travel restrictions limited the scope of overseas work programs, but the government continued to hold sessions for smaller groups. The government maintained liaison officers in the United States and Canada to protect the interests of overseas workers but did not report whether these officials made efforts to prevent trafficking. The government advised overseas workers to remain at their workplace, not accept visitors, and refrain from

visiting relatives and friends as pandemic-mitigation measures, though, these practices may have increased some workers' vulnerability to exploitation or limited their ability to access assistance.

The government did not report any investigations, prosecutions, or convictions of foreign tourists for the purchase of commercial sex acts from child trafficking victims. The government conducted awareness-raising activities on the criminal penalties for purchasing commercial sex acts to deter potential buyers and held information sessions on human trafficking within the tourism sector with industry stakeholders.

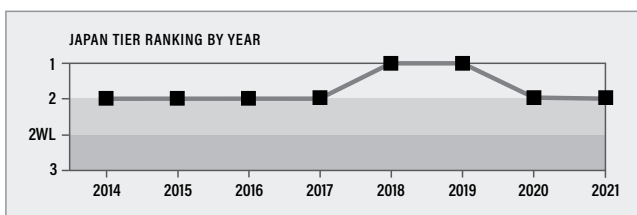
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jamaica, and traffickers exploit victims from Jamaica abroad. Sex trafficking of Jamaican women and children, including boys, reportedly occurs on streets and in nightclubs, bars, massage parlors, hotels, and private homes, including in resort towns. Local observers believe sex trafficking operations have become more clandestine as a result of the pandemic. Traffickers increasingly use social media platforms and false job offers to recruit victims. Communities vulnerable to sex trafficking and forced labor include young women and children from poor households, child victims of sexual abuse, homeless LGBTQI+ youth, residents of Jamaica's poverty-stricken areas effectively controlled by criminal "dons," migrant workers, and workers in the informal sector, particularly on family farms and in markets and shops. Traffickers subject children and adults to forced begging and women and children to domestic servitude. Girls, sometimes coerced by family members, are subjected to sex trafficking by men who provide monetary or material payment to the girls or their families in exchange for sex acts; local observers report this form of child sex trafficking may be widespread in some communities. Children from rural Jamaica, and possibly from other Caribbean countries, who are sent to live with more affluent family members or acquaintances sometimes become exploited in forced labor in private households, markets, or shops. Gang members may exploit children in forced begging or in forced criminal activity, including as lookouts, armed gunmen, or couriers of weapons and drugs; there were reports that criminal organizations exploited children in forced criminal activity in lotto-scamming. Pandemic mitigation measures exacerbated existing trafficking risks and increased the number of individuals vulnerable to trafficking, particularly among children who were not able to leave their homes or attend school for much of the year and economically vulnerable households that relied on income from international tourism. Many children are reported missing in Jamaica; traffickers exploit some of these children in forced labor or sex trafficking. Traffickers have exploited Jamaican citizens in sex trafficking and forced labor abroad, including in other Caribbean countries, Canada, the United States, and the United Kingdom. Jamaican women have reported being charged high recruitment fees, being misled about their terms of employment, and compelled through threats to continue working in the United States' hospitality industry. Traffickers exploit foreign nationals, including migrants from South and East Asia, in forced labor and sex trafficking in Jamaica. There have been reports of forced labor of foreign nationals aboard foreign-flagged fishing vessels operating in Jamaican waters. Among the approximately 450 Cuban medical professionals the government contracted, some may have been forced to work by the Cuban government. NGOs and other local observers report child sex tourism is a problem in Jamaica's resort areas. Some police allegedly facilitated or participated in sex trafficking.

## JAPAN: TIER 2

The Government of Japan 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, considering the impact

of the COVID-19 pandemic on its anti-trafficking capacity; therefore Japan remained on Tier 2. These efforts included investigating, prosecuting, and convicting some traffickers; identifying some trafficking victims; and continuing to implement public awareness campaigns. However, the government did not meet the minimum standards in several key areas. Authorities continued to prosecute and convict traffickers under laws carrying lesser penalties and delivering suspended sentences in lieu of incarceration in nearly all cases, while some traffickers received only fines. These sentences for convicted traffickers were not sufficiently stringent to deter the crime. The failure to sentence the large majority of traffickers to terms of imprisonment significantly weakened deterrence, undercut efforts to hold traffickers accountable, and did not adequately address the nature of the crime. Government officials, including law enforcement, did not systematically address child sex trafficking crimes, allowing traffickers to operate with impunity. Foreign-based and domestic traffickers continued to abuse the government-operated Technical Intern Training Program (TITP) to exploit foreign workers. Despite persistent reports of forced labor among labor migrants working in Japan under its auspices, authorities again did not proactively identify a single trafficking case or victim in the TITP. Within TITP, the government's memoranda of cooperation with sending countries have been ineffective in preventing foreign-based labor recruitment agencies from charging excessive fees, a key driver of debt-based coercion among TITP participants, and the government did not hold recruiters and employers accountable for abusive labor practices and forced labor crimes. Interagency stakeholders continued to rely on disparate, ineffective identification and referral procedures, which did not cover all forms of trafficking, thereby preventing authorities from properly screening vulnerable populations for trafficking and protecting victims of all forms of trafficking. Law enforcement bodies continued to identify hundreds of children exploited in the commercial sex industry without formally designating them as victims of trafficking in most cases, hindering their access to protection services and judicial recourse. In addition to insufficient victim identification practices, the government did not provide specific services dedicated to victims of all forms of trafficking. Continued lack of political will to address all forms of trafficking crimes and identify and protect trafficking victims, especially victims of forced labor and child and adult sex trafficking, contributed to the government's overall lack of progress.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute sex and labor trafficking cases, and hold convicted traffickers accountable by imposing strong sentences. • Amend anti-trafficking laws to remove sentencing provisions that allow fines in lieu of imprisonment and increase the penalties for trafficking crimes to include a maximum of no less than four years' imprisonment. • Develop, systematize, and implement standard interagency procedures for the identification of, and referral to protective services for, victims of forced labor among migrant workers, including those in Japan under the auspices of the TITP and other visa-conferring statuses, and among those in immigration detention. • Enhance victim screening to ensure victims—including children exploited in commercial sex without third party facilitation, migrant workers under the TITP, and migrant workers entering Japan under the new regimes, including the Specified Skilled Worker Visa—are properly identified and referred to services, and not detained or forcibly deported for unlawful acts traffickers compelled them to commit. • Increase efforts to identify male victims of sex trafficking

and forced labor. • Increase resources to provide specialized care and assistance to trafficking victims, including designated shelters for trafficking victims, and ensure these services are also available to both foreign and male victims. • Increase implementation of the TITP reform law's oversight and enforcement measures, including by training Organization for Technical Intern Training (OTIT) personnel and immigration officials on victim identification, improving OTIT coordination with NGOs, reviewing all contracts prior to approval of TITP work plans, increasing employer inspections, and terminating contracts with foreign recruitment agencies charging excessive worker-paid commissions or fees. • Establish formal channels allowing all foreign workers to change employment and industries if desired. • Enact legislation banning employers from retaining all foreign workers' passports or other personal documents. • Reduce migrant workers' vulnerability to debt-based coercion by amending relevant policies to eliminate the imposition of all worker-paid recruitment and service fees. • Increase enforcement of bans on "punishment" agreements, passport withholding, and other practices by organizations and employers that contribute to forced labor. • Aggressively investigate, prosecute, convict, and punish Japanese citizens who engage in child sex tourism overseas.

### PROSECUTION

The government maintained inadequate law enforcement efforts. Japan did not have a comprehensive anti-trafficking statute that included definitions in line with international law. It criminalized sex trafficking and labor trafficking offenses through disparate penal code laws pertaining to prostitution of adults and children, child welfare, immigration, and employment standards. Article 7 of the Prostitution Prevention Law criminalized inducing others into prostitution and prescribed penalties of up to three years' imprisonment or a fine of up to 100,000 Japanese yen (\$970) if fraudulent or coercive means were used, and up to three years' imprisonment and a fine of up to 100,000 yen (\$970) if force or threats were used. Article 8 of the same law increased penalties to up to five years' imprisonment and a fine of up to 200,000 yen (\$1,940) if the defendant received, entered into a contract to receive, or demanded compensation for crimes committed under Article 7. The "Act on Regulation and Punishment of Activities Relating to Child Prostitution and Pornography and the Protection of Children" criminalized engaging in, acting as an intermediary for, and soliciting the commercial sexual exploitation of a child and prescribed penalties of up to five years' imprisonment, a fine, or both. The act also criminalized the purchase or sale of children for the purpose of exploiting them through prostitution or the production of child pornography, and it prescribed a maximum penalty of 10 years' imprisonment. The government also prosecuted trafficking-related offenses using the Child Welfare Act, which broadly criminalized transporting or harboring children for the purpose of causing them to commit an obscene or harmful act and prescribed penalties of up to 10 years' imprisonment, or a fine of up to 3 million yen (\$29,100), or both. The Employment Security Act (ESA) and the Labor Standards Act (LSA) both criminalized forced labor and prescribed penalties of up to 10 years' imprisonment or a fine not exceeding 3 million yen (\$29,100). However, the Ministry of Health, Labor and Welfare (MHLW) reported the definition of "forced labor" under the LSA was narrower than the definition of human trafficking under international law and—in practice—rare cases charged as "forced labor" under the LSA were not treated as human trafficking crimes. Inconsistent with the definition of trafficking under international law, the LSA did not include exploitation as an essential element of the crime. As in the previous reporting period, many prosecutors reportedly avoided using the ESA and LSA due to a perception that the relatively high penalties were more likely to trigger appellate processes that would decrease their overall conviction rates and negatively affect their professional standing. When penalties allowed for fines in lieu of imprisonment for sex trafficking, they were not commensurate with penalties prescribed for other serious crimes, such as rape. Civil society organizations reported that reliance on these overlapping statutes continued to hinder the government's ability to identify and prosecute trafficking

crimes, especially for cases involving forced labor with elements of psychological coercion. The government did not have any laws that prohibited employers, recruiters, or labor agents from confiscating either Japanese or foreign workers' passports, travel, or other identity documents, except for TITP participants, for whom passport or residential identification confiscation was prohibited. However, the government did not report if it enforced this law or penalized any employers or agencies for withholding TITP participants' documents during the reporting period. Japanese law—enacted in 2017—contained a provision that criminalized bribery of witnesses, which would allow authorities additional grounds to pursue obstruction of justice charges against some traffickers. However, for the third consecutive year, the government did not report to what extent it implemented this for trafficking cases.

From January 2020 to December 2020, the government investigated 40 cases of sex trafficking involving 48 suspected perpetrators and 15 cases of labor trafficking involving 10 suspected perpetrators; of the 58 total suspects, the police arrested 57 and referred the remaining suspect—a child—to a prosecutor to be handled in family court. This compared with the government's investigation and arrest of 39 suspected perpetrators of trafficking in 2019. In 2020, courts initiated the prosecution of a total of 50 alleged traffickers, 42 for sex trafficking and eight for labor trafficking. Of the 50 perpetrators, 15 were pending trial at the end of the reporting period, and two were sent to family court. The government convicted 50 perpetrators during the reporting period, including cases that were initiated in previous reporting periods. Out of the 50 convicted, courts sentenced 36 traffickers to prison terms of eight months' to 13 years'; however, courts fully suspended 26 of these sentences, resulting in the traffickers serving no prison time. Ten traffickers received a sentence to serve imprisonment; courts sentenced 14 of the 50 traffickers to financial penalties only, with fines ranging from 50,000 yen (\$485) to 800,000 yen (\$7,760). The 50 perpetrators were convicted under a range of laws pertaining to the prostitution of adults and children, child welfare, immigration, and employment standards, including—but not limited to—the Child Welfare Act and the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography and the Protection of Children. In comparison, in 2019, courts prosecuted 32 alleged traffickers and secured 22 convictions under various laws, with only three of those convicted serving prison time that ranged from 10 months' to two and a half years'. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

Despite the known prevalence of forced labor indicators within the TITP program, the government did not investigate, prosecute, or convict any individuals for involvement in the forced labor of TITP participants; the government's reluctance to identify suspected traffickers within this program allowed exploitative employers to operate with impunity. The Labour Standard Bureau within MHLW provisionally reported conducting 8,124 inspections of TITP workplaces in 2020 (9,454 inspections in 2019) and investigating 5,766 employers of TITP participants for violations of labor standards laws and regulations. As a result, the Labour Standard Bureau referred 36 cases to prosecutors for investigation in 2020, compared with 33 referred for investigation in 2019. However, the government did not report whether any of the referrals were for labor trafficking crimes. Service provision NGOs reported repeated attempts to draw attention to specific allegations of forced labor occurring within TITP worksites, but the government did not proactively investigate the majority of these allegations for potential trafficking crimes and did not identify any cases of forced labor within the program. The government reported it revoked TITP plans from an unknown number of implementing organizations as an administrative penalty for allegations of abuse or assault against TITP participants; the government, however, did not initiate criminal investigations of these incidences of alleged trafficking. Despite Japanese law prohibiting the confiscation of passports and travel documents of TITP participants, the government did not initiate any investigations of employers that

allegedly violated this law. NGOs reported courts set prohibitively high evidentiary standards for forced labor cases involving foreign victims, including overreliance on physical indicators of abuse in lieu of evidence supporting psychological coercion, thereby stymying appropriate law enforcement action.

The government reported it did not investigate or prosecute cases involving child commercial sexual exploitation under trafficking statutes because, in practice, authorities did not formally identify children in commercial sexual exploitation as sex trafficking victims unless a third-party facilitated the commercial sex acts. The government reported more than 600 instances of "child prostitution" involving more than 500 perpetrators, but the government did not investigate these cases for potential trafficking crimes—including whether or not they involved a third-party facilitator—and it failed to identify the vast majority of the 379 children involved in these cases as trafficking victims. In previous years, authorities also processed hundreds of such cases involving children in commercial sexual exploitation without formally identifying them as trafficking crimes (784 cases in 2019; more than 700 cases in 2018; 956 cases in 2017). Experts noted the lack of efforts by law enforcement to treat child sex trafficking cases appropriately was permissive of and perpetuated the continued commission of the crime; it continued to minimize the prevalence of the crime; and it resulted in weak—if any—efforts to hold traffickers accountable and protect victims.

For the third consecutive year, the government did not report law enforcement action taken against child sex trafficking in *Joshi kosei* or "JK" businesses—dating services connecting adult men with underage high school girls—and in coerced pornography operations. Eight major prefectures maintained ordinances banning "JK" businesses, prohibiting girls younger than 18 from working in "compensated dating services," or requiring "JK" business owners to register their employee rosters with local public safety commissions. Like the previous reporting period, authorities did not report how many such operations they identified or shuttered for violating the terms of the ordinances (unreported in 2019; 137 identified and none closed in 2018), nor did they report arresting any individuals alleged to have been engaged in criminal activities surrounding the "JK" business (unreported in 2019; 69 arrested in 2018). Some authorities were reportedly unaware of the crime or unsure how to prosecute it, often citing prohibitively high evidentiary standards.

In April 2020, the National Police Agency (NPA) issued a circular to prefectural police nationwide which directed them to identify trafficking cases and coordinate with other relevant agencies; however, the circular did not provide additional guidance or procedures that would assist police in identifying such cases. During the reporting period, the government provided anti-trafficking trainings to various ministries, including OTIT and Ministry of Foreign Affairs (MOFA); the government postponed or canceled some trainings, including those conducted by an international organization. Contacts continued to report an acute need for additional training to address the lack of awareness among key law enforcement officials and judicial stakeholders.

## PROTECTION

The government maintained insufficient efforts to protect victims, including by consistently failing to formally identify victims of trafficking within the TITP and among children in commercial sexual exploitation. Lack of standardized guidelines, poor coordination among ministries, and misunderstanding of sex and labor trafficking crimes among all relevant agencies contributed to the government's inadequate efforts to identify and protect victims. The government did not have nationwide standard operating procedures or guidelines for officials to identify victims, even for victims that reported a crime themselves, which thereby impeded their access to care. Interagency stakeholders followed disparate, insufficient victim identification procedures, which did not incorporate all forms of trafficking, especially child sex trafficking and labor trafficking of migrant workers.



Several ministries continued to operate hotlines that could identify potential trafficking cases, including MHLW, the immigration bureau, and NPA, but none of these hotlines identified any victims during the reporting period. Due to the limited scope of laws prohibiting commercial sex, widespread victimization of children and adults took place within a legalized but largely unregulated range of “delivery health service” commercial sex acts in urban entertainment centers.

In 2020, authorities identified 25 sex trafficking victims and 13 labor trafficking victims; this included seven Filipina victims who were forced to work as “hostesses” at bars and whom the government identified as victims of labor trafficking. This represented a decrease compared with 47 total trafficking victims identified in 2019, which included 12 women and girls forced to work as “hostesses.” The government has never identified a forced labor victim within the TITP since its inception in 2017 nor during the tenure of its predecessor organization founded in 1993, despite substantial evidence of trafficking indicators. The government reported 8,000 TITP participants disappeared from their jobs in 2020, some of whom likely fled because of exploitative or abusive conditions and were likely unidentified trafficking victims. Authorities continued to arrest and deport TITP participants who escaped forced labor and other abusive conditions in their contracted agencies; some labor contracts featured illegal automatic repatriation clauses for interns who became pregnant or contracted illnesses while working in Japan. During the reporting period, some TITP participants lost their jobs because of pandemic-related business closures, which caused them to find a new employer to pay off their outstanding debts to the sending organization; however, authorities arrested some TITP participants for illegally changing jobs without screening them for trafficking. Although the law ostensibly protected victims from deportation from Japan, authorities’ inadequate screening of vulnerable groups led to the arrest and detention of some victims due to immigration violations or other unlawful acts traffickers compelled them to commit. The government did not report national statistics on forcible TITP deportations in 2020, and—like in the previous year—it did not provide data on the number of screening interviews immigration authorities conducted of TITP participants departing Japan prior to the end of their contracts nor on the number of successful interventions in unjust employer-initiated deportations. Furthermore, civil society groups noted the government did not have a procedure for screening foreign nationals—including TITP participants—in immigration detention for possible trafficking indicators.

Contrary to definitional standards under the 2000 UN TIP Protocol, authorities did not identify children as victims of sex trafficking unless a third party mediated the commercial sex acts, preventing hundreds of children from formal designation. The government also reported it did not treat cases of children in commercial sex as child sex trafficking cases because—contrary to definitional standards under the 2000 UN TIP Protocol—it required the perpetrator to exercise “control over the victim.” Some provincial law enforcement officials noted in the previous reporting period that Japan’s unusually low age of consent, 13, further complicated efforts to formally identify children exploited in commercial sex as trafficking victims. The government identified only 18 trafficking victims among the 379 children involved in the more than 600 cases of “child prostitution”—a form of sex trafficking—reported by the police in 2020. The government reported approximately 200 incidents of male victims of child pornography and “child prostitution” yet failed to identify any male child sex trafficking victims. Therefore, the government did not provide essential victim protection services to any of the children involved in the hundreds of incidents of child sexual and commercial sexual exploitation during the reporting period, nor did it refer them to NGOs for assistance. Police continued to treat some potential child sex trafficking victims, including LGBTQI+ children, as delinquents and counseled them on their behavior instead of screening them for trafficking, investigating their cases, or referring them to specialized services.

The government allocated more than 3.5 million yen (approximately \$33,950) for sheltering trafficking victims in fiscal year 2020, the

same amount allocated in fiscal year 2019. Despite this funding—as in prior years—the government failed to provide adequate protection services, such as trafficking-specific shelters, psycho-social care, and legal aid, to trafficking victims including Japanese and foreign trafficking victims. Government-run protection options focused on victims of other crimes, and relevant staff were not equipped to provide the specific services required to accommodate victims of all forms of trafficking. The availability and quality of government-run services that could be provided to victims varied widely according to prefecture-level officials’ ad-hoc experience with trafficking cases. The government continued to operate “one-stop assistance centers” in each prefecture for victims of sexual abuse, including some forms of sex trafficking, but the government did not report if any trafficking victims received services at these centers during the reporting period. The government also continued to fund Women’s Consultation Offices (WCOs) and Child Guidance Centers, both of which could provide shelter for trafficking victims alongside victims of domestic violence and other crimes. WCO shelters provided food and other basic needs—including COVID-19 preventive face masks and disinfectant—psychological care, and coverage of medical expenses to victims, who were free to leave the facilities if accompanied by WCO personnel. However, some NGOs continued to allege the physical conditions and services in these facilities were poor, overly restrictive, and insufficient to provide the specialized care required for trafficking victims. Authorities reported eight trafficking victims received assistance in WCO shelters in 2020, a gradual decrease from 11 in 2019 and 16 in 2018. The government reported 18 victims “self-identified” to authorities during the reporting period, but it did not report providing or referring these victims to protection services. Civil service providers reported that if a trafficking victim sought assistance from a provider, it could not assist a victim until the government formally identified the victim as such, which significantly delayed essential services given to victims. In addition, international organizations and NGOs reported most foreign trafficking victims had limited or no access to other government-provided social services from which legal resident victims could benefit. For example, while Immigration Services Agency granted resident status to one foreign trafficking victim and “special permission to remain in Japan” to seven foreign victims in 2020, it did not report if it provided or referred these victims to essential care. The government relied on and expected foreign embassies to provide protection services to their nationals who were exploited in Japan. NGOs also highlighted a lack of government-provided language interpretation services as a particular challenge to the protection of foreign victims. Temporary, long-term, and permanent residence benefits were available to foreign victims who feared the repercussions of returning to their countries of origin, but the government did not report how many—if any—victims received these benefits during the reporting period. The government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to trafficking victims; the government’s budget for this program was 11,000,000 yen (\$106,715), a decrease from 15,000,000 yen (\$145,520) in the previous reporting period. Through this program, five foreign victims received repatriation assistance (14 in 2019; five in 2018; seven in 2017).

Victims had the right to file civil suits to seek compensation from their traffickers, but the government did not report cases in which victims did so during the reporting period. Moreover, the owners of abusive supervising organizations and subsidiary businesses employing TITP participants frequently filed for bankruptcy or falsified administrative changes in order to shield themselves from civil or criminal liability, enabling forced labor to continue throughout the program with impunity. Some employers pressured TITP participants to leave their labor unions to reduce their chances of seeking recompense for labor abuses committed against them. Receipt of compensation awards was therefore nearly impossible in practice. For the third consecutive year, authorities did not report any instances of court-ordered restitution for victims during the reporting period. In previous years, civil society organizations reported some victims of coerced

pornography chose not to participate in court proceedings against their traffickers due to fear that doing so would create stigma-based challenges to their reintegration.

## PREVENTION

The government maintained insufficient efforts to prevent trafficking, including by continuing to demonstrate a lack of political will to adequately do so among highly vulnerable migrant worker populations. Although the government maintained a national-level interagency coordinating body, the lack of centralized leadership contributed to ineffective coordination among relevant ministries to combat trafficking. The government continued to base its anti-trafficking efforts on an outdated 2014 national anti-trafficking action plan (NAP). In accordance with the NAP, the government met twice in 2020 with civil society organizations to review the government's measures to combat trafficking, but it did not report if any tangible results came from these meetings. It produced its sixth annual report on government actions to combat trafficking and tracked measures against the stated goals of its 2014 NAP. Authorities continued to raise awareness on trafficking by disseminating information online—including on the NPA's public website—and through radio programs, posters, and brochures, as well as through leaflets distributed to NGOs, immigration and labor offices, and diplomatic missions in Japan and abroad. In response to an increase in Vietnamese workers in Japan, during the reporting period, NPA included information in Vietnamese in its anti-trafficking leaflets. NPA also produced an online anti-trafficking presentation for the airline industry that aired in December 2020. The NPA—in cooperation with a foreign government and international organizations—distributed posters in airports to raise awareness about sexual exploitation, including commercial sexual exploitation of children and the production of child pornography. The government did not make significant efforts to reduce the demand for commercial sex acts, and many of its awareness-raising content on the "JK" business was targeted toward victims, rather than the demand source. The government had extraterritorial jurisdiction to prosecute Japanese nationals who engaged in child sexual exploitation abroad, but—unlike in the previous reporting period—it did not report investigating or prosecuting any cases of child sex tourism under this jurisdiction in 2020.

The government continued to implement the 2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (TITP reform law). The TITP reform law mandated the MHLW approve work plans outlining living conditions, working hours, and other factors developed jointly by incoming TITP participants and their employers; from November 2020 through mid-January 2021, the government allowed the entry of 55,754 TITP participants. However, authorities did not fully implement oversight procedures to ensure unity among sending and receiving organizations' contracts nor among these contracts and the participants' work plans, resulting in discrepant language that left many participants vulnerable to labor abuses, including forced labor. According to the government's provisional data, in 2020, OTIT reported conducting on-site inspections of 15,318 TITP implementing organizations and 2,983 supervising organizations. Authorities did not report revoking any MHLW-approved work plans for labor violations in 2019, compared with eight revocations in 2018; some observers expressed these work plans lacked enforceability due to the high number of TITP employers and participants relative to the small number of inspectors. In February 2021, MHLW issued instructions to each regional labor standards inspection office to report potential trafficking cases to MHLW for further review; as of the end of the reporting period, it did not report if any offices reported such cases. Civil society groups continued to express concern the OTIT was too understaffed to adequately investigate allegations of abuse, including forced labor, within such a large program—particularly as the number of participants continued to grow. Some participants reported the OTIT and the MHLW were unresponsive to their request for mediation when their employers suddenly changed or terminated their contracts. Immigration officials issued orientation pamphlets with hotlines and contact information to all incoming TITP participants.

The government maintained memoranda of cooperation (MOC) pertaining to the TITP with Bangladesh, Bhutan, Burma, Cambodia, India, Indonesia, Laos, Mongolia, Pakistan, Philippines, Sri Lanka, Thailand, Uzbekistan, and Vietnam as sending countries of TITP participants. MOCs remained the Japanese government's primary tool to regulate recruitment practices, but they remained largely ineffective because the government failed to hold the governments of the sending countries accountable for abusive labor practices and forced labor crimes by recruiters and sending organizations. The MOCs affirmed the government would accept TITP trainees only from state-approved organizations that would not charge participants "excessive fees" known to place workers in high debt. However, some sending organizations in these countries circumvented the fee restrictions and secured their respective governments' approval by charging high "commissions" in lieu of fees; trainees from these countries therefore remained at risk for debt bondage once in Japan. This was especially true for Vietnamese participants, who constituted the highest proportion of TITP trainees. Some Japanese TITP employers forced participants to remit portions of their salaries into mandatory savings accounts as a means to prevent their abscondment and retain their labor. The Ministry of Justice (MOJ), MOFA, and MHLW could request that sending countries investigate allegations of recruitment fee violations, but the decision to penalize or ban sending organizations for the practice was at the discretion of sending country authorities. MOJ, MOFA, and MHLW reported to sending countries misconduct by 79 sending organizations for investigation during the reporting period.

The government continued to implement its "Special Skilled Worker" visa program—established in 2018—that allowed 15,663 foreign workers to enter Japan in 2020 and fill positions in construction, shipbuilding, nursing care, and 10 other sectors with known labor shortages over a five-year period. Although there were no reported cases of forced labor within this system in 2020, observers continued to express concern that it would engender the same vulnerabilities to labor abuses, including forced labor, as those inherent to the TITP and that the government's oversight measures were similarly lacking. The program reportedly permitted qualifying individuals already participating in the TITP to switch their visas to the newly created categories, allowing them to extend their stay in Japan and change jobs within the same sector. Japanese law also enabled for-profit employment agencies and individuals to become "registered support organizations"—with no licensing requirements—to liaise between labor recruitment brokerages and employers for a fee. Observers reported these service fees could create additional risks for debt-based coercion among migrant workers entering under the auspices of the regime. Under this program, the government maintained MOCs with 13 governments that provided a framework for information-sharing to eliminate malicious brokers and recruitment agencies.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject Japanese and foreign men and women to forced labor and sex trafficking, and they subject Japanese children to sex trafficking. Traffickers also transport victims from elsewhere in the region through Japan before exploiting them in onward destinations, including East Asia and North America. Traffickers subject male and female migrant workers, mainly from Asia, to conditions of forced labor, including at companies participating in Japanese government-run programs, such as TITP. The government identified five Japanese male victims in 2020. In one of the instances, traffickers forced a male victim to work at a restaurant at a low wage for long hours after physically assaulting the victim on a daily basis. Japan's fast-growing foreign student population is also at risk for trafficking in the unskilled labor sector due to abusive and often deceptive work-study contract provisions. Men, women, and children from Northeast Asia, Southeast Asia, South Asia, Latin America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for sex trafficking in bars,

clubs, brothels, and massage parlors. Traffickers keep victims in forced labor or forced commercial sex using debt-based coercion, threats of violence or deportation, blackmail, confiscation of passports and other documents, and other psychologically coercive methods. Employers require many migrant workers to pay fees for living expenses, medical care, and other necessities, leaving them vulnerable to debt-based coercion. Brothel operators sometimes arbitrarily impose “fines” on victims for alleged misbehavior, thereby extending their indebtedness as a coercive measure.

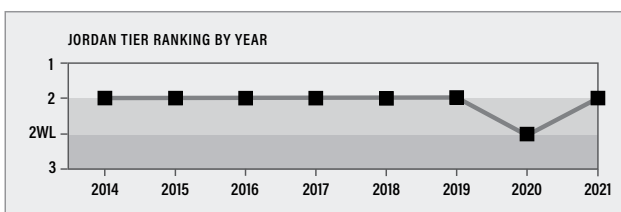
Traffickers also subject Japanese citizens and foreign nationals—particularly runaway teenage girls and boys—to sex trafficking. *Enjo kosai* or “compensated dating” services and variants of the “JK” business, often with ties to organized crime, continue to facilitate the sex trafficking of Japanese boys and girls; underage youth from China, South Korea, Laos, the Philippines, Singapore, and Vietnam are also reportedly exploited in these establishments. The pandemic caused a surge in unemployment and domestic violence, which increased the risk of some Japanese women and girls—especially runaway children—to enter into “compensated dating;” NGOs reported that traffickers increasingly use social media sites to contact women and girls for this purpose. “JK” bar owners may subject some underage boys and girls, including LGBTQI+ youth, to forced labor as hostesses and club promoters. Highly organized commercial sex networks target vulnerable Japanese women and girls—in many instances those living in poverty or with cognitive disabilities—in public spaces such as subways, popular youth hangouts, schools, and online, and subject them to sex trafficking in commercial sex establishments, small musical performance venues, retail spaces, and reflexology centers, often through debt-based coercion. Some groups posing as model and actor placement agencies use fraudulent recruitment techniques to coerce Japanese men, women, boys, and girls into signing vague contracts and then threaten them with legal action or the release of compromising photographs to force them to participate in pornographic films. Some transgender youth seek employment in unregulated urban entertainment districts as a means of financing their gender-affirming care and are subsequently exploited in commercial sex and possibly forced labor. Private Japanese immigration brokers help Japanese-Filipino children and their Filipina mothers move to Japan and acquire citizenship for a significant fee, which the mothers often incur large debts to pay; upon arrival, some of these women and their children are subjected to sex trafficking to pay off the debts. Organized crime syndicates posing as immigration brokers also lure these families to Japan with deceptive job offers, and then subject the women to forced labor and sex trafficking in the nightlife industry. Japanese men remain a source of demand for child sex tourism in other countries in Asia.

Cases of forced labor continue within the TITP, a government-run program originally designed to foster basic technical skills among foreign workers that has effectively become a guest-worker program. TITP participants from Bangladesh, Bhutan, Burma, Cambodia, China, India, Indonesia, Laos, Mongolia, Pakistan, Philippines, Thailand, Turkmenistan, Uzbekistan, and Vietnam pay sending organizations in their home countries thousands of dollars in excessive worker-paid fees, deposits, or vague “commissions”—despite bilateral agreements between sending countries and Japan aimed at curbing the practice—to secure jobs in fishing, food processing, shellfish cultivation, ship building, construction, textile production, and manufacturing of electronic components, automobiles, and other large machinery. TITP employers place many participants in jobs that do not teach or develop technical skills, contrary to the program’s stated intent; others place participants in jobs that do not match the duties they agreed upon beforehand. Some of these workers experience restricted freedom of movement and communication, confiscation of passports and other personal and legal documentation, threats of deportation or harm to their families, physical violence, poor living conditions, wage garnishing, and other conditions indicative of forced labor. Some sending organizations require participants to sign “punishment agreements” charging thousands of dollars in penalties

if they fail to comply with their labor contracts. Participants who leave their contracted TITP jobs fall out of immigration status, after which some are reportedly subjected to sex trafficking and forced labor. Some foreign workers within the Specified Skilled Worker visa program—including former TITP participants—may be at risk for trafficking. An NGO noted more than 90 percent of the migrant workers in Japan under the auspices of this visa regime were former TITP interns in vulnerable sectors prior to 2019.

## JORDAN: TIER 2

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Jordan was upgraded to Tier 2. These efforts included referring more domestic servitude cases for prosecution, establishing case management procedures to improve coordination between investigators and prosecutors, and identifying more victims. Parliament approved amendments to the 2009 anti-trafficking law and the government also maintained a trafficking shelter that offered a wide range of comprehensive services. The government launched a campaign to remove vulnerable children, including forced begging victims, from the streets of Amman. However, the government did not meet the minimum standards in several key areas. The government shelter received fewer referrals of victims; NGOs reported issues referring victims to the shelter during the height of pandemic-related lockdowns, when all movement and public facilities were restricted. Authorities continued to arrest, detain, and deport some victims for unlawful acts traffickers compelled them to commit, such as immigration violations and fleeing abusive employers. Jordan’s sponsorship system, which placed a significant amount of power in the hands of employers of foreign workers, continued to create vulnerabilities for the exploitation of migrant workers and remained a significant impediment to authorities identifying and protecting trafficking victims.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute, convict, and punish sex trafficking and forced labor offenses with significant prison terms. • Increase efforts to proactively screen for and identify trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, refugees, street children, and persons in commercial sex. • Ensure victims are not inappropriately punished for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations or escaping from an abusive employer. • Fully approve and implement all provisions of the new anti-trafficking law to ensure penalties for sex trafficking crimes are commensurate with those prescribed for other serious crimes. • Train law enforcement officers, judges, prison officials, and labor inspectors throughout the country to screen for, identify, and refer to protection services trafficking victims. • Investigate and punish individuals for withholding workers’ passports under Jordan’s passport law. • Cooperate regularly with NGOs to identify and refer victims to protection services. • Allocate adequate funding for operation of the government’s trafficking shelter, and train shelter staff to identify and provide specialized care to victims.



- Issue and fully implement labor regulations governing work in the agricultural sector and increase labor inspections in this sector.
- Reform the sponsorship system by extending labor law protections to all workers in Jordan, including domestic workers, and allow workers to freely change employers.
- Regulate and investigate fraudulent labor and recruitment practices.

## PROSECUTION

The government maintained weak law enforcement efforts but made efforts to address structural issues in its law enforcement response to trafficking. The 2009 Law on the Prevention of Trafficking in Human Beings criminalized sex trafficking and labor trafficking. The law prescribed penalties of a minimum of six months' imprisonment, a fine of 1,000 to 5,000 dinars (\$1,410 to \$7,060), or both, for trafficking offenses involving an adult victim. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the penalties prescribed for sex trafficking were not commensurate with the penalties prescribed for other serious crimes, such as kidnapping. The law prescribed penalties of up to 10 years' imprisonment and a fine of 5,000 to 20,000 dinars (\$7,060 to \$28,250) for trafficking offenses involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as kidnapping. Jordan's passport law criminalized the withholding of passports by an employer, carrying penalties of six months' to three years' imprisonment and fines. In March 2021, Parliament approved amendments to the 2009 anti-trafficking law submitted in 2019; at the end of the reporting period, the amendments were pending the King's signature and publication in the official gazette. The pending amendments would enhance sentences for trafficking offenses, allow prosecutors to seek restitution in trafficking cases, formalize the use of specialized prosecutors and judges, and establish a donations-based victims' compensation fund.

The Public Security Directorate (PSD) and Ministry of Labor (MOL) joint counter-trafficking unit (CTU)—the national focal point leading anti-trafficking investigations—continued to investigate potential trafficking crimes. In 2020, the CTU reported authorities investigated 206 potential trafficking cases, similar to 205 investigations of potential trafficking crimes in 2019. Of the 206 potential cases, CTU determined 22 cases involving 36 suspects met the criteria to be classified as trafficking cases and referred these to prosecutors. These 22 cases included 20 suspected domestic servitude cases and two sex trafficking cases. In addition, CTU identified an organ trafficking case involving four suspects and referred it to prosecutors. The Ministry of Justice (MOJ) reported it initiated the prosecution of 13 trafficking cases involving 22 defendants; the other 10 cases investigated by CTU and referred for prosecution remained pending charges and under investigation by the office of the public prosecutor at the end of the reporting period. In addition, the MOJ prosecuted and convicted an unreported number of defendants for trafficking crimes under other laws such as passport withholding. The MOJ reported six trafficking judgements were completed in 2020, with a 100 percent conviction rate, resulting in 12 traffickers convicted under the 2009 anti-trafficking law. Of the 12 convictions, eight traffickers received sentences greater than one-years' imprisonment. Penalties ranged from three months' to five years' imprisonment; three convicted traffickers also received fines. The 22 prosecutions initiated demonstrate a slight increase from 18 prosecutions in 2019. The 12 convictions in 2020 was similar to 11 convictions secured in 2019. Legal experts continued to report that judges were hesitant to convict perpetrators for human trafficking, preferring to pursue other charges such as labor violations that carried lesser penalties than the anti-trafficking law due to the complexity of trafficking cases, lack of judicial experience and expertise on trafficking, and the cultural acceptance of some forms of trafficking such as forced labor in domestic work. NGOs and foreign embassy representatives continued to report the government preferred to settle potential cases of domestic servitude through mediation, rather than referring them for criminal prosecution; however, CTU officers reported mediation

was only used in administrative labor violations, not when indicators of trafficking violations were present. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during the reporting period.

Jordan's overcrowded and underfunded judicial system continued to lack a sufficient number of trained judges and prosecutors who could specialize in trafficking cases. However, beginning in 2018, the MOJ began assigning specialized prosecutors and judges to criminal cases, including trafficking; pending amendments to the 2009 anti-trafficking law would require the Judicial Council to name specialized prosecutors and judges to every court to handle trafficking cases. Officials reported poor communication between CTU investigators and prosecutors contributed to weak prosecution of trafficking cases; in September 2020, the CTU implemented a new case management procedure to allow CTU investigators to follow trafficking investigations through prosecution to improve the classification of trafficking cases. The government rotated specialized investigators out of the CTU into other assignments every two years or less, which hindered the work of the unit. In 2020, the CTU reported conducting 10 training workshops for officials, in coordination with NGOs and international organizations; due to the pandemic, the government had to postpone 11 planned workshops. In addition, the CTU conducted 31 lectures and six seminars targeting law enforcement, judges, public prosecutors, and relevant ministries in different areas of Jordan on identifying trafficking victims, victim protection issues, and other topics; CTU officials reported 560 officials attended these lectures. The MOL partnered with civil society organizations to strengthen the capacity of labor inspectors to identify labor trafficking cases.

## PROTECTION

The government identified more trafficking victims but provided services to fewer trafficking victims, and authorities continued to punish victims for unlawful acts traffickers compelled them to commit. In 2020, the government identified 25 trafficking victims, which represented an increase from the nine identified victims in 2019. The government continued to utilize formal written procedures to proactively identify trafficking victims, and it continued to receive referrals of potential victims from NGOs, international organizations, and police stations across the country. Although the CTU was headquartered in Amman, it used specialized liaison officers in police stations across the country to identify trafficking victims outside of the capital. During the reporting period, the CTU established additional liaison officers in Syrian refugee camps. In October 2020, the Ministry of Social Development's (MOSD) anti-vagrancy department launched a campaign to remove vulnerable children, including forced begging victims, from the streets of Amman. Joint patrols by teams of MOSD social workers, PSD investigators, and female police officers screened children for trafficking indicators and referred potential trafficking victims to MOSD juvenile assistance centers to receive medical assistance and social services including family reintegration efforts.

The government continued to utilize a national victim referral mechanism (NRM) to refer identified victims to care, including shelters run by an NGO and MOSD, and cases to the CTU for investigation. Labor inspectors, regular police officers outside of the CTU, and detention center officials lacked the specialized training to proactively identify and refer victims to protection services; the government reviewed, updated, and trained relevant ministry officials on the updated NRM standard operating procedures during the reporting period. MOSD continued to operate and fund the Dar Karama shelter dedicated to protecting trafficking victims, which provided psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. It also continued to offer computer classes, a book club, and religious services for both Muslim and Christian shelter residents. The shelter's staff included lawyers and specialists in psychology, social work, nursing, and education. The provision of shelter services was not

conditional upon a victim's cooperation with law enforcement or judicial authorities. Victims could freely and willingly leave the shelter and were allowed to stay at the shelter for as long as two months; victims' stay in the shelter could be extended through a process requiring MOSD approval. The shelter had the capacity to serve a total of 40 victims, both Jordanian citizens and foreign nationals, with space for 27 women, three children, and 10 men. The shelter had a separate wing and entrance for male victims, and it was the only shelter in the country available to men; however, the MOSD did not report any male victims received services at the shelter during the reporting period. In 2020, the shelter served a total of 14 victims, which represented a decrease from the 35 victims it served in 2019. The government referred the other 11 identified victims to an NGO shelter. Of the 14 victims assisted by the Dar Karama shelter, 12 were adult women and two were girls; 10 were forced labor victims and two were sex trafficking victims. Three victims assisted in the shelter were Jordanian and the rest were from Bangladesh, Uganda, Indonesia, and Tunisia. Shelter staff continued to cooperate with the embassies of Bangladesh, Philippines, and Sri Lanka to provide assistance to their nationals during the reporting period. Although the Dar Karama shelter remained open during the pandemic, NGOs reported issues contacting shelter staff and referring victims during the height of pandemic-related lockdowns in April 2020. The government encouraged victims to assist in the investigation and prosecution of their traffickers; female officers accompanied female victims to court and officials assigned all victims a lawyer throughout judicial proceedings to ensure protection of their rights. Foreign victims also had the option to provide a deposition prior to being repatriated. However, victims were not able to file civil suits against their traffickers for compensation. The government provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

Authorities continued to punish some foreign trafficking victims for unlawful acts traffickers compelled them to commit—such as immigration violations—including fines, arrest, detention, and deportation if found without valid residence documents. Jordan's sponsorship system continued to prevent foreign workers from switching employers (without a letter of release from their sponsor) or receiving adequate access to legal recourse in response to abuse. Migrant workers, including potential trafficking victims, who left their place of employment prior to fulfilling their work contract, were considered illegal residents and subjected to fines and detention for their irregular presence in the country; loss of legal status created greater vulnerabilities to trafficking. Furthermore, bureaucratic and financial barriers and detention prevented some victims from repatriation, even if a worker left an employer because it was an exploitative situation. Some foreign workers remained in Jordanian detention due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported foreign labor trafficking victims were less likely to report abuses to the authorities because of fear of deportation or detention. Trafficking victims who opted to remain in Jordan for work were required to pay their overstay and lapsed labor permit fines before applying for a new work permit, which was a significant financial burden for victims. During the reporting period, legal experts reported authorities arrested domestic workers – some of whom might have been trafficking victims – for not having travel documents. However, due to the pandemic, the MOL waived most fines for migrant workers with expired work or residence permits to allow migrant workers to depart Jordan. In May 2020, the government launched an online platform to assist migrant workers seeking to return to their home countries due to the pandemic. In addition, foreign embassies reported they negotiated with the Ministry of Foreign Affairs (MFA) to release their citizens from detention for repatriation.

## PREVENTION

The government maintained prevention efforts. The government's full inter-ministerial anti trafficking committee did not meet during the reporting period due to pandemic-related restrictions

on gatherings. However, the inter-ministerial committee held three technical committee meetings and several informal meetings chaired by the Minister of Justice. The government continued to implement its 2019-2022 national anti-trafficking strategy in partnership with NGOs and international organizations. The government continued to raise awareness about trafficking crimes throughout the country, including by distributing anti trafficking information to all foreign migrant workers entering Jordan and at inspected work sites. For example, the CTU coordinated with border guards to place awareness stickers, which included the government's anti-trafficking hotline, in the passports of all foreign workers entering the country. In addition, the CTU distributed brochures about workers' rights along with food, sanitizer, and masks as part of its COVID-19 mitigation efforts. An NGO continued to report government-led awareness campaigns contributed to an increase in victim referrals from the general public. The MOL and CTU continued to operate a hotline to receive complaints of labor violations and potential trafficking crimes; the hotline offered interpretation services in some source-country languages. However, due to overall budget shortfalls, the government remained unable to consistently maintain interpreters of some Asian languages at the hotline, which led to difficulties identifying potential trafficking victims and referring them to protection services. Jordan maintained several bilateral labor agreements with other countries, some of which created greater vulnerabilities to trafficking. For example, a labor agreement between the Jordanian and Egyptian governments specified that an Egyptian national cannot leave Jordan without permission from his or her employer, even if the employer was convicted of trafficking crimes. Similarly, though the Ugandan government signed a labor agreement with Jordan, there was no Ugandan embassy or diplomatic representation in Jordan for Ugandan nationals, including potential trafficking victims, to seek assistance. In January 2021, authorities deported a Bangladeshi journalist allegedly in relation to an article published in April 2020 critical of conditions for Bangladeshi workers in Jordan. However, NGOs reported a bilateral labor agreement between the Jordanian and Philippine governments strengthened protections and led to improved working conditions for Filipino migrant workers.

The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism. The MOL continued to implement regulations that required labor recruitment companies to maintain insurance policies for workers, which provided repatriation costs, health care, and death benefits. The government also continued to cooperate with an international organization to eliminate recruitment fees for workers in Jordan's garment sector, where some workers were vulnerable to trafficking. In 2020, the government continued to take measures to reduce the vulnerability of Syrian refugees to trafficking. The government continued to formalize access to the labor market for 192,000 Syrians from host communities and refugee camps, which helped to reduce this population's vulnerability to forced labor. The government continued to issue a flexible work permit to Syrians in the construction and agriculture sectors; the permit legalized the status of the workers in these sectors and allowed Syrians to work for multiple employers in these sectors in a 12-month period. More than 28,000 work permits for Syrian refugees remained active in 2020. Due to pandemic mitigation measures such as movement restrictions, the government issued 23,258 work permits to Syrian refugees as of September 2020 compared to 47,766 issued in 2019. The Ministry of Education also continued to allow Syrian refugee children access to public education, with more than 136,000 refugee students enrolled in schools in the 2019-2020 school year. The government did not report specific anti-trafficking training for its diplomatic personnel. The MFA continued to report its finance department directly paid locally hired domestic staff of Jordanian diplomats posted abroad, in accordance with labor laws and wage rates in the host country. The Jordanian Armed Forces continued to provide specific anti-trafficking training to peacekeepers before their deployment abroad.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jordan, and traffickers exploit victims from Jordan abroad. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. In 2018, an NGO reported a large increase in Ugandan trafficking victims following the implementation of a 2016 bilateral labor agreement between the Ugandan and Jordanian governments. Jordan relies on foreign migrant workers – many of whom are undocumented – in several sectors, including construction, agriculture, textiles, and domestic work; according to an NGO in 2018, workers in these sectors are the most vulnerable to trafficking because of informal work agreements and frequently changing employers. In 2020, officials estimated the total number of foreign workers in Jordan could be as high as 1.5 million. The MOL reported issuing 246,646 work permits for foreign workers in 2020 and 425,220 in 2019; officials from foreign embassies report many foreign workers are irregular and working without a visa, residency, or work permit. Jordan's visa sponsorship system increases foreign workers' vulnerability to trafficking by preventing them from switching employers without the initial employer's consent. Because work permits are linked to a specific employer, when a worker quits one job before securing another, the worker loses legal status increasing vulnerability to trafficking. Some recruitment agencies fraudulently recruit victims from labor-source countries to Jordan, using false promises of money or other benefits. Forced labor victims in Jordan experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, unsafe living conditions, long hours without rest, isolation, and verbal and physical abuse. For example, adults from South and East Asia migrate to work in factories in Jordan's garment industry, some of whom experience withholding of passports, restricted movement, and unsafe living conditions. Traffickers exploit some migrant workers from Egypt—the largest source of foreign labor in Jordan—in forced labor specifically in the construction, service, and agricultural sectors. In 2017, the government estimated there were 82,643 foreign female domestic workers in Jordan, primarily from South and Southeast Asia and East Africa, who are highly vulnerable to forced labor. Some out-of-status domestic workers from Bangladesh, Indonesia, the Philippines, and Sri Lanka have been reportedly exploited in sex trafficking while looking for an employer or after fleeing their previous employers.

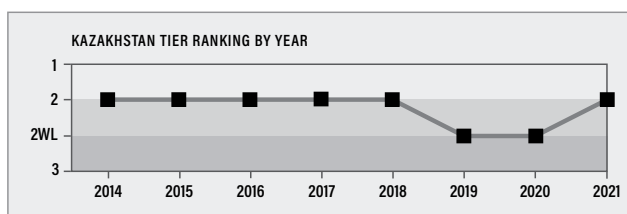
Refugees from Iraq, the West Bank and Gaza, Syria, and other countries are highly vulnerable to trafficking in Jordan, especially women and children working illegally or informally. Jordan is host to approximately 753,282 UNHCR-registered refugees from more than 55 countries, including 664,414 Syrians and 66,760 Iraqis. Non-Syrian and non-Palestinian refugees are vulnerable to labor exploitation due to the Jordanian government's restrictions on their ability to work in most formal employment sectors. In 2019, Iraqi refugees reported they are vulnerable to exploitation in the informal sector because employers pay them below-market wages and expect them to work excessively long hours. NGOs continue to observe an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in the agricultural and service industries, as well as peddling goods and begging. There have been reported cases of Syrian refugee women and girls sold into forced marriages in Jordan. Refugee boys and young men, in particular, often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking.

Some Jordanian and Syrian girls are forced to drop out of compulsory school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking. Jordanian boys employed within the country in the service industry, agricultural sector, and as mechanics, street vendors and beggars may be victims of forced labor. NGOs and an international organization reported in 2018 an estimated 3,000 children begging in the streets in Jordan, some of whom are highly vulnerable to trafficking. Traffickers exploit Lebanese, North African, and Eastern European women in sex

trafficking who have migrated to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be exploited in sex trafficking. As reported by an NGO in 2016, some Egyptian women are exploited in forced begging or sex trafficking by their Jordanian husbands.

## KAZAKHSTAN: TIER 2

The Government of Kazakhstan 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Kazakhstan was upgraded to Tier 2. These efforts included investigating more trafficking cases and identifying more victims of sex trafficking and forced labor than the previous year; increasing the number of trafficking convictions for the first time in five years; and, achieving the first convictions for forced labor crimes in three years. In conjunction with an international organization, the government also established pilot taskforces to improve proactive victim identification; conducted training activities for an increased number of officials; expanded the length of NGO service provider contracts with local governments; and granted deportation relief for migrant workers stranded in Kazakhstan during the pandemic. However, the government did not meet the minimum standards in several key areas. Civil society and government interlocutors reported that legislative insufficiencies continued to hinder effective anti-trafficking enforcement and victim identification. Foreign victims continued to face obstacles in accessing protection services absent initiation of criminal cases against their traffickers. Authorities at times harassed and imposed spurious penalties on members of civil society, including anti-trafficking organizations and activists attempting to raise awareness of forced labor and other abuses against ethnic Kazakhs in Xinjiang, China.



## PRIORITIZED RECOMMENDATIONS:

Amend trafficking laws to align the definition of trafficking with international standards and train law enforcement officers and labor inspectors on their application, particularly in the detection of cases involving psychological coercion and other less overt trafficking indicators. • Approve and implement policies allowing formal recognition of foreign nationals as trafficking victims and their referral to robust protection services irrespective of whether criminal cases have been initiated against their traffickers. • Vigorously investigate, prosecute, and convict suspected trafficking cases, including allegedly complicit government officials, police officers, and labor traffickers. • Significantly increase efforts to identify trafficking victims among vulnerable populations and refer these victims for assistance, with an emphasis on foreign forced labor victims, LGBTQI+ individuals, and Kazakhstani women and children repatriated from armed conflict zones in Iraq and Syria. • Ensure victims are aware of their right to seek compensation, and train attorneys and law enforcement officials on how to assist them in the process. • Provide systemic, specialized training to all labor inspectors to identify victims of forced labor and report potential trafficking cases to the police. • Establish and implement a centralized anti-trafficking data collection system. • Enhance oversight and regulation of labor recruitment agencies. •



Continue to provide legal alternatives to deportation, especially when foreign trafficking victims may face hardship, abuse, or re-trafficking in their countries of origin. • Continue to display anti-trafficking awareness materials at border-crossings and checkpoints.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Articles 128, 134, 135, 308, 125(3b), and 126(3b) of the penal code criminalized sex trafficking and labor trafficking. However, inconsistent with the definition of trafficking under international law, the law did not include force, fraud, or coercion as an essential element of the crime, but rather considered them an aggravating circumstance. NGO observers and government officials alike noted this was particularly illustrative in Article 128 (Trafficking in Persons) and Article 135 (Trafficking in Minors), which criminalized the purchase or sale of persons under certain circumstances; its lack of specificity reportedly prevented authorities from properly investigating or prosecuting some cases involving psychological coercion or other more complex trafficking indicators. The law, as amended in 2019, prescribed penalties of four to seven years' imprisonment for adult trafficking and five to nine years' imprisonment for child trafficking, an increase from three to five years' imprisonment and five to seven years' imprisonment for the respective crimes; the penalties could be increased to up to 18 years' imprisonment under aggravated circumstances. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. For those accused of trafficking, the 2019 amendments also rescinded provisions of the criminal code that allowed defendants to pay monetary compensation to victims in exchange for having the criminal cases withdrawn. Kazakhstani officials reportedly began consulting with international organizations and foreign governments on the creation of standalone trafficking legislation; this process was ongoing at the end of the reporting period.

Police newly investigated 72 trafficking cases in 2020—an increase compared with 45 in 2019—and continued 23 investigations initiated in the previous reporting period. Police also initiated an investigation into a transnational trafficking organization under criminal code articles related to organized crime; the Ministry of Internal Affairs (MVD) and finance ministry authorities used digital forensics to identify eight individuals suspected of arranging the trafficking of Kazakhstani women into Bahrain. The case was ongoing at the end of the reporting period. The government prosecuted 45 human trafficking cases in 2020, compared with 67 cases in 2019, and it convicted 11 sex traffickers, compared with eight in 2019, 17 in 2018, 29 in 2017, and 45 in 2016—the first annual increase in five years. Sentencing was more stringent than the previous reporting period; of the 11 traffickers convicted in 2020, nine received sentences ranging from 6.6 to 17 years' imprisonment, with the remainder sentenced to four years and three years, respectively (compared with six sentences ranging from five to 10 years' imprisonment, one conditional sentence of three years' served outside of prison, and one partially suspended sentence resulting in 6.8 years' imprisonment in 2019). Three of the traffickers were sentenced for labor trafficking crimes, marking the first time in three years the government achieved forced labor convictions. As in previous years, many of the trafficking cases were the result of three multi-day special anti-trafficking police operations, called "Stop Trafficking," in which the police located and closed brothels, arrested pimps, and registered adults engaged in commercial sex. The government also reported pursuing unspecified accountability for nearly 500 individuals for subjecting their employees to forced labor, but authorities did not provide information on whether any of these cases were related to the aforementioned convictions, or whether relevant charges and penalties were criminal or administrative in nature. NGOs continued to report investigators closed or decided not to open some criminal cases due to a perceived lack of evidence, despite the available testimony of trafficking victims and that they continued to focus on investigating cases involving sex trafficking to the exclusion of those involving forced labor. Following a presidential directive to improve anti-trafficking investigations and prosecutions,

the government initiated an internal research process to assess the quality of 250 trafficking investigations closed or suspended over the previous five-year period; the study reportedly found a significant "latency of cases" generated by victims' fear of reprisals from their traffickers throughout the criminal justice process. As a result of this research, the Prosecutors General Office (PGO) identified and formally reopened 35 cases that had been improperly closed; these remained under investigation at year's end. In previous years, NGOs reported traffickers bribed low-ranking police officials to avoid charges and alleged that some police officers facilitated forced labor or sex trafficking crimes. Unlike the previous year, there were no convictions of government officials for trafficking-related offenses in 2020.

The government continued to train police, prosecutors, and judges on the identification, investigation, and prosecution of trafficking crimes, and it funded police and other officials' participation in international anti-trafficking conferences; these activities were mostly conducted online due to the pandemic. In 2020, the MVD's Trafficking in Persons Training Center trained 168 police officers (167 in 2019) on investigative techniques. The PGO, in partnership with the Supreme Court, MVD, and MLSP, trained 90 police officers, 90 prosecutors, 36 judges, and 36 labor inspectors from around the country on the identification and prosecution of labor trafficking cases (compared with 44 prosecutors trained in 2019). The PGO also trained attorneys on provision of legal assistance to victims and created a video training module on human trafficking for new law enforcement and transferring police officers. Unlike in previous years, these trainings were primarily government funded. During the reporting period, the government also formally amended the position descriptions of labor inspectors to include responsibility for the identification of victims and subsequent notification to law enforcement, addressing a key recommendation from international observers. However, authorities did not report if labor inspectors' new mandate resulted in the increased referral of cases to law enforcement. Kazakhstani law enforcement continued to cooperate with foreign governments on the investigation of trafficking crimes. In 2020, police arrested five Uzbekistani individuals and extradited a sixth at the request of their government in response to sex trafficking and forced labor allegations; they also submitted formal requests for assistance with the investigation of trafficking cases involving Kazakhstani victims in Russia and Bahrain, respectively (compared with ten international cases and five extraditions in 2019).

## PROTECTION

The government increased protection efforts. Law enforcement units dedicated to migration and trafficking issues operated under standard guidelines for the identification of victims among vulnerable populations, including undocumented migrant communities and individuals in commercial sex. Separate referral procedures were outlined under the 2015 Special Social Services Standards, which instructed law enforcement agencies on how to coordinate with NGOs to connect victims with protection services. Police also maintained a formal referral mechanism for victims initially arrested or detained during police operations. Although some international organizations encountered fewer foreign victims as a result of decreased movement across international borders during the pandemic, Kazakhstani authorities increased victim identification among both domestic and foreign nationals during the reporting period. The government identified 88 trafficking victims, compared with 40 in 2019. Of these, 71 were Kazakhstani citizens—all women and girls, including 51 exploited in sex trafficking in Bahrain and 16 exploited in sex trafficking domestically. The remaining four, whose genders and ages were unknown, were exploited in forced labor within Kazakhstan, along with 17 Uzbekistani nationals (compared with two Uzbekistani victims and one Russian victim identified in 2019). As in the previous year, the government identified most sex trafficking victims during three anti-trafficking special police operations intended to locate and close brothels, arrest pimps, and register women engaged in commercial sex. Comprehensive statistics on NGO victim identification were unavailable in 2020;

however, reports indicate NGOs continued to provide shelter, legal assistance, and other services to hundreds of victims—many more than formally identified by the authorities (compared with 76 victims—21 Kazakhstani and 55 foreign nationals—assisted by NGOs in 2019). Law enforcement referred six victims to protection services provided by an international organization (12 in 2019), foreign embassies referred one, and NGOs referred four; as in previous years, most victims self-reported, including through hotlines. The government funded an NGO-operated trafficking hotline that received 1,341 phone calls in 2020, 21 of which were referred to anti-trafficking police units (compared with 1,834 calls culminating in 12 referrals in 2019). Unlike the previous year, two of these calls involving a total of seven victims resulted in confirmed trafficking investigations (none in 2020); however, both cases were ultimately closed per the victims' request. In cases where law enforcement identified foreign victims, victims often refused to cooperate. According to experts, foreign victims frequently reported their exploitation to local police upon return to their home country, where they felt safer.

In conjunction with an international organization, the government established three pilot interagency taskforces comprising police officers, prosecutors, labor inspectors, and civil society representatives to share best practices on victim identification with local authorities and collect data on potential cases throughout the country. In a decision lauded by civil society, the government then included the activities of these mobile taskforces within its new national action plan (NAP). NGOs continued to report effective victim referral and police cooperation with regional anti-trafficking units, which were composed of one or two police officers. Law enforcement units mandated to address migration or trafficking issues had a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or individuals in commercial sex; although the government improved efforts to identify foreign victims and expanded the mandate of the labor inspectorate to require monitoring for trafficking indicators, officials' efforts to identify foreign victims and victims of labor trafficking remained inadequate.

During the reporting period, authorities issued a policy extending the length of NGO service providers' local government contracts from one to three years to reduce administrative burdens on organizations providing essential services to trafficking victims. However, government pressure on civil society at times impeded the work of anti-trafficking NGOs; authorities imposed politically-motivated administrative fines and closure orders on several organizations providing shelter services in 2020. Following widespread expression of concern among international donors, the government rescinded all relevant charges. The authorities continued to allocate funding for NGO-run shelter operations. Nine anti-trafficking NGOs across nine provinces applied for and received government grants totaling 69.4 million Kazakhstani tenge (KZT) (\$164,740) to support shelter activities in 2020 (a slight decrease compared with eight total shelters receiving 76.2 million KZT, or \$180,880, in 2019). However, the government significantly increased its 2021 funding allocation to 148.9 million KZT (\$353,460) with the intention of expanding shelter support to eight additional provinces. Existing NGO-operated trafficking shelters offered legal, psychological, and medical assistance and were accessible to all Kazakhstani trafficking victims. The government encouraged victims—including foreigners—to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. These and other protection services were not conditional upon Kazakhstani victims' cooperation with law enforcement, but foreign victims could not access these services unless a criminal case had been initiated against their traffickers. To address this insufficiency, provisions of Kazakhstan's new NAP committed to Social Code amendments that would extend protection services to foreign victims irrespective of the initiation of criminal cases; these amendments remained under consideration at the end of the reporting period, but Ministry of Foreign Affairs officials reportedly utilized other channels

to secure permission to provide protection services to an unspecified number of foreign victims in the interim. Some NGO observers noted existing shelter space would not be sufficient to accommodate an increase in the referral of foreign victims to protection services that could result from this change. During the reporting period, the government promulgated a law on compensation originally adopted in 2017 that increased the amount to which trafficking victims were entitled; however, no such cases were subsequently filed. Many victims and their attorneys continued to be unaware of the right to seek compensation, and high legal fees continued to dissuade some victims from doing so. The government could provide *pro bono* attorneys to trafficking victims, although statistics on provision of legal services were unavailable during the reporting period, and NGOs reported these attorneys were often inexperienced.

Unlike in previous years, the government did not report data on provision of legal protection to foreign trafficking victims in 2020 (compared with one victim in 2019) nor on the suspension of deportation screenings or temporary residency granted for trafficking victims during criminal investigations. However, in 2020 the government eliminated the imposition of penalties on foreign nationals leaving the country after their visas, registration cards, or work or residence permits expired, and it provided expansive deportation relief to thousands of migrant workers stranded in Kazakhstan due to the pandemic, addressing a common risk factor for immigrations status-based coercion. NGOs reported foreign victims sometimes experienced problems in accessing local medical care due to a lack of health insurance, residence permits, or financial strain generated by loss of employment during the pandemic. With the exception of four notable asylum cases involving ethnic Kazakhs fleeing persecution in Xinjiang, the government generally did not offer legal alternatives to foreign victims' removal to countries where they would face retribution or hardship and, according to local law, victims were required to be deported after expiration of their temporary residency rights. Although Kazakhstan's new NAP included provisions outlining a reflection period in lieu of statutory deportation, this plan had not come into effect by the end of the reporting period. NGOs continued to report a shortage of lawyers authorized to participate in administrative deportation cases.

The government at times penalized foreign nationals fleeing exploitation abroad, including from China, for illegally entering Kazakhstan; these immigration violations were not automatically expunged in cases where such individuals were granted asylum, and they precluded future eligibility for Kazakhstani citizenship. This reportedly had the potential to disincentivize some victims from accessing asylum and protection services. Civil society contacts continued to report some foreign trafficking victims, including ethnic Kazakh survivors of Xinjiang detention camps and Turkmen victims in southern Kazakhstan, were hesitant to report their abuses to local authorities due to distrust of law enforcement, perceived corruption, and fear of punitive deportation or other punishment. Authorities at times committed politically-motivated harassment against activists attempting to raise awareness and advocate for the human rights of ethnic Kazakhs subjected to forced labor in Xinjiang. However, Kazakhstani authorities refused to comply with China's extradition requests of ethnic Kazakhs fleeing persecution and instead granted asylum to at least four such individuals during the reporting period. Although there were no other reports of authorities punishing victims for any unlawful acts traffickers compelled them to commit in 2020, enduring insufficiencies in victim identification procedures placed some unidentified foreign victims—especially those exploited in forced labor—at risk of penalization.

In continuation of large-scale repatriation efforts conducted in 2019, in February 2021, the government repatriated and provided rehabilitation services to at least seven Kazakhstani children, including potential trafficking victims, who had been living in Syria with male relatives participating in armed conflict. The group also included four men and one woman, but some or all of these adults may have been jailed on terrorism charges upon return along with dozens repatriated

in 2019. Specific information on rehabilitative services for these individuals was unavailable in 2020. However, in previous years, adults repatriated from Iraq and Syria were housed in government-run rehabilitation centers, where they also benefitted from medical and psychosocial care, and children were generally housed with family members while receiving state-funded rehabilitation and reintegration services. Kazakhstani authorities reportedly also worked to repatriate Kazakhstani nationals subjected to arbitrary detention in facilities known to perpetrate forced labor in Xinjiang, China, but additional information on these cases was unavailable.

## PREVENTION

The government increased overall prevention efforts. The Interagency Trafficking in Persons Working Group, led by the MVD, held two virtual sessions in 2020 to assess the implementation of the 2017-2020 anti-trafficking NAP and to finalize a comprehensive draft 2021-2023 NAP, which the government approved in February 2021. Apart from some incidents of politically-motivated interference in the operation of some anti-trafficking NGOs, civil society observers noted improved political will, more proactive efforts, and enhanced coordination with NGOs on the part of the interagency working group and its subsidiary regional and local commissions. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The Ministry of Information and Communication funded radio and television programs, as well as the publication of newspaper articles and web-publications, designed to raise public awareness and prevent the crime. Kazakhstan's border authorities instituted the 24-hour display of a video created jointly by the MVD and a foreign donor to educate travelers on forced labor vulnerabilities, reporting channels, and ways victims can seek assistance at key transit hubs and border crossings. The government continued to advertise an NGO-operated anti-trafficking hotline and, in conjunction with an international donor, trained its operators on victim identification and service provision. It also created and distributed thousands of pandemic facemasks printed with the hotline number to increase awareness of its availability. Authorities at times harassed, surveilled, censored, criminally prosecuted, and curtailed the freedom of expression and assembly of activists attempting to raise awareness on widespread abuses, including forced labor, perpetrated against ethnic Kazakhs in detention camps in Xinjiang.

In 2020, labor inspectors under the Ministry of Health and Social Protection conducted 3,982 inspections to identify labor violations; although this was a marked decrease from 6,681 inspections in 2019—likely as a result of pandemic-related business closures—inspectors still identified more than 6,000 violations (unreported in 2019). These violations predominantly dealt with wage irregularities, contract violations, and labor without proper employment agreements—all of which were common labor trafficking indicators. Inspectors issued 2,290 administrative citations and imposed 1,086 fines totaling 174.3 million KZT (\$413,750) (compared with 2,651 recruiters and employers receiving administrative unspecified fines in 2019). Despite the prevalence of forced labor indicators detected, and although the labor inspectorate's mandate was changed in 2020 to include trafficking identification and referral to law enforcement, the government did not report if any of these inspections led to the opening of criminal cases. The number of labor inspectors employed under the MLSP increased from 260 to 274 during the reporting period. This increase fell short of a commitment to double inspectorate staff in 2020, due in part to pandemic-related challenges; the inspectorate therefore remained inadequate to effectively enforce labor regulations across the country. In previous years, migrant workers reported using unofficial third-party intermediaries to find employment and meet Kazakhstani migration registration requirements; these intermediaries often circumvented the law could facilitate the trafficking of foreign victims with relative impunity due to their unofficial status. Authorities did not provide information on enhanced regulation of or enforcement within these networks during the reporting period. In 2020, Kazakhstan entered into a new

agreement with Uzbekistan to strengthen regulation and oversight of labor migration flows and enhance migrant worker protections. The government also improved online informational resources for migrants. The government did not make efforts to reduce the demand for commercial sex acts. In 2020, the government reported providing anti-trafficking training to 120 peacekeepers prior to their international deployment, thereby fulfilling a 2020 TIP report recommendation.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kazakhstan, and traffickers exploit victims from Kazakhstan abroad. Domestically, the relative economic prosperity in the government capital Nur-Sultan, the financial capital Almaty, and the western oil cities Aktau and Atyrau attract large numbers of rural Kazakhstanis, some of whom traffickers lure through fraudulent offers of employment and then exploit in sex trafficking and forced labor in agriculture, construction, and other sectors. Traffickers force some children to beg and may also coerce adults and children into criminal behavior. Some members of Kazakhstan's LGBTQI+ communities are at risk of police abuse, extortion, and coercion into informant roles; LGBTQI+ individuals, particularly transgender persons required to undergo invasive and bureaucratic processes for gender-affirming care, are vulnerable to trafficking amid widespread social stigma and discrimination that often jeopardizes their employment status or prospects in the formal sector and complicates their access to justice. Domestic violence may also drive many Kazakhstani trafficking victims to seek and accept unsafe employment opportunities on which traffickers prey; this vulnerability has reportedly increased as a result of state-ordered residential quarantines amid the pandemic.

Women and girls from neighboring East Asian, Central Asian, and Eastern European countries, as well as from rural areas in Kazakhstan, are exploited in sex trafficking in Kazakhstan; in most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Traffickers increasingly exploit Central Asian citizens, in particular Uzbekistani men and women, in forced labor in domestic service, construction, bazaars, and agriculture in Kazakhstan. Many migrant workers among the one million Uzbekistanis subjected to Russia's 2014 re-entry ban have subsequently sought temporary work and residence in Kazakhstan, where traffickers prey on them. Thousands of undocumented Uzbekistani migrants transit into Kazakhstan each day via informal border crossings for seasonal labor in construction, agriculture, retail, hospitality, and commercial sex; these individuals are particularly vulnerable to trafficking by virtue of their irregular immigration status, as are their accompanying children, who often do not attend school despite their eligibility to do so. These and other migrant populations have suffered additional vulnerabilities to trafficking as a result of pandemic-related business closures and financial constraints preventing them from accessing affordable medical care. NGOs have reported an increase in traffickers' use of debt-based coercion in the exploitation of migrants in recent years. Traffickers capitalize on tough law enforcement policies to coerce migrants to remain in exploitative situations and leverage these policies to threaten victims with punishment and deportation if they notify authorities, fostering distrust in law enforcement.

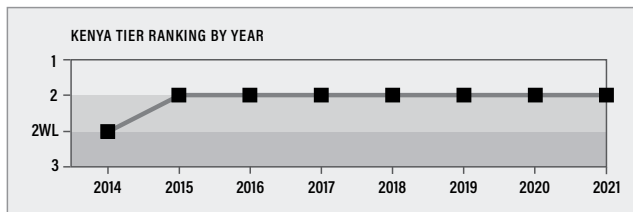
Traffickers coerce or force Kazakhstani men and women into labor mostly in Russia, but also in Bahrain, Brazil, the Republic of Korea, Turkey, and the United Arab Emirates. Sex traffickers exploit Kazakhstani women and girls in the Middle East, Europe, East Asia, and the United States. Chinese authorities arbitrarily detain some Kazakhstani citizens visiting family in Xinjiang, China and subject them to forced labor; their children, subsequently unaccompanied, are also at elevated risk of trafficking at home in Kazakhstan. Organized crime groups and small trafficking rings with recruiters in Kazakhstan operate in conjunction with brothel operators in Kazakhstan and abroad. Some Kazakhstani men travel to Syria, Iraq, and Afghanistan



to fight alongside or seek employment within armed groups and are subsequently subjected to forced labor in cooking, cleaning, and portering. Kazakhstani women and children traveling with these men are also vulnerable to sex trafficking and forced labor on arrival; many are reportedly placed alongside other Central Asian family members in makeshift camp communities, where their travel and identity documentation is confiscated and their freedom of movement is restricted. Many of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may feature corollary sex trafficking or forced labor indicators.

## KENYA: TIER 2

The Government of Kenya does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Kenya remained on Tier 2. These efforts included increasing the number of investigations and prosecutions of trafficking crimes; convicting more traffickers; increasing personnel dedicated to specialized anti-trafficking police units; and launching a new hotline to report trafficking crimes. However, the government did not meet the minimum standards in several key areas. The government identified significantly fewer trafficking victims, and protection services for identified victims, particularly adults, remained limited and inconsistent in quality. Despite sustained concerns of official complicity in trafficking crimes, which hindered both law enforcement efforts and victim identification during the reporting period, the government did not report any law enforcement action against allegedly complicit officials. The government often tried trafficking cases as immigration or labor law violations rather than crimes under the anti-trafficking law, which resulted in suspected traffickers receiving less stringent sentences. Additionally, because of the lack of screening among migrants, authorities reportedly detained and deported potential trafficking victims for suspected violation of immigration laws. Observers reported the Counter Trafficking in Persons Secretariat remained without sufficient staffing or funding, hindering overall progress on anti-trafficking efforts.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Ensure protection services are available for all victims, including adult victims and foreign nationals. • Fully implement the national referral mechanism and encourage law enforcement officials to formally refer trafficking victims for assistance. • Systematically and proactively identify trafficking victims by screening vulnerable populations, such as refugees, asylum-seekers, individuals in commercial sex, and all foreign workers, including Ethiopians, Ugandans, Cuban medical professionals, and North Koreans, for trafficking indicators and refer all victims to appropriate services. • Increase protective services for victims participating in the criminal justice process to prevent re-traumatization. • Establish a shelter dedicated for trafficking victims to receive specialized care or provide

funding or in-kind resources to NGO-run shelters. • Increase data collection and data sharing among relevant agencies to synthesize and analyze nationwide law enforcement and victim protection data related to trafficking crimes. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Develop, adopt, and implement an updated national action plan to combat trafficking. • Expand training to all levels of the government, specifically to law enforcement personnel and local authorities in rural and coastal regions, on identifying, investigating, and managing trafficking cases. • Continue to regulate and oversee overseas recruitment agencies and train inspectors to report potential violations to the appropriate officials.

### PROSECUTION

The government maintained law enforcement efforts but did not take adequate steps to address official complicity in trafficking crimes, which remained pervasive. The Counter-Trafficking in Persons Act of 2010 criminalized sex trafficking and labor trafficking and prescribed penalties of 30 years' to life imprisonment, a fine of not less than 30 million Kenyan shillings (\$274,980), or both. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment for sex trafficking, these penalties were not commensurate with those for other serious crimes, such as rape. Sections 14 and 15 of the Sexual Offenses Act of 2006 criminalized the facilitation of child sex tourism and "child prostitution" and prescribed punishment of no less than 10 years' imprisonment and a fine of 2 million shillings (\$18,330).

The government's overall data collection and reporting on anti-trafficking law enforcement efforts remained weak; additionally, the government provided some data that fell outside of the current reporting period without a mechanism to disaggregate. In 2020, the government reported initiating investigations of 18 trafficking cases, including at least four child sex trafficking cases, one child labor trafficking case, and one adult labor trafficking case, compared with six trafficking investigations initiated in 2019. The government reported that five trafficking investigations from previous years remained ongoing; however, the government did not provide an update on these cases. The government reported arresting 11 alleged traffickers in 2020, a decrease from at least 42 arrests in 2019. Arrests included a German national involved in child sex tourism and six Kenyan nationals for exploiting Ethiopian victims in forced labor; other arrests included charges of child sex trafficking and child labor trafficking, but the government did not provide further information on these cases. The government reported prosecuting 46 individuals under the 2010 anti-trafficking law between July 2019 and June 2020, compared with at least 22 individuals prosecuted in 2019; however, some of the prosecution data provided fell outside of the current reporting period. Prosecutions of at least three defendants from prior years remained ongoing at the end of the reporting period. At the end of the previous reporting period, at least 38 prosecutions remained ongoing; however, the government did not report updates on these cases. Courts convicted at least six traffickers under the 2010 anti-trafficking law—two for child forced begging, two for sex trafficking, one for child trafficking, and one for an unspecified trafficking crime; this compared with at least three convictions in 2019. Courts sentenced convicted traffickers to varying degrees of punishment but did not provide sentencing data for all convictions; in one case, a judge issued a ruling of a fine of 400,000 shillings (\$3,670) or four years' imprisonment, while another court sentenced a trafficker to 65 years' imprisonment. Courts acquitted two suspected traffickers during the reporting period for unspecified reasons. In response to the pandemic, courts nationwide operated virtually from March 2020 to June 2020; gradual re-openings began in June 2020, but operations remained limited due to differing protocols among various courts. While anti-trafficking specific law enforcement units continued to operate throughout the pandemic, the government reported that pandemic-related restrictions, such as office closures, national curfew, and social distancing requirements created operational challenges to

law enforcement actions. In addition to pandemic-related challenges, officials also reported that law enforcement action under the 2010 anti-trafficking law remained minimal for various reasons, including: limited police awareness about evidence collection and its use in proving a trafficking crime; corruption; the increased challenges of pursuing a trafficking prosecution instead of treating incidents as immigration violations; and the complexity of proving all the elements of trafficking.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In late 2018 and early 2019, media and NGOs reported an investigation of a cabinet-level official who reportedly signed special sports and cultural work permits for women to dance in a *mujra* club notorious for exploitative practices; authorities removed the official from office after the allegations surfaced, but the status of investigations into the official's conduct remained unreported for the third consecutive reporting period. Police officers continued to accept bribes to warn traffickers of impending operations and investigations, particularly along the coast, and officials reported perpetrators sometimes escaped conviction by bribing magistrates and court officials or intimidating or paying witnesses to make false statements. During the reporting period, observers alleged that criminal syndicates colluded with various law enforcement and immigration departments to transport trafficking victims in Kenya. Traffickers continued to easily obtain fraudulent identity documents from complicit officials, particularly at border checkpoints. Due to pandemic-related travel restrictions and border closures, the government did not report efforts to prevent corruption on the border unlike in the previous reporting period.

The government continued to enhance the investigative capacity of the Directorate of Criminal Investigation's (DCI) Anti-Human Trafficking and Child Protection Unit (AHTCPU) by increasing its personnel from 33 to 37 officers—27 in Nairobi and 10 in Mombasa—and planning to open a third office in Kisumu. The DCI's Transnational Organization Crime Unit (TOCU), mandated to investigate adult trafficking cases, had 32 officers—25 in Nairobi and 7 in Mombasa. During the reporting period, the government continued to collaborate with the Government of Uganda on a case identified during the previous reporting period and began working with the Government of Tanzania and the Government of Burundi on forced labor cases; however, observers reported the government continued inadequate efforts to pursue international trafficking cases involving Kenyan victims in foreign countries. In 2020, NGOs and international organizations provided regular trainings to several hundred prosecutorial and judicial officials, border guards, police officers, and immigration agents on how to detect and respond to trafficking crimes in their respective capacities; the government provided varying degrees of logistical support for these training endeavors.

## PROTECTION

The government decreased victim protection efforts. The government reported identifying 383 victims of trafficking—51 adult males, 176 adult females, 104 boys, and 52 girls—a significant decrease compared with identifying 853 victims in 2019. Of the 227 adult victims identified, 150 were Kenyans exploited in or in transit to Middle East countries, including Iraq, or India. Other adult victims included Kenyans and foreign nationals, primarily from Ethiopia, Uganda, and Burundi, exploited within the country. In 2019, TOCU proactively identified 144 trafficking victims during raids of commercial sex establishments; however, the government did not report taking such actions during the reporting period. NGOs reported identifying at least 363 victims during the reporting period. The government maintained a national referral mechanism (NRM) that outlined guidelines for victim identification and referral to services and reported regularly screening returnees from Gulf states;

however, the government did not fully implement the NRM, and local authorities continued to bypass the NRM and directly contact NGOs to provide victim assistance.

The government reported partnering with various NGOs to offer routine assistance to 134 victims (77 adults and 57 children), including medical care, psycho-social counseling, reintegration support, and legal assistance; however, NGOs reported that, in some cases, the government acted too slowly or not at all, necessitating action solely by NGOs. The government referred 112 victims (37 adults and 75 children) to shelter services, compared with 78 victims referred to shelter in 2019. The government did not operate any trafficking-specific shelters and continued to rely on NGOs to provide this service during the reporting period. The government continued to operate five child protection centers throughout the country, but it did not report if these centers housed trafficking victims during the reporting period. Protection services for adult victims remained scarce, and NGOs reported that the government's overall victim assistance remained limited and inconsistent in quality. NGOs and government officials in coastal regions partnered to provide trauma counseling, medical services, shelter, and reintegration support for trafficking victims returning from Somalia—some of whom left or fled al-Shabaab—and Gulf states; however, victim care remained scarce in coastal regions due to a lack of training and resources. In response to the pandemic, some NGO shelters and government-run centers acted as quarantine or testing centers or had limited capacity due to social distancing measures; the government reported this decreased its ability to refer all victims to care. The government also reported pandemic-related measures, such as travel restrictions, mandatory quarantine and testing, social distancing, and curfews, decreased the ability for the government to provide in-person care. However, NGOs expressed concern over long-standing protection gaps made worse by the pandemic, inhibiting the government from providing appropriate care to victims during the reporting period. Despite reliance on civil society organizations to provide victim services, the government did not report providing financial or in-kind support to such organizations. Officials noted that overall funding to combat trafficking remained inadequate, alleging that officers sometimes used their personal funds to provide support to victims. During the 2020-2021 fiscal year, the National Treasury allocated 20 million Kenyan shillings (\$183,320) to the National Assistance Trust Fund for Assisting Victims of Trafficking, the same amount as the previous fiscal year. The government reported dispersing 1.8 million Kenyan shillings (\$16,500) from the fund to screen 314 Kenyan migrant workers repatriated from the Middle East; the government also used the fund to provide counseling and other protection services to at least 80 victims identified through the screening process. While courts ordered payments to victims from the fund for the first time in December 2019, stakeholders reported the government did not utilize the fund to provide direct payments to victims during the reporting period.

To address the exploitation of Kenyan nationals abroad, the Ministry of Labor and Social Protection (MOL) continued to employ labor attachés in Kenyan diplomatic missions in Qatar, United Arab Emirates (UAE), and Saudi Arabia. Reportedly, the attachés advocated for Kenyan workers' rights with host governments, screened workers for trafficking indicators, resolved workplace disputes, provided identity documents, and partnered with licensed employment agencies to find legitimate work opportunities for Kenyans; the government reported the attachés coordinated with the MOL, National Employment Authority (NEA), and Ministry of Foreign Affairs to assist in victim identification and repatriation during the reporting period. In 2020, media reported that numerous Kenyan women employed as domestic workers in Lebanon may have been victims of trafficking; the Ministry of Foreign Affairs reportedly sent a fact-finding mission to investigate the allegations, but the government did not report any findings or specific actions taken. In 2020, NGOs assisted the government to repatriate Kenyan trafficking victims exploited in Bahrain, Tanzania, Saudi Arabia, and Uganda. The government

provided foreign victims of trafficking with similar protective services as Kenyan nationals, particularly immediate needs like shelter and counseling; however, authorities did not provide longer-term shelter or residency benefits to foreign victims. Senior officials reported that authorities often quickly returned trafficking victims to their countries of origin due to the limited availability of shelters and other services. The law allowed officials to grant permission for foreign trafficking victims to remain indefinitely in Kenya if they would face hardship or retribution upon repatriation; the government did not report using this provision during the reporting period. NGOs reported the government sometimes placed victims in refugee camps, where their freedom of movement was restricted. Authorities sometimes obtained protective custodial orders for victims from courts to formalize protection service provisions pending repatriation. In 2020, the government reported assisting in the repatriation of at least 113 foreign victims, compared with 142 repatriations in 2019.

The government maintained a Witness Protection Agency that offered protection to victims participating in investigations and prosecutions, and the government did not report providing this support to trafficking victims during the reporting period. Additionally, contrary to previous reporting, the government did not have formal procedures to encourage victims' voluntary participations in investigations and prosecutions. Some courtrooms had facilities or equipment that allowed victims to provide testimony via video, one-way glass, or written statements; however, these services were not available in all courtrooms. Foreign victims had the ability to leave the country, seek employment, and move freely within the country pending trial proceedings after they testified. Even though victims' benefits were not linked to law enforcement participation or whether the trafficker was convicted, officials noted the lack of victim services as a barrier to court cases and due to frequent repatriation or deportation, victims often could not serve as witnesses. Under the Employment Act and the 2010 anti-trafficking law, trafficking victims could file civil suits against traffickers for damages; however, the government did not report any civil suits filed in 2020.

Authorities reportedly penalized victims for unlawful acts traffickers compelled them to commit. NGOs across Kenya continued to report that potential victims within vulnerable groups, particularly adults in commercial sex, were sometimes charged with commercial sex crimes or labor violations. In recent years, authorities punished foreign national trafficking victims for violating immigration laws, often detaining or deporting them without screening for trafficking indicators; however, immigration officials reported enhancing coordination between national officials and local authorities to protect potential trafficking victim from penalization. NGOs reported witnesses appeared to have been intimidated, disappeared, or did not appear in court for fear of re-victimization. In 2020, an independent institution reported that authorities detained more than a third of migrants for being in the country without proper documentation; under this approach, officials sometimes detained potential trafficking victims without proper screening or provision of assistance. The same report alleged the government regularly held potential victims awaiting repatriation in detention. Officials and NGOs reported the government often placed adult trafficking victims in prisons or detention centers due to the lack of shelters available for adult victims; authorities sometimes placed child victims in centers for juvenile offenders until officials found a shelter or safe house with space available. In August 2019, an NGO sued the government for failing to meet its international and national obligations to protect victims of human trafficking; the case remained ongoing at the end of the reporting period.

## PREVENTION

The government maintained efforts to prevent trafficking. The Counter Trafficking in Persons Secretariat (CTiP Secretariat), the operational arm of the Counter Trafficking in Persons Advisory Committee, continued to spearhead government efforts to combat trafficking. The CTiP Secretariat reportedly had dedicated funding

in the national budget, but the government did not provide the total amount of anti-trafficking funding allocated for the fiscal year. Civil society and other stakeholders reported the CTiP Secretariat engaged them more regularly than in prior reporting periods, when the Secretariat primarily engaged stakeholders through standing quarterly meetings; however, observers noted that the CTiP Secretariat did not have sufficient staffing or funding, hindering progress on new anti-trafficking efforts and publication of required reporting on government efforts. The National Coordination Mechanism on Migration (NCM), chaired by the Department of Immigration, maintained responsibility for managing national coordination on migration issues, including addressing allegations of forced labor of Kenyans abroad, and held quarterly meetings to discuss migration, trafficking, and smuggling matters. While the CTiP Secretariat and NCM regularly coordinated, some stakeholders reported the two groups had overlapping mandates, which created confusion and discrepancies on which mechanisms were most effective. Officials continued to operate under the 2013-2017 national action plan (NAP), although it formally expired in 2018. In 2019, the government, in partnership with international organizations and civil society, drafted a 2019-2022 NAP; however, in 2020, observers reported the government found unspecified deficiencies in the draft NAP and planned to make amendments to the draft before finalizing the plan. The government continued to implement the National Plan of Action Against Sexual Exploitation of Children 2018-2022, which included efforts to prevent child sex trafficking. The government, in partnership with civil society organizations, continued to conduct various awareness-raising campaigns, primarily online in light of the pandemic, emphasizing the prevention of online child sexual exploitation, resources to report child trafficking, and emerging trends as a result of the pandemic. The government, in partnership with an NGO, continued to operate a 24-hour hotline to report child abuse and exploitation, including child trafficking; in 2020, the government reported identifying at least 16 cases of suspected child trafficking through the hotline, compared with 11 cases identified in 2019. In December 2020, the DCI launched a new call center for the public to report crimes, including human trafficking; authorities reported identifying one potential trafficking case through the hotline during the reporting period, while two other potential trafficking crimes remained under investigation.

The NEA continued to regulate labor migration and other labor-related matters, including labor trafficking, during the reporting period; however, officials noted a lack of leadership, uneven regulation enforcement, and corruption hindered NEA operations. As in previous years, the NEA published on its website a list of accredited and vetted recruitment agencies that successfully obtained proper licensing. The NEA had 320 registered private employment agencies, an increase compared with 284 during the previous reporting period; the NEA continued to prohibit hundreds of agencies from recruiting in Kenya. The NEA maintained a security bond intended to cover airfare for Kenyan migrant workers, including potential trafficking victims, in need of repatriation due to exploitative situations. The government did not report approving any such requests during the reporting period, despite observers alleging the number of victims in precarious employment situations overseas increased during the pandemic. As in previous years, NEA utilized an e-platform for recruitment and placement of Kenyans migrating to Saudi Arabia to promote a safe migration process; however, observers continued to report that Kenyan officials negotiated a pay rate lower than the Saudi Arabian minimum wage, making Kenyan migrant workers vulnerable to trafficking. The government required migrant workers to attend a pre-departure training course that included information on human trafficking and migrant rights; it also included specific homecare management training for domestic workers. However, some prospective domestic workers reported there were not sufficient slots in training schools to meet training demands during the reporting period. Observers continued to report that foreign employers held migrant workers' salaries until the completion of their contract period to coerce them to stay longer, and in some cases, employers sold migrant workers to another employer without a legal change in the employment contract.



NGOs reported recruitment agencies bribed labor officials to bypass required procedures, including allowing recruitment agents to sign the contract on the worker's behalf when the worker did not appear in person. Although the government made efforts to vet recruitment agencies, numerous illegal and unregistered agencies remained in operation. The government did not make efforts to reduce the demand for commercial sex or child sex tourism.

## TRAFFICKING PROFILE

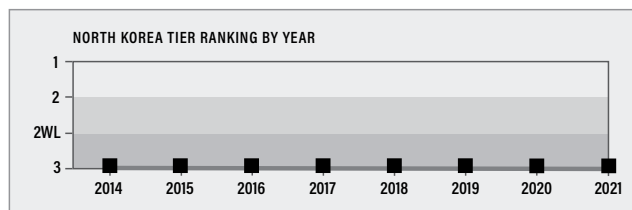
As reported over the past five years, human traffickers exploit domestic and foreign victims in Kenya, and traffickers exploit victims from Kenya abroad. Traffickers exploit children through forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Traffickers exploit women and children in commercial sex, often facilitated by family members in informal settings, throughout Kenya, including in sex tourism in Nairobi, Mombasa, and Kisumu. In 2020, an international NGO reported there are between 35,000 and 40,000 victims of commercial sex, including child sex tourism, in Kenya, of which approximately 19,000 are children; most perpetrators are Kenyan and, to a lesser extent, foreign tourists. Workers in *khat* cultivation areas and near gold mines in western Kenya, truck drivers along major highways, and fishermen on Lake Victoria also exploit children in sex trafficking. NGOs report that IDPs, particularly those who live close to a major highway or local trading center, are more vulnerable to trafficking than persons in settled communities. During the pandemic, school closures from March 2020 to January 2021, family economic challenges, curfews, and travel restrictions left children more vulnerable to trafficking, particularly online sexual exploitation and forced labor in domestic work and forced begging. Observers reported that measures to mitigate the pandemic resulted in the confinement of some victims of sex trafficking, particularly women and children, to the same location as their trafficker, which exacerbated their exploitation. Employment agencies, both legal and fraudulent, recruit Kenyans to work in the Middle East (particularly Saudi Arabia, Lebanon, Kuwait, Qatar, UAE, Bahrain, Iran, Iraq, and Oman), Central and Southeast Asia, Europe, Northern Africa, and North America, where, at times, traffickers exploit them in massage parlors, brothels, domestic servitude, or manual labor; Kenyans who voluntarily migrate in search of employment opportunities are also vulnerable to exploitative conditions. NGOs reported that economic loss due to the pandemic, coupled with border closures, increased the number of Kenyans migrating via irregular routes; these populations were particularly vulnerable to trafficking. Criminals involved in terrorist networks lure and recruit Kenyan adults and children to join non-state armed groups, primarily al-Shabaab, in Somalia, sometimes with fraudulent promises of lucrative employment.

Kenya hosts more than 500,000 refugees and asylum-seekers, primarily located in Kakuma Refugee Camp, Kalobeyei Integrated Settlement, and Dadaab Refugee Complex. Refugees are generally required to live within the camps with restricted movement and limited access to education and livelihood opportunities, increasing their vulnerability to labor and sex trafficking; children and LGBTQI+ persons in refugee camps are especially vulnerable. Nairobi-based labor recruiters maintain networks in Uganda and Ethiopia that recruit Burundian, Ethiopian, Rwandan, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenya continues to serve as a transit point for migrants seeking work in South Africa, leaving these populations vulnerable to exploitation; traffickers exploit transient Ethiopians in forced labor and Burundian and Rwandan women in domestic servitude. Ugandan and Nigerian traffickers exploit Kenyan women in sex trafficking in Thailand. Authorities reported business owners and employers exploited Ugandan girls in sex trafficking and forced labor, specifically in Nairobi's Eastleigh neighborhood. Traffickers exploit children from neighboring East African countries in forced labor and sex trafficking in Kenya. Cuban medical professionals and North Korean nationals working in Kenya may have been forced to work by the Cuban and North Korean governments, respectively. Recruiters use debt-based coercion to force Nepali, Indian, and Pakistani women to work in *mujra* dance clubs

in Nairobi and Mombasa, where traffickers force them to pay off debts by engaging in commercial sex. Traffickers have increasingly exploited Somali women and girls in sex trafficking in brothels in Nairobi and Mombasa. Increasingly, traffickers bring children and individuals with physical disabilities from Tanzania and other neighboring countries to exploit them in forced begging; traffickers often coerce foreign victims to serve as facilitators to further such trafficking schemes.

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

The Government of the Democratic People's Republic of Korea (DPRK or North Korea) does not fully meet the minimum standards for the elimination of trafficking and, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity, is not making significant efforts to do so; therefore North Korea remained on Tier 3. During the reporting period there was a government policy or pattern of forced labor in mass mobilizations of adults and children, in prison camps as part of an established system of political repression, in labor training centers, and through its imposition of forced labor conditions on DPRK overseas workers. Reports indicate the government utilized the COVID-19 pandemic to increase the number of political prisoners, thereby expanding its existing capacity to subject North Koreans to forced labor. The government used proceeds from state-sponsored forced labor to fund government functions, as well as other illicit activity. The government did not demonstrate any efforts to address human trafficking.



## PRIORITIZED RECOMMENDATIONS:

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

## PROSECUTION

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

prosecutions, or convictions of traffickers, including government employees complicit in forced labor or other trafficking crimes. Media reported the government publicly executed six persons, including four party officials (without conducting fair trials) for their alleged involvement in the facilitation of commercial sex acts with female college students. Reports suggested some of the women were forced to engage in commercial sex; however, there was no indication authorities adequately investigated the situation as sex trafficking. Further, authorities reportedly sent more than 50 students alleged to have engaged in commercial sex acts, some of whom were likely trafficking victims, to labor camps where they were subjected to three to six months' forced labor.

## PROTECTION

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

## PREVENTION

The government did not report any efforts to prevent trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that heightened their risk of trafficking in destination countries. The government made no efforts to raise awareness of human trafficking. The government did not make efforts to reduce the demand for commercial sex acts, nor did it provide anti-trafficking training to its diplomatic personnel. The DPRK is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers—including government officials—exploit North Koreans in the DPRK and abroad. Within North Korea, women and children are exploited in sex trafficking. Female college students unable to pay fees charged to them by universities to meet demands set by the government were vulnerable to sex trafficking. Forced labor is part of an established system of political repression and a pillar of the economic system in North Korea. The government subjects its nationals to forced labor in North Korean prison and labor camps, through mass mobilizations, and in overseas work. The law criminalizes defection, and individuals, including children, who cross the border for the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of "labor correction." In "serious" cases, the government subjects asylum seekers to indefinite terms of imprisonment and forced labor, confiscation of property, or death.

The DPRK holds an estimated 80,000 to 120,000 persons in political prison camps and an undetermined number of persons in other forms of detention facilities, including re-education through labor camps. In many cases, these prisoners have not been charged with a crime or prosecuted, convicted, and sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including in logging, mining, manufacturing, or farming for long hours under harsh conditions. In many cases, the government also detains all family members if one member is accused or arrested. Reports noted authorities subjected children to forced labor for up to 12 hours per day, did not allow them to leave the camps, and offered them limited access to education. The government subjects prisoners to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not

survive. Reporting indicates the government utilized the COVID-19 pandemic to increase the number of political prisoners, thereby expanding its existing capacity to subject North Koreans to forced labor. Authorities allegedly treated individuals who did not wear face masks or who were found to violate quarantine rules as criminals guilty of political crimes and sent them to political prison camps where they were subjected to a minimum of three months' forced labor. In 2020, the government reportedly created new, and expanded existing, political prison camps to accommodate the resulting increased prison populations; there were reports of further plans to expand the political prison camp system.

The North Korean government operates regional, local, and sub-district level labor camps and forces detainees to work for short periods doing hard labor while receiving little food and being subjected to abuse, including regular beatings. Authorities reportedly send people to these camps if they are suspected of engaging in simple trading schemes or are unemployed; North Koreans who were not officially registered as being employed for longer than 15 days were at risk of being sent to labor camps for a minimum of six months.

Officials forcibly mobilize adults and school children to work in various sectors, including in factories, agriculture, logging, mining, infrastructure work, information technology (IT), and construction. An NGO reported the government withholds food rations or imposes taxes against adults who do not participate in these forms of forced labor. There were reports that in 2020 government officials required all women in the area of Hyesan to work daily on construction and other projects; those physically unable to work had to pay a fine, and security forces arrested evaders. The law requires all citizens of working age to work and "strictly observe labor discipline and working hours." There are numerous reports that some farms and factories do not pay wages or provide food to their workers. According to reports from an NGO, during the implementation of short-term economic plans, factories and farms increase workers' hours and ask workers for contributions of grain and money to purchase supplies for renovations and repairs. By law, failure to meet economic plan goals may result in two years of "labor correction." In 2019, workers were reportedly required to work at enterprises to which the government assigned them, and then the enterprises failed to compensate or undercompensated them for their work.

Schools receive compensation from the government for labor conducted by children, and officials occasionally sent schoolchildren to work in factories or fields for short periods to complete special projects such as snow removal on major roads or meeting production goals. Schools also require students under the minimum working age to work to raise funds for faculty salaries and maintenance costs for school facilities. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites. Children aged 16 and 17 are enrolled in military-style youth construction brigades for 10-year periods and are subjected to long working hours and hazardous work. Authorities also sometimes subject children to mass mobilizations in agriculture away from their families, with excessive daily working hours, sometimes for periods of a month at a time. Children living in orphanages are often subjected to forced labor instead of attending school. The effects of such forced labor on children and students included physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies.

North Korean workers sent by the government to work abroad, including through bilateral agreements with foreign businesses or governments, also face conditions of forced labor. Credible reports show many North Koreans working overseas are subjected to working excessive hours, sometimes in hazardous temperatures, with restricted pay for up to three years at a time. They reportedly work on average between 12 and 16 hours a day, and sometimes up to 20 hours per day, and are allowed only one or two rest days per month. North Koreans work in a range of industries overseas, including but not limited to apparel, construction, footwear manufacturing, hospitality,

IT services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding. NGOs report the government manages these workers as a matter of state policy and that they were under constant and close surveillance by government security agents. Workers often reside in shared dormitories and have very limited freedom of movement. These workers face threats of government reprisals against them or their relatives in the DPRK if they attempt to escape or complain to outside parties. Workers' salaries are appropriated and often deposited into accounts controlled by the North Korean government, which justifies its retention of most of the money by claiming various "voluntary" contributions to government endeavors. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets. According to NGO reports, the North Korean government withholds 70-90 percent of wages from overseas workers, which generates an annual revenue to the North Korean government of hundreds of millions of dollars. Wages of some North Korean workers employed abroad reportedly are withheld until the workers return home, increasing their vulnerability to coercion and exploitation by authorities.

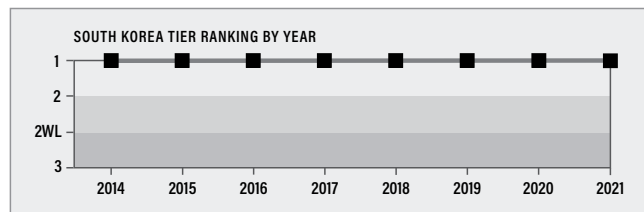
In 2017, UN Security Council resolutions prohibited UN Member States from issuing new or renewed work authorizations to DPRK overseas workers and required States to repatriate North Korean nationals earning income overseas, subject to limited exceptions, including for refugees and asylum seekers, no later than December 22, 2019. The vast majority of North Koreans employed outside the DPRK are located in Russia and China. Workers were also reportedly employed in a number of additional countries and regions in 2020, including Abkhazia (Russia-occupied region of Georgia), Angola, Cambodia, Equatorial Guinea, Guinea, Iran, Kenya, Malaysia, Mauritius, Mozambique, Niger, Oman, Qatar, Republic of the Congo, Senegal, South Sudan, Thailand, Uganda, and Vietnam. Some of these countries may have removed most or all of these workers during the year. However, reports suggested a number of countries either have not taken action or have resumed issuing work authorizations or other documentation, allowing these individuals to continue working, in violation of UN Security Council resolutions. There are an estimated 20,000-80,000 North Koreans working in China, primarily in restaurants and factories. The Government of Russia reportedly issued nearly 27,000 tourist and study visas to North Koreans in 2019, more than five times as many as it did during the previous year, strongly suggesting that these visas are being used inappropriately for workers; media reports highlight Russian court cases alleging that DPRK nationals on student visas were instead in Russia for the purpose of employment. In addition, official Russian statistics showed that nearly 3,000 tourist and study visas were issued to North Koreans in 2020. There were reports that the DPRK planned to send as many as 10,000 workers to Russia beginning in March 2021, where they will work for as long as three years.

North Koreans seeking to leave the DPRK due to the government's egregious human rights violations are vulnerable to sex and labor trafficking in neighboring China. Many of the North Korean refugees and asylum-seekers living irregularly in China are particularly vulnerable to traffickers who lure, drug, detain, or kidnap some North Korean women upon their arrival. Traffickers also operate networks spanning from China into North Korea to recruit North Korean women and girls to smuggle into China. For example, in border towns traffickers approach women with false promises of profitable employment that would enable them to pay broker fees associated with being smuggled to China. These women are subjected to physical abuse and sexual exploitation by their traffickers, forced into commercial sex in brothels or through internet sex sites, or compelled to work as hostesses in nightclubs or karaoke bars. Traffickers also sell North Korean women to Chinese men for forced marriages, whereby they are subsequently forced into commercial sex, domestic service, agricultural, or other types of work. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. As many as 30,000 children born in China to North Korean women and Chinese men

have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation. If found by Chinese authorities, trafficking victims are often forcibly returned to the DPRK, where they are subject to harsh punishment, including forced labor in labor camps, torture, forced abortions, or death. In 2020, however, North Korean authorities refused to accept more than 200 defectors detained by Chinese authorities due to the COVID-19 pandemic.

## KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (ROK or South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore South Korea remained on Tier 1. These efforts included prosecuting more offenders for trafficking-related crimes, identifying and providing services to 11 victims of labor trafficking, and drafting guidelines aimed at increasing protections for migrant fishermen. In March 2021, the National Assembly adopted the Prevention of Trafficking in Persons, Etc. and Victim Protection Act, which will go into effect in 2023 and included a definition of "trafficking in persons, etc..." that aligned more closely with the international definition of trafficking and will require the government to make future anti-trafficking efforts. Although the government meets the minimum standards, officials did not consistently utilize victim identification guidelines and the government did not track the number of trafficking victims identified by authorities. Courts sentenced the majority of offenders convicted for trafficking crimes to less than a year imprisonment, fines, or suspended sentences. Government officials penalized foreign sex trafficking victims for unlawful acts traffickers compelled them to commit and often deported victims without providing them adequate services or investigating their traffickers. Numerous NGOs stated that due to the absence of penalty provisions, it was unlikely the new law passed in March would improve efforts to bring traffickers to justice.



### PRIORITIZED RECOMMENDATIONS:

Ensure police, immigration, labor, and social welfare officials consistently use victim identification guidelines to increase identification of victims of labor and sex trafficking. • Proactively screen for victims among vulnerable populations, including individuals in commercial sex, fishermen, and migrant workers. • Criminalize all forms of trafficking in persons, in line with the definition of trafficking under the 2000 UN TIP Protocol, and that prescribes penalties that are sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes. • Increase efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking, including for those who use forced labor on South Korean-flagged fishing vessels. • Cease the penalization of victims for unlawful acts traffickers compelled them to commit, including by improving coordination between police and immigration in cases involving foreign victims. • Punish the majority of convicted traffickers to significant prison terms exceeding one year. • Provide trauma-informed training to law enforcement to ensure they use victim-centered approaches in investigations and victim protection. • Establish and implement formal procedures for police, immigration, labor, and social welfare officials to refer both sex and labor trafficking victims to support services. • Increase efforts



to train law enforcement officers, prosecutors, judicial officials, and social service providers to better understand “trafficking” as defined by international law. • Take steps to increase and enforce protections for migrant fishermen, including by reducing the amount of time high-risk vessels are able to legally remain at sea without returning to port, and develop a more consistent and effective system for inspecting the labor conditions of fishing vessels. • Improve the quality of specialized services provided to trafficking victims, especially male, child, foreign, and disabled victims. • Establish a system to collect trafficking law enforcement and victim protection data that distinguishes trafficking from other crimes such as commercial sex. • Increase interagency coordination on efforts to combat both sex and labor trafficking. • Prohibit the confiscation of workers’ identity documents, including passports, and take steps to enforce this prohibition and punish violators. • Take steps to eliminate recruitment and/or placement fees charged to workers by labor recruiters in the ROK and workers’ home countries and ensure any recruitment fees are paid by employers.

## PROSECUTION

The government maintained law enforcement efforts, but continued to make inadequate efforts to prosecute labor traffickers, especially in the fishing industry. Various articles under Chapter 31 of the Criminal Act, when read together, criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years’ imprisonment for trafficking crimes, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, Article 289 (“trafficking in persons”) limited the definition of trafficking to require the buying or selling of another for exploitation and did not include a demonstration of force, fraud, or coercion as an essential element of the crime. However, Articles 288 (“kidnapping, abduction, etc. for the purpose of indecent acts, etc.”) and 292 (“receiving, harboring, etc. of person kidnapped, abducted, trafficked or transported”) could apply to trafficking offenses not covered under Article 289. Similarly, Article 12 of the Act on the Protection of Children and Juveniles Against Sexual Abuse incorrectly defined child sex trafficking to require transnational movement of the victim. However, various other articles under the law could be applied to child sex trafficking offenses that did not involve such movement. The absence of a criminal offense that defined trafficking consistent with international law resulted in varying understanding of the crime among law enforcement and prosecutors. Government officials frequently believed trafficking required the buying and selling of a person, and conflated trafficking with related crimes such as commercial sex, kidnapping, domestic violence, and other forms of sexual abuse. In March 2021, the government adopted the Prevention of Trafficking in Persons, Etc. and Victim Protection Act, which will come into effect in January 2023. While the law included a definition of “trafficking in persons, etc...” which aligned more closely with the international definition of trafficking, it did not include penalty provisions. The government stated penalty provisions were unnecessary because officials could prosecute traffickers under various statutes in the existing legal framework and that a new criminal statute could harm existing efforts to prosecute traffickers. However, numerous NGOs and anti-trafficking experts noted the government has not effectively used the existing legal framework to prosecute traffickers and many traffickers often go unpunished; therefore, it is unclear that this new law will result in increased trafficking prosecutions and convictions.

While the government maintained general statistics on victims and offenders across all subsections of the criminal code, it did not adequately distinguish trafficking cases from related crimes such as commercial sex and kidnapping. This made it difficult to determine which law enforcement actions reported by the government involved human trafficking as defined by international law. In 2020, the government did not report the number of trafficking cases investigated in 2020 (13 in 2019) but reported it indicted 133 suspects (90 in 2019) and convicted 59 traffickers (77 in 2019) for

crimes related to trafficking. The government reported sentencing 28 traffickers to at least one year imprisonment (30 in 2019). While a greater percentage of traffickers were sentenced to at least one year of imprisonment than in 2019, the majority of those convicted for trafficking-related crimes were sentenced to less than one year imprisonment, suspended terms of imprisonment, or fines. This weakened deterrence and undercut the government’s overall anti-trafficking efforts. In one high-profile case, a court sentenced one offender to 40 years’ imprisonment for leading an organization that forced more than 100 women and girls to create videos of sex acts and images that were uploaded to and sold on an online chat room; several accomplices were also sentenced to significant prison terms. Observers reported the government’s failure to sentence the majority of traffickers to significant terms of imprisonment resulted in impunity for traffickers in ROK and some instances of previously convicted offenders resuming trafficking activities.

The government did not report any criminal investigations or prosecutions of South Korean men who, according to anecdotal reports prior to the pandemic, engaged in child sex tourism abroad. While the government reported investigating four cases of labor trafficking involving Korean victims with intellectual disabilities in 2020, it did not identify any cases of labor trafficking on Korean-flagged fishing vessels, despite ongoing reports that forced labor of migrant fishermen remained widespread in Korea’s distant and coastal water fishing fleets. NGO experts reported the government did not implement adequate or frequent inspections of fishing vessels, which resulted in minimal regulation and impunity for boat captains and others who exploited migrant workers, including in forced labor. The government’s efforts to investigate trafficking in the fishing industry were also ineffective due to its interview methods of workers, which often involved preannounced visits and were conducted in locations such as the offices of labor unions where fishermen were not comfortable speaking openly. Article 167(3) of the Seafarer’s Act prohibited forced labor on fishing vessels, but the government has reportedly never used this provision to convict trafficking on Korean-flagged vessels. The government also did not report prosecuting any cases involving the exploitation of migrant workers in forced labor in other industries, despite widespread reports from NGOs that this continued to occur. NGOs working with labor trafficking victims reported that immigration officials and labor inspectors continued to lack an understanding of the crime, which resulted in officials treating potential labor trafficking cases as administrative labor violations.

The Korean National Police Agency (KNPA) included anti-trafficking education in five police trainings in 2020, included modules on identifying victims of sex trafficking in its police academy training, and reported that all police station employees received training on the prevention of sex trafficking once per year. As in previous years, trainings for law enforcement did not specifically address labor trafficking, and some officials reportedly demonstrated a lack of understanding of the crime, particularly in cases involving debt-based coercion. Some NGOs noted trainings for law enforcement were not effective at improving anti-trafficking efforts. Police, prosecutors, and government-provided interpreters did not use trauma-informed practices when interviewing victims, which inhibited their ability to effectively collect evidence and testimony from victims to pursue charges against their traffickers. Law enforcement did not proactively investigate trafficking cases and declined to pursue charges in some suspected trafficking cases for unclear reasons, sometimes due to a lack of understanding of tactics used by traffickers. In previous years some NGOs expressed concern that the government often did not prosecute cases involving debt-based coercion due to a perceived lack of jurisdiction over recruitment that generally originated in a victim’s home country. The lack of an option to provide foreign trafficking victims with long-term or permanent residency discouraged victims from participating as witnesses in investigations of their traffickers. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking

crimes; however, there were anecdotal reports of corruption and official complicity in trafficking crimes.

## PROTECTION

The government maintained efforts to protect sex trafficking victims but made inadequate efforts to protect labor trafficking victims and prevent the penalization of foreign victims. Officials continued to be unable to track or provide the number of trafficking victims identified or referred to services, thereby making some aspects of their overall protection efforts unclear. The government continued to distribute victim identification guidelines created by the National Human Rights Center of Korea (NHRCK) to police, prosecutors, and coast guard officials but the government lacked formal procedures to refer victims to care. MOGEF also continued to distribute the Guidelines for the Identification of Sex Trafficking Victims to some officials. Nonetheless, law enforcement often did not take steps to proactively identify victims, failed to identify many victims, and many officials did not adequately implement identification procedures. One NGO reported that despite the existence of the NHRCK and MOGEF screening tools, immigration and other law enforcement officials did not use them in practice. Labor inspectors did not utilize victim identification guidelines during inspections. KNPA continued to train investigators on the NHRCK guidelines. MOGEF provided training to 262 of its staff working in facilities that support victims of sex trafficking in 2020. The Ministry of Employment and Labor (MOEL) conducted annual trainings for labor inspectors on labor laws, including the prohibition of forced labor.

MOGEF conducted outreach in “red-light districts” to assist individuals in commercial sex but did not report how many trafficking victims it identified through these efforts. Law enforcement referred individuals in commercial sex to support facilities operated or funded by MOGEF but did not identify how many were victims of sex trafficking. MOGEF provided services to 6,743 individuals in its support facilities in 2020, compared to 6,924 in 2019. The government reported providing services to four South Koreans, including three with intellectual disabilities, identified as victims of labor trafficking. However, despite ongoing concerns that migrant workers are exploited in labor trafficking in various industries, the government reported identifying only seven migrant workers exploited in labor trafficking during the reporting period. The government did not assist in the repatriation of any Korean victims exploited abroad during the reporting period. KNPA operated teams that were responsible for guiding all crime victims, which could include trafficking victims, from the initial point of contact with law enforcement to protection and support systems. However, the government did not have a formal referral process to guide officials in referring trafficking victims to services. Police did not consistently use a victim-centered approach in investigations, and instead used practices such as subjecting victims to lengthy interviews immediately after their identification resulting in re-traumatization. Officers were sometimes unaware of the rights of trafficking victims, and asked NGOs for information on government laws and policies related to trafficking. A Thai NGO working with Thai sex trafficking victims exploited in South Korea expressed concern about the quality of care the victims had received from the government in the ROK before they were repatriated to Thailand. In addition, when exploited workers contacted government hotlines or migrant support centers, some officials reportedly did not take steps to screen cases for potential indicators of trafficking or refer victims to services, and instead often encouraged workers to remedy their situation through their employer. As part of a new education program created in 2020, MOEL trained 35 officers in charge of issuing employment permits to migrant workers in identifying human trafficking cases. The Ministry of Justice (MOJ) reported it continued to implement regulations established in January 2020 that require entertainer visa holders to complete a sex trafficking identification questionnaire when renewing their visa status. However, NGOs continued to note concerns that this measure required victims to self-identify, that victims’ well-founded fears of penalization and deportation made it unlikely they would reveal their exploitation through such questionnaires, and

that the government did not establish corresponding guidelines for immigration officials on what steps they should take if a visa holder reported any indicators of trafficking.

MOGEF supported 96 facilities that provided services to victims of crime. These facilities were available to assist trafficking victims through counseling services, shelter, education, and rehabilitation support; however, the government did not report providing services designed specifically for trafficking victims. While these facilities primarily served female victims, the government made some services, such as counseling, medical, and legal assistance, available to male victims. Nonetheless, NGOs continued to report that the quality of victim care was insufficient, particularly for male, disabled, foreign, and child victims, and also that assistance was inconsistently provided to foreign victims. In addition, the government did not provide undocumented victims some services unless they cooperated with law enforcement in the investigation of their traffickers. An amendment to the Act on the Protection of Children and Youth against Sexual Offenses adopted in May 2020 defined children under the age of 19 in commercial sex as victims who should be provided counseling, medical assistance, legal support, and other assistance. Victims could file civil suits to receive compensation; the government did not report whether any victims received such compensation. The government issued G-1 visas to foreign victims of crimes, which allowed victims to stay and work in South Korea for up to one year while cooperating in investigations and prosecutions; because the government did not track identified victims, it was unable to provide the number, if any, of trafficking victims it issued G-1 visas. MOJ also reported foreign victims of sexual violence and trafficking were exempt from immigration penalties for remaining in the country beyond the permitted period of stay; five victims benefited from this provision during the reporting period, although it is unclear how many of these were victims of trafficking. Despite these benefits, the government did not provide legal alternatives to foreign victims’ removal to countries in which they face retribution or hardship and authorities frequently detained or deported foreign victims.

NGOs also continued to report that some government officials’ lack of understanding of all forms of trafficking resulted in the misidentification and penalization of some victims for unlawful acts traffickers compelled them to commit. The government detained some foreign sex trafficking victims during investigations against their traffickers and deported them after investigations were completed. In addition, police arrested foreign sex trafficking victims, including at least one child during the reporting period, did not screen them for trafficking, and instead interrogated and penalized them for unlawful acts traffickers compelled them to commit. KNPA, MOJ, and the Ministry of Oceans and Fisheries (MOF) acknowledged some such instances of deportation of foreign trafficking victims, including some who self-reported, and attributed it to a breakdown in communication between investigators and immigration authorities. KNPA reported it had a policy to not inform immigration officials of the illegal status of victims who self-reported their exploitation to authorities; however, this policy was not extended to victims who did not self-identify or were not accompanied by legal counsel or other service providers. The lack of a comprehensive policy across ministries to protect foreign trafficking victims from arbitrary deportation may have disincentivized KNPA from communicating with immigration to the detriment of information-sharing on trafficking trends and ensuring KNPA thoroughly investigated cases. Some police also reportedly believed KNPA policy required the detention and deportation of undocumented foreign victims whom traffickers had forced to commit unlawful acts; according to one NGO, police reported they were required to refer victims to immigration authorities within 48 hours. During raids against entertainment establishments, where sex trafficking was common, police did not investigate trafficking, did not use guidelines to screen for trafficking victims, and often investigated victims rather than their traffickers.

## PREVENTION

The government maintained efforts to prevent trafficking. The government continued to coordinate efforts to prevent sex trafficking. An interagency taskforce established in March 2020 drafted the Act on the Prevention of Trafficking, etc. and Victim Protection and solicited feedback from civil society groups; the National Assembly adopted the legislation in March 2021. The legislation, which will not go into effect until 2023, will require the creation of a national anti-trafficking policy coordinator council, national action plans every five years, and 18 trafficking victim protection centers, among other initiatives. However, anti-trafficking NGOs widely criticized the legislation for its lack of penalty provisions for human trafficking and the usage of the term "human trafficking, etc." which they stated is unlikely to address ongoing misunderstandings of the crime among government officials. The government continued efforts to raise awareness of sex trafficking through public broadcasting programs and ad campaigns on social media. However, while the coast guard issued press releases on its efforts to identify human rights violations against seafarers and persons with disabilities working in the fishing industry, the government did not make sufficient efforts to raise awareness of labor trafficking. Some NGOs reported an absence of effective or widespread anti-trafficking education campaigns, which contributed to low levels of awareness of human trafficking among the public. MOGEF continued to distribute trafficking awareness leaflets to Korean diplomatic missions abroad and anti-trafficking organizations in countries where Koreans were vulnerable to trafficking. To reduce the demand for commercial sex acts, officials provided schools, government agencies, and other public organizations with anti-commercial sex and trafficking education programs, and it publicized the illegality of child sex tourism in airports. The government did not operate a hotline specifically for reporting potential trafficking crimes, but MOGEF continued to operate hotlines in 13 languages that were accessible to trafficking victims. MOF operated two call centers to provide counseling for migrant seafarers. The hotlines provide counseling and interpreting services in Indonesian, Vietnamese, Chinese, and Burmese languages. In 2020, the two call centers made 31 and two referrals, respectively.

NGOs continued to report traffickers exploited migrant workers through the government's Employment Permit System (EPS). MOEL provided pre- and post-arrival education on labor and occupational safety, health laws, and sexual abuse to migrants working under EPS, and provided training to 2,356 ROK employers of foreign workers on the same subjects. MOEL provided interpretation, medical treatment, and counseling services to migrant workers through 44 support centers that were partially funded by the government. NGOs expressed concern that the government did not adequately investigate unscrupulous recruitment agencies. The government's restrictions on the ability of migrant workers employed under EPS to change employers increased their vulnerability to exploitation. The government asserted it permitted workers who reported exploitation or labor violations to MOEL to change their employers while MOEL investigated their claims. According to NGOs, however, MOEL reportedly did not adequately investigate workers' claims and instead workers spent months attempting to prove their exploitation to MOEL before receiving permission to change their place of employment. In addition, employers who exploited their workers often only received small fines or suspended sentences. During the reporting period, MOEL established a training program for officials in charge of issuing employment permits to migrant workers; it trained 35 officials on human trafficking definitions and indicators through this program. MOEL extended the employment period of some migrants who worked in agriculture, the fishing sector, and in other industries under EPS and who were unable to leave the ROK due to travel restrictions related to the pandemic.

Traffickers capitalized on gaps in Korean labor laws to exploit foreign fishermen in forced labor. The Seafarers Act exempted migrant workers from the legal working and rest hours, overtime pay, and paid holidays prescribed for Korean fishermen. The Seafarer's Act stated

that the Minister of Oceans and Fisheries can set the minimum wage of seafarers (including fishermen), and while the Labor Standards Act applied to all seafarers and prohibited discrimination on the grounds of nationality, the annual Ministerial Notification on the Minimum Wage of Seafarers only set a minimum wage for Korean crewmembers. This allowed employment and fisheries associations, as well as the National Distant Water Fisheries Trade Union, to ultimately decide the minimum wage of migrant fishermen. These wages were not made public, but one NGO reported the minimum wage for migrant fishermen was ten times less than the minimum wage of Korean fishermen and that migrant workers often did not receive holiday or overtime pay. Furthermore, the government did not mandate fishing vessels return to ports for routine labor inspections. NGOs reported that unless they required maintenance, vessels were able to avoid returning to port and that many vessels remained at sea for more than a year at a time. The law also did not prohibit exploitative wage deductions or prohibit worker-charged recruitment fees, which enabled traffickers to use debt-based coercion to exploit migrant fishermen, as well as workers in other industries. To address some of these gaps, the government worked with employers and labor unions to develop and release two sets of guidelines and measures for protecting migrant fishermen in June and December 2020. These guidelines aimed to improve the transparency of wage payments, improve regulation of recruitment agencies in sending countries, guarantee rest hours, introduce a standard labor contract, and ensure the provision of potable drinking water. However, NGO experts reported these newly announced measures would not be permanent or codified in law, and noted they did not include measures to ensure workers had access to their identify documents or ban the confiscation of passports. In addition as part of these measures, MOF announced that it would allow the National Federation of Fisheries Cooperatives (NFFC), which NGOs reported was not a government agency, to regulate the migrant worker recruitment process. NGOs expressed concern that this would not improve exploitative recruitment practices as similar arrangements with NFFC had been made in the past and unscrupulous practices continued. In addition, they noted the following gaps in the announced measures: a standard labor contract was already required by the Seafarers Act but not adequately enforced by the government; the planned measures with regards to minimum wages of migrant fishermen would still violate the Labor Standards Act ban on discrimination based on nationality; the measures allowed for flexible provision of rest hours which could still result in workers receiving minimal consecutive rest hours; the measures did not clearly define what would constitute a recruitment fee, (which the measures stated would be paid by the ship-owning company) thereby allowing workers to be charged recruitment costs under other terminology; and the measures allowed vessels to remain at sea for a maximum of 15 consecutive months. Furthermore, the government did not clearly explain how it would enforce these measures, especially when it did not require routine inspections.

The Korean Coast Guard and MOF conducted surveys of working conditions for fishermen and other marine workers in May and June 2020, which resulted in 103 arrests of ship owners, captains, fish farm operators, and others in 2020. MOEL inspected 7,137 workplaces and 493 residential facilities for migrant workers to ensure their suitable living conditions. Nonetheless, NGOs reported some migrant workers continued to live in inadequate conditions which likely exacerbated the exploitation of those in forced labor conditions. MOEL often provided employers advance notice of when inspections would take place, allowing unscrupulous employers to hide indicators of trafficking and coach victims for interviews ahead of inspections. MOGEF revised regulations related to the marriage brokerage business to prohibit international marriage advertisements that commercialize sex acts. Local governments encouraged and provided financial assistance to South Korean farmers to pursue marriages to foreign women through brokers; some of these women are exploited in sex trafficking and domestic servitude.



## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in South Korea, and traffickers exploit victims from South Korea abroad. Traffickers exploit South Korean women and children, including children who run away from home and victims of domestic violence, in commercial sex including in bars, nightclubs, and other entertainment establishments, or through internet-advertised escort services. Traffickers increasingly utilized smartphone and chat applications to recruit and coerce victims to engage in commercial sex acts and to facilitate trafficking by communicating with purchasers of commercial sex. Chat room operators recruit Korean women and children, including child sex trafficking victims, and threaten them with the release of compromising photographs to coerce them to participate in the production of pornographic materials. Traffickers exploit South Korean women overseas, including in the United States, in sex trafficking in massage parlors, salons, bars, and restaurants, or through internet-advertised escort services, often through debt-based coercion. Traffickers subject men and women primarily from China, Thailand, Russia, the Philippines, Vietnam, Indonesia, Morocco, and other countries in Asia, the Middle East, and South America, to forced labor and sex trafficking in South Korea. Traffickers force victims who owe debts to entertainment establishment owners or loan sharks into commercial sex. Sex traffickers exploit some foreign women on E-2 entertainment visas—many from the Philippines and Thailand—in bars and clubs, including “foreigners only” bars near ports and U.S. military bases. However, many of the clubs that catered to U.S. military personnel remained closed since early 2020 due to the pandemic. Job brokers, unscrupulous recruitment agencies, and managers or owners of bars and clubs recruit foreign women under false promises of jobs as singers or performers but instead coerce victims to work excessive hours selling juice and alcohol, and to engage in commercial sex acts in clubs. Recruiters and owners of massage parlors fraudulently recruit women for work as professional masseuses in Korea, but force them to engage in commercial sex acts, sometimes through passport confiscation, physical violence, and threats of deportation or violence. Some victims are not provided an adequate number of days off, face harassment, verbal and physical abuse, and are paid less than the minimum wage or have their wages withheld to discourage them from leaving Korea or seeking new employment. Some bar managers reportedly confiscate victims’ passports or alien registration cards and restrict their ability to go outside their workplace. Women from the Philippines and other countries in Asia enter Korea on tourist visas after receiving false promises of short-term work in factories or other industries but then have their passports confiscated by traffickers who force them to work in clubs and engage in commercial sex acts; however, this likely occurred less frequently during the reporting period due to pandemic-related restrictions on the issuance of visas. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia, who are recruited for marriages to South Korean men through international marriage brokers, are vulnerable to sex trafficking and forced labor after their arrival. Some South Korean men reportedly engage in child sex tourism in other Asian countries; however, this likely occurred less frequently during the reporting period due to the pandemic. Travel restrictions and quarantine requirements related to the pandemic prevented traffickers from recruiting some foreign trafficking victims during the reporting period; this resulted in the increased exploitation of migrant women who were already in Korea. As the entertainment industry experienced a loss of business, some traffickers also used increased levels of violence and other forms of exploitation to force victims into commercial sex. Some brokers also force Korean women who worked in clubs prior to the pandemic into commercial sex.

Traffickers have forced some physically or intellectually disabled South Korean men to work on fishing vessels, and fish, salt, and cattle farms. Unscrupulous labor recruiters contribute to the forced labor of migrant workers, especially those from Vietnam, the Philippines, Thailand, Cambodia, Indonesia, and Mongolia through debt-based coercion by charging workers excessive fees, sometimes leading to

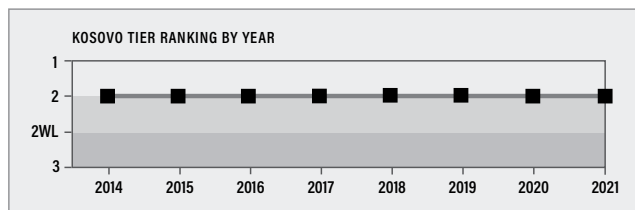
thousands of dollars in debt. Approximately 200,000 migrant workers employed under the government’s Employment Permit System work in fishing, agriculture, livestock, restaurants, and manufacturing. Undocumented workers are also employed in these sectors, though there are no official statistics on their numbers. Some workers, both documented and undocumented, face conditions indicative of forced labor. Many migrant workers in the agriculture sector are forced to live in inadequate housing, sometime in greenhouses, shipping containers, or dormitories. South Korea is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. There are ongoing reports of widespread abuse, including forced labor, of migrant workers in the Korean fishing fleet, one of the world’s largest distant water fishing fleets. Recruiters, boat owners, captains, and job brokers often use debt-based coercion to exploit migrant fisherman in forced labor on Korean-flagged or -owned vessels. Reports estimate that nearly 4,000 migrant workers, mainly from Indonesia, are employed on these vessels. Korean distant water fishing vessels frequently use at-sea trans-shipment of catches and can often stay at sea for a year or longer without visiting a port, limiting the ability of workers to report exploitation to authorities or to safely leave their exploitation. According to one study, Korean longline fishing vessels spend the longest amount of time at sea, travel the furthest distances, and have the longest daily fishing hours when compared with the world’s 25 largest longline fishing fleets. Recruitment agencies and job brokers often charge fishermen excessive recruitment fees, sometimes as much as \$13,000 for Indonesian and Vietnamese fisherman working on vessels in coastal waters, increasing their vulnerability to debt-based coercion. Migrant fishermen on distant water vessels often have the first three months of their wages withheld to serve as a “deposit” that they are unable to receive back until the completion of their contract. These workers are often then forced to work excessive hours, up to 20 hours per day, with limited rest hours or days off, face physical and verbal abuse by boat captains, salary deductions, are not provided adequate food and water, and are forced to live and work in unsanitary conditions. It is common for recruitment agencies, captains, and skippers, to retain coastal and distant water fishermen’s passports to prevent them from leaving their employment.

Anecdotal reports indicated government officials were occasionally complicit in trafficking and related crimes. Traffickers reportedly utilized partnerships with some law enforcement authorities to threaten victims with penalization and deportation. In one reported instance, an employer received information from corrupt police and immigration officials ahead of raids or immigration checks. NGOs reported some government employees, including police, sexually exploited children and solicited individuals in commercial sex, some of whom may have been sex trafficking victims.

## KOSOVO: TIER 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Kosovo remained on Tier 2. These efforts included adopting new standard operating procedures (SOPs) to increase the efficiency of prosecutions and designating a trafficking point of contact in all seven basic prosecution offices. The government increased resources for victim protection, including funds to NGO-run and state-run anti-trafficking shelters. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers, and judges continued to impose insufficient sentences on convicted traffickers. First responders lacked guidance on how to handle and proactively identify victims of forced begging, especially children. Due to the pandemic, the National Agency Against

Trafficking in Persons (NAATIP) did not regularly hold meetings, and the government did not adopt the 2020-2024 Anti-trafficking National Strategy and Action Plan.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence convicted traffickers to prison terms consistent with prescribed penalties. • Develop written guidance and enhance efforts to identify and assist children exploited in forced begging. • Adopt, resource, and implement the 2020-2024 Anti-trafficking National Strategy and Action Plan. • Designate trained prosecutors and judges in every region to handle trafficking cases. • Continue providing advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Further reduce the judiciary's backlog of cases, including trafficking cases. • Work with local authorities to strengthen victim protection throughout Kosovo, but particularly in the northern municipalities. • Increase government support for comprehensive vocational training and reintegration services for victims. • Standardize data collection and create a database that disaggregates statistics for trafficking and trafficking-related prosecutions and convictions. • Provide hotline operators training on handling trafficking cases.

### PROSECUTION

The government maintained law enforcement efforts. Article 165 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of five to 12 years' imprisonment and a fine for offenses involving adult victims and five to 15 years' imprisonment and a fine for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In November 2018, the government revised the criminal code, which went into force in April 2019, and reclassified all forced prostitution offenses as trafficking and increased the minimum punishment for child trafficking from three years to five years' imprisonment. Police, prosecutors, and courts maintained different methods for counting cases, resulting in inconsistent statistics across databases. Police initiated 62 new trafficking cases (43 cases in 2019) and arrested 10 additional suspects for "utilizing sexual services from a trafficking victim" (nine in 2019). Authorities prosecuted 20 new cases involving 32 suspects (43 new cases involving 80 suspects in 2019). Courts convicted three traffickers (eight in 2019) and convicted one perpetrator who "utilized sexual services from a trafficking victim" (five in 2019). Judges continued to issue sentences below the minimum penalty of five years' imprisonment. One convicted trafficker received a two-year suspended sentence; one trafficker received six months' imprisonment and a fine of €5,000 (\$6,130); and one received three years' imprisonment and a fine of €500 (\$610). The perpetrator convicted for "utilizing sexual services from a trafficking victim" received one year imprisonment. Courts slightly reduced the overall backlog of trafficking cases; 68 cases remained open from previous years, compared with 74 in 2019.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases through its eight regional units, and it also maintained a unit in the predominantly ethnic Serb northern municipalities. The Chief State Prosecutor's Office (CSPO) continued to designate a special coordinator for trafficking to monitor cases, provide guidance, and participate in the task force. The government adopted new SOPs to increase the

efficiency of prosecution efforts and designated a trafficking point of contact in all seven basic prosecution offices. THBD cooperated with the Labor Inspectorate to conduct 77 joint inspections of bars, nightclubs, restaurants, and massage parlors (171 in 2019). Separately, THBD also conducted joint operations with the Ministry of Trade and Industry, Tax Administration, and Labor Inspectorate to screen 59 coffee bars, nine massage parlors, four private houses, and three hotels, which led to the closure of 39 premises (78 in 2019). Observers reported the lack of trafficking training and experience among most prosecutors and judges resulted in weak sentences or cases that were instead charged as a lesser crime, especially cases involving emotional control or psychological coercion of a victim. Additionally, KP and border police required further guidance on when to classify forced begging of children by their parents as trafficking, instead of as parental neglect or abuse.

CSPO trained judges and prosecutors, and the KP Training Department, in cooperation with international organizations, held 26 training events (48 in 2019). The Justice Academy trained prosecutors, judges, and victim advocates on trafficking issues. The government exchanged information with foreign governments on 18 trafficking cases (30 in 2019) and cooperated with Albania, Germany, North Macedonia, and Moldova on investigations. THBD, CSPO, and the KP Inspectorate cooperated to investigate government employees potentially complicit in trafficking offenses but did not report any new cases. Corruption and official complicity in trafficking crimes remained a concern, inhibiting law enforcement action during the year. In 2016, prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. In 2019, Pristina Basic Court acquitted one of the officers.

### PROTECTION

The government maintained victim protection efforts. The government identified 17 trafficking victims (26 in 2019). Of these, seven were exploited in sex trafficking and 10 in forced labor (20 were exploited in sex trafficking, three in forced labor, two in "slavery and servitude," and one in domestic servitude through forced marriage in 2019). Fifteen of the victims were children (the same number as in 2019); there were seven female and 10 male victims (23 females and three males in 2019); all victims were from Kosovo (21 were from Kosovo, two from Serbia, two from Montenegro, and one from Albania in 2019). First responders used standard indicators to screen vulnerable populations; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children. A multi-disciplinary national referral mechanism (NRM) provided SOPs for identifying and referring victims to services. The NRM required an investigator from the THBD and a victim's advocate from the Victim's Assistance and Advocacy Office to convene and assess the victim as low, medium, or high risk of danger and coordinate victim care and placement; the NRM also required a social worker for child victims to participate in the assessment. NGOs continued to report the NRM functioned well and highlighted good cooperation among actors.

The government licensed and partially funded two NGO-run shelters to provide services to victims, along with the state-run Interim Security Facility (ISF). ISF temporarily accommodated victims assessed as high-risk, such as victims with their trafficker still at large, victims testifying in court proceedings, or victims awaiting repatriation. Authorities required victims to have a police escort outside of the ISF while court proceedings were ongoing and required an approval from a prosecutor and the KP for high-risk victims to permanently leave the ISF. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families, and victims stayed for an average of 90 days before transferring to an NGO-run shelter. In 2020, ISF accommodated nine victims (27 victims in 2019). The three shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and rehabilitative support. During the pandemic, the shelters also administered COVID-19 tests

to victims immediately after arrival, to ensure COVID-positive victims received medical attention and safety precautions. The Center for Social Welfare (CSW) also provided services to child victims but, due to the pandemic, CSW reduced work hours and the number of working social workers resulting in fewer referred cases and challenges in offering 24-hour guardianship. Civil society reported good quality of care for victims, but reintegration programs had limited success due to a lack of resources and high overall unemployment.

The government allocated €205,000 (\$251,530) for victim protection, an increase from €172,960 (\$212,220) in 2019. This included an increase in funds for NGO-run shelters after years of inadequate funding and bureaucratic delays; NGO-run shelters received €105,000 (\$128,830), compared with €67,000 (\$82,210) in 2019 and €70,680 (\$86,720) in 2018. ISF received €100,000 (\$122,700), compared with €80,000 (\$98,160) in 2019 and 2018. The Pristina municipal government also provided €13,000 (\$15,950) to one of the NGO-run shelters, compared with €7,100 (\$8,710) in 2019. NGO-run shelters reported government funding in 2020 was satisfactory. There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of consistent identification procedures for forced begging, some children may have remained unidentified within the law enforcement system. The law entitled foreign victims to a 90-day reflection period in which victims can recover before deciding whether to cooperate with law enforcement. Authorities afforded foreign victims the same rights and services as domestic victims, and the law entitled foreign victims to a temporary residence permit for at least six months; no foreign victims requested a permit in 2020 (same as in 2019). The government assisted in repatriating three victims (two in 2019). All 17 victims participated in investigations by providing statements to THBD, prosecutors, and pre-trial judges (26 in 2019). The government reported suspected traffickers were not present when victims provided statements and foreign victims could return to their countries of origin after testifying without waiting for the conclusion of the trial. The law allowed compensation from the state if victims could not get restitution from their traffickers; one victim received €3,000 (\$3,680) for mental health damages from the compensation fund (one child victim received €2,000 (\$2,450) in 2019).

## PREVENTION

The government decreased efforts to prevent trafficking, particularly due to the pandemic. NAATIP, composed of representatives from eight government ministries, the judiciary, municipal offices, victim advocates, NGOs, and international observers, coordinated interagency efforts and produced quarterly reports but did not regularly hold meetings due to the pandemic. In 2019, the government, in consultation with civil society, drafted the Anti-trafficking National Strategy and Action Plan 2020-2024; however, its approval remained pending, in part due to delays caused by the pandemic. While civil society reported NAATIP was less active, it highlighted strong cooperation with NAATIP and the national coordinator, including responsiveness to recommendations and concerns. The government organized an annual month-long awareness campaign and produced a video on child begging, but few events took place due to pandemic mitigation efforts. Separately, the government distributed leaflets on health services to trafficking victims, and THBD distributed leaflets at border points and held lectures and roundtables on anti-trafficking efforts. The Ministry of Labor and Social Welfare maintained a legal framework for the registration and licensing of private sector employers, including foreign employment agencies. The government-operated hotline for victims of domestic violence and other crimes received 650 calls (831 in 2019), including six potential trafficking cases (nine in 2019). Observers reported operators needed training to respond properly to trafficking-related calls. The government aired a public service announcement to reduce the demand for commercial sex acts.

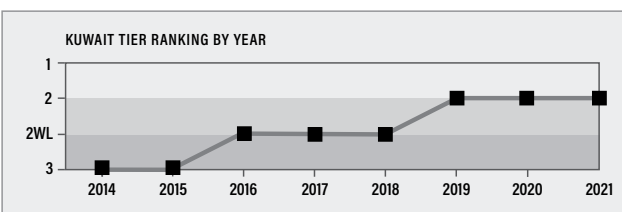
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic

and foreign victims in Kosovo, and traffickers exploit victims from Kosovo abroad. Criminal networks exploited victims in sex trafficking internally. Many sex trafficking victims in Kosovo are girls, although traffickers also force women from Albania, Moldova, Montenegro, Romania, Serbia, and other European countries into sex trafficking. Women and girls are exploited in sex trafficking in private homes and apartments, nightclubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Traffickers subject Kosovo citizens to sex trafficking and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. LGBTQI+ persons, migrants, asylum seekers, and refugees also experience a higher risk to trafficking.

## KUWAIT: TIER 2

The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Kuwait remained on Tier 2. These efforts included continuing to utilize its specialized trafficking unit to investigate potential trafficking crimes and increase prosecutions and convictions under the anti-trafficking law, including taking legal action against complicit officials. It provided shelter and protection services to victims of trafficking, executed new policies to protect workers vulnerable to trafficking, and launched an employment accreditation system in collaboration with two international organizations to protect vulnerable workers through the labor recruitment process. However, the government did not meet the minimum standards in several key areas. Some officials continued to routinely use arbitration and administrative penalties to resolve grievances filed by domestic and other migrant workers instead of investigating such cases as human trafficking crimes; protracted litigation and subsequent appeals processes led most victims to decline to file court cases. The government did not regularly use standard procedures for proactively identifying victims and referring them for protection services, and it continued to detain, prosecute, and deport trafficking victims, including those fleeing forced labor.



## PRIORITIZED RECOMMENDATIONS:

Continue to increase law enforcement efforts to investigate, prosecute, and convict traffickers, including Kuwaiti citizens and allegedly complicit officials, under the 2013 anti-trafficking law rather than treating potential forced labor cases as administrative violations.

- Proactively screen for trafficking indicators among vulnerable populations including those in government shelters, during migrant roundups, and during amnesty periods to ensure victims are not wrongfully penalized or deported for unlawful acts traffickers compelled them to commit.
- Institute reforms to the sponsorship-based employment system, including by allowing all workers to change employers without necessitated employer approval, ceasing prosecution of workers who flee their employment, ensuring no recruitment fees are transferred to workers, and increasing oversight of recruitment agencies and companies.
- In adherence to Kuwaiti labor law, increase investigations and punishment of employers



who illegally confiscate migrant workers' passports. • Strengthen efforts to punish potential forced labor crimes criminally instead of administratively and refer instances of trafficking indicators, such as complaints of non-payment of wages, passport confiscation, and restriction of movement, for investigation as potential trafficking crimes. • Institute trainings for all relevant officials on mechanisms to proactively identify and refer to protection services all victims of human trafficking and routinely employ these procedures. • Continue to strengthen enforcement of the domestic labor law to ensure domestic workers' rights are protected. • Commence construction on a shelter to accommodate male victims. • Given significant concerns about forced labor indicators in Cuban Medical Missions and experienced by Chinese nationals on projects managed by state-owned enterprises, screen Cuban medical professionals and Chinese nationals and refer them to appropriate services. • Continue to convene the official governmental committee and strengthen implementation of the national anti-trafficking strategy. • Expand efforts to raise anti-trafficking awareness, particularly among vulnerable populations, including migrant workers.

## PROSECUTION

The government increased law enforcement efforts. The 2013 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment for offenses involving an adult male victim and up to life imprisonment for those involving an adult female or child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In April 2019, the Constitutional Court annulled an article from the 2013 anti-trafficking law that required judges to issue a verdict in trafficking cases, arguing the stipulation undermined judicial independence and precluded judges from exercising discretion. As a result, judges retained broad discretion to defer and delay issuance of verdicts in trafficking cases, as they did in other cases. The Public Prosecutor's Office (PPO) and the Ministry of Interior (MOI) continued to require all cases of buying and trading of fraudulent visas, withholding of salaries and passports in excess of three months, or forcing individuals into jobs different from those contractually agreed upon be prosecuted under the anti-trafficking law rather than the labor law.

The government's specialized trafficking unit investigated 46 potential trafficking cases during the reporting year, compared with 51 in the previous reporting period. It received 42 referrals from the PPO, two from INTERPOL and two from the Public Authority for Manpower (PAM). In 2020, officials prosecuted 35 cases involving 109 suspects, up from 27 cases in 2019. The government issued verdicts in 16 cases involving 41 defendants; of those 41, the government convicted 28 traffickers and acquitted 13 defendants. All convicted traffickers received sentences from three to seven years' imprisonment. In the previous reporting period, the government convicted an unknown number of defendants in seven cases and acquitted an unspecified number in one case. The remaining 11 cases were pending at the close of the reporting period compared to five pending prosecutions the year prior. The government did not report disaggregated information on convictions for forced labor versus sex trafficking crimes. In April 2020, the PPO prosecuted six defendants for human trafficking; the Criminal Court convicted and sentenced these six traffickers to penalties ranging from two years to life imprisonment with hard labor and 3,000 Kuwaiti dinar (KD) (\$9,870) in fines. In a case stemming from the previous reporting period, in January 2021 the Criminal Court sentenced a Kuwaiti sponsor to death for the torture and murder of her Filipina domestic worker employee; the sponsor's husband was sentenced to four years' imprisonment for attempting to cover up the murder.

Some government officials allegedly sold work visas to illegal recruiters or even directly to migrant workers, potentially facilitating trafficking. During the reporting period, the government charged multiple Kuwaiti officials with trafficking-related crimes in two separate high-profile cases related to visa trading and bribery. In the first case, the court

sentenced a MOI police colonel and his Egyptian partners to three years' imprisonment with hard labor for illegally facilitating the entry of hundreds of workers into Kuwait. The MOI colonel reportedly operated a front company for which approximately 1,200 migrant laborers did not have valid residence permits and were vulnerable to trafficking. In the second case, courts sentenced a member of the Bangladeshi parliament (MP) to four years in prison and a fine of 1.9 million KD (\$6.25 million) for bribing Kuwaiti officials to issue work visas. This allowed the MP's company to bring in thousands of workers on fake or expired government contracts, making them vulnerable to labor trafficking; victims paid up to 3,000 KD (\$9,870) each in exchange for visas, only to find they had no job after arriving in Kuwait. Courts also convicted several Kuwaiti officials, including a senior ruling family member and former MOI Assistant Undersecretary and a top official in PAM.

Generally, Kuwaiti authorities did not routinely categorize or investigate labor violations as potential trafficking and typically treated such cases as administrative infractions. In April 2020, the Minister of the Interior announced the formation of an interagency task force to investigate employers and recruiting companies that use deceptive techniques to lure migrant workers to Kuwait through unenforceable contracts, fraudulent visas, and nonexistent positions, leaving these workers highly vulnerable to trafficking; however, the government did not report on the actions of the task force during the reporting period. Nonetheless, officials commonly used arbitration, which resulted in monetary compensation and repayment of back-wages to victims, administrative fines, and closure of recruitment firms to resolve such cases. If a settlement could not be agreed upon, officials referred the case to the labor courts. If the complaint involved a severe abuse, such as assault or domestic worker abuse, authorities transferred the case directly to the PPO. Some domestic worker abuse cases were not prosecuted due to lack of evidence or witnesses. As a result, only severe cases of domestic worker abuse—usually involving significant bodily injury or death—were prosecuted as violations of other criminal laws. Although the withholding of workers' passports was prohibited under Kuwaiti law, this practice remained commonplace among sponsors and employers of foreign workers. During the reporting period, PAM received 1,122 complaints of confiscated passports, of which 304 complaints were referred to the labor courts; the government did not report how many employers PAM ordered to return employees' identification documents or if it referred any of these complaints for criminal investigation. The Domestic Workers Employment Department (DWED) arranged six internal training programs on general trafficking topics for 47 of its staff members, and 76 PAM and DWED employees participated in trainings organized by international organizations. Due to the pandemic, MOI's Anti-Human Trafficking Department did not conduct any trainings during the reporting period.

## PROTECTION

The government maintained efforts to protect trafficking victims. The government reported it identified 103 trafficking victims during the reporting period; it did not report the number of victims identified in the previous reporting period. All identified victims received assistance at the government-run migrant worker shelter. In total, the government reported it assisted 461 vulnerable female workers at the government shelter, compared to 2,183 during the previous reporting period. The majority of those admitted to the shelter were potential victims of forced labor and had fled poor working conditions, including excessive hours and delayed payment of wages, or desired to return to their respective countries of origin. The government referred one of these residents not previously identified as a trafficking victim to the MOI's anti-trafficking unit for further investigation. The DWED referred 185 vulnerable domestic workers to the shelter and provided repatriation assistance for 519 workers in total; the entity also recouped approximately 18,920 KD (\$62,240) in unpaid wages for this vulnerable group. The Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking implemented the national referral mechanism (NRM),

adopted in 2018, to identify and prevent cases of trafficking; the mechanism contained six stages ranging from proactive identification of victims to their safe repatriation. The mechanism also aimed to improve intragovernmental coordination and expedite criminal charges in forced labor cases. Although the government reported that front-line officials and investigators continued to follow prescribed procedures regarding victim identification and used the NRM to refer abused workers and possible trafficking victims to the shelter, it did not report the extent to which it was employed. Representatives of labor-source countries reported that in some cases MOI or shelter staff turned away workers who were potential trafficking victims. During the year, the government-run shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and other migrant workers. The shelter served as a one-stop facility, providing medical and psychological care, food, rehabilitation support, and access to officials from various ministries to facilitate legal and repatriation assistance. The shelter employed a screening process to identify and categorize types of abuse and determine whether a resident was a victim of trafficking; during the reporting period, the government reported that one potential trafficking victim was identified through this screening process and was subsequently referred to MOI's anti-trafficking unit for further investigation. Residents at the shelter had access to cell phones and legal assistance, as well as freedom of movement. Shelter management used a shift system wherein supervisors, medical staff, and investigators were on duty 24 hours per day. During the reporting period, the government reported that land had been identified for a second shelter for female residents of the current shelter; however, the government had not yet commenced construction on this new facility, planned since 2018, at the close of the reporting period. In April 2020, the Minister of Economic Affairs and Social Affairs announced that companies referred to the PPO on charges of visa trading would be required to cover all costs associated with sheltering and repatriating their registered employees; however, the government did not report if this announcement was implemented or if any companies referred to the PPO paid for shelter and repatriation costs of their employees during the reporting period.

The government provided an annual budget of 100,370 KD (\$330,160) for domestic worker shelter operations and protection programs for trafficking victims, a significant decrease compared to 2 million KD (\$6.58 million) during the previous year. Embassies of the Philippines, India, and Sri Lanka maintained their own domestic worker shelters and worked closely with the Kuwaiti government to seek compensation and legal redress for their nationals subjected to exploitative working conditions in the country. However, during the reporting period, embassy workers allegedly "recycled workers" from their shelters by providing the worker new employment through illegal channels and receiving kickbacks, which rendered an unknown number of workers vulnerable to trafficking or re-trafficking. In cooperation with international organizations and foreign embassies, the government could assist victims in retrieving documentation and funding for repatriation. In the case of administrative deportation for vulnerable migrant workers, officials provided airline tickets and worked to recoup associated costs from the accused employers. The government allowed victims residing in its shelter to either change sponsors or be repatriated to their country of origin once their residency status was resolved or pending the resolution of a legal case or unpaid bills, without respective sponsor approval. Also, once the shelter admitted a victim, employers could not press "absconding" charges. The government did not report deporting those who faced retaliation or retribution in their respective home countries. Rather, the government allowed all trafficking victims to change employers and maintain residency in Kuwait or otherwise be resettled to a third country at the victims' request; however, most shelter residents chose to be repatriated to their home country. During the reporting period, the government repatriated 617 shelter residents to their respective countries of origin and, in cooperation with two international organizations, provided repatriation, reintegration support, and transition assistance to more than 21 vulnerable

domestic workers from nations without diplomatic representation in Kuwait who needed to procure travel documentation. In March 2020, the MOI established the "Leave Safely" amnesty campaign to repatriate residency violators, either from residing in Kuwait illegally or becoming illegal after job loss due to the pandemic. The program granted violators amnesty through April 30, waived all penalties and fees, and provided violators free tickets back to their home countries, as well as the ability to return to Kuwait at a later time without being blacklisted (as a worker would be if they were deported for residing illegally in Kuwait). To facilitate the amnesty program, MOI set up repatriation centers in two neighborhoods where a large number of migrant workers resided. However, the government did not report screening for trafficking indicators among those participating in the amnesty program, and some potential victims may have remained unidentified. In July 2020, the MOI announced it would not deport an estimated 15,000 residency violators who were illegally present in Kuwait from January to February 2020 due to the closure of government ministries at the onset of the pandemic. The government granted these individuals temporary residency through August 31, ensuring they maintained their legal status to mitigate further vulnerability. In December 2020, MOI announced a second amnesty for the remaining 150,000 residency violators in Kuwait through March 2, 2021; however, unlike the first amnesty period, violators were required to pay the necessary fines to legalize their stay or pay for their repatriation flights, without being subject to a blacklist.

Authorities continued to arrest, detain, and administratively deport some workers who fled their sponsors without permission. The risk of penalization, coupled with protracted litigation processes and exorbitantly high legal fees, discouraged workers from appealing to police or other authorities for protection and adequate legal redress for their exploitation. In addition, it was not uncommon for sponsors to file counter-grievances against their employees, including trafficking victims who reported abuse. This sometimes resulted in administrative deportation or detention of the employees and victims. Within worker communities, there existed a persistent fear that confiding in authorities would result in deportation, imprisonment, or return to the employer in question. In July 2020, PAM announced it would prevent business owners and companies from filing absconding charges against employees forced to stay home due to the pandemic lockdowns. PAM noted that it had received dozens of absconding reports from employers who used them to avoid their legal obligations to pay wages and provide food and accommodation to their employees. The government reported public prosecutors willingly tried cases on victims' behalf using their oral and written statements; however, it lacked privacy laws to protect victims against potential retribution and often was unable to provide adequate care for victims throughout the duration of legal proceedings. Media reported the government directed settlements in response to individual civil suits against employers, but the government did not report the amount in civil damages paid out during the year. The government did not report how many victims received restitution.

## PREVENTION

The government increased efforts to prevent human trafficking, although it did not take any new steps to reform the problematic sponsorship system. The Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking, established in 2018, convened three times during the reporting period; the Committee included the MOI's Anti-Trafficking Department and Residency Affairs Division, PAM, and the PPO. The government reported that agencies tasked with combating trafficking, including those on the Committee, continued to operate during the pandemic, although their operations were limited by social distancing measures. In September 2020, PAM announced a collaborative program with the Supreme Council for Planning and Development and two international organizations, entitled "Tamkeen," which included the creation of an International Recruitment Integrity system, a voluntary accreditation mechanism that connects employers,

employees, and recruiters to promote ethical recruitment. The government reported that Tamkeen was working to digitize PAM's labor files in order to make the files trackable with the aim of eliminating the gaps in records of employment that allowed employers to circumvent the labor law previously; PAM officially launched the program in January 2021. In April 2020, the Council of Ministers instructed the Minister of Interior to form a working group with all stakeholder agencies to gather information and take legal actions necessary to counter visa trading, a significant indicator of trafficking. Additionally, MOI investigators questioned 1,600 residency violators that had signed up for the amnesty program and uncovered 28 "fake companies"; MOI referred the companies to the PPO for criminal proceedings. The government, in collaboration with an international organization, financially supported and conducted public awareness campaigns at shopping malls and the international airport to raise awareness of trafficking and warn against using illegal domestic labor recruitment companies. Various officials also took part in anti-trafficking awareness messaging on local television, radio, and social media platforms. The government continued to disseminate pamphlets to educate migrant workers on their rights, which were published in multiple languages and disseminated in airports, embassies, and labor-recruitment agencies. Authorities continued to employ the services of the government's Mobile Labor Disputes Office to help workers in remote areas of the country file complaints against employers for labor law violations. The mobile unit was run by an emergency team of investigators, inspectors, interpreters, lawyers, and volunteers. Officials also advertised to migrant laborers online services that allowed workers and employers to dock and track workplace issues electronically, receive alerts if an employer filed an absconding charge, notify the respective source country embassy, and challenge legal settlements incurred. PAM maintained a hotline to receive general workplace grievances and potential trafficking cases, while DWED had an email address for the same purpose. Although both hotlines remained operational during the pandemic, neither entity reported how many trafficking-specific calls they received during the reporting period.

The domestic labor law (Law 68/15) guaranteed domestic workers one day off per week, a maximum 12-hour workday, minimum wages paid per month, paid annual leave, and access to file formal grievances at the MOI, among other protections. The 2016 bylaws regulated implementation of this law. Amendments to the ministerial resolution of the 2010 labor law, passed in 2016, increased penalties for non-payment of wages, made mandatory documentation of all paid wages, and required prison time and fines for employers and government officials who failed to adhere to provisions of this law. Authorities continued to apply the amended provisions of the domestic labor law by building a monetary reserve to adjudicate cases of labor law violations to pay unpaid wages and cover the costs of repatriation. For issuance or renewal of a license for a domestic labor recruitment firm, it enforced the rule that single offices must submit financial deposits of 40,000 KD (\$131,580) with a two-year validity and larger companies to present a letter of guarantee worth 100,000 KD (\$328,950). During the previous reporting period, PAM formed specialized administrative and oversight teams within the DWED aimed at safeguarding the rights of domestic workers. The teams were composed of 34 employees to manage arbitration of workplace disputes, inspection of premises, and licensing of firms.

The DWED continued to investigate domestic worker recruitment agencies to ensure compliance with the 2015 domestic labor law. In addition, it initiated investigations based on grievances filed by domestic workers, employers, and embassies of labor-source countries. The government arbitrated such grievances either through extrajudicial proceedings or through the labor courts. The DWED also reported it could refer suspected trafficking cases to the MOI for further investigation but did not report doing so during the reporting period. DWED officials received 2,634 work-related complaints, amicably resolved 867 in extrajudicial proceedings, referred 1,625 to the labor courts, and the others remained pending. With lockdowns

and social distancing measures due the pandemic, the DWED conducted 10 inspections of domestic worker recruitment firms—which identified six fake recruitment offices. The recruitment offices were subsequently shut down, and the owners were referred to MOI's General Investigation Department. DWED consequently suspended 37 recruitment firms for three to six months for violation of the domestic labor law, compared to 52 suspensions the previous year; officials did not report referring any of these for criminal investigation or prosecution. Separately, PAM received 10,498 official grievances from foreign laborers, the most common of which included pay discrepancies, denied requests to transfer employers after the required two years with an initial sponsor, and disputes regarding overtime pay issuances. Authorities reported resolving 90 percent of grievances in favor of the employees, to include transference of employer or receipt of unpaid wages; it referred the remaining 2,693 unresolved cases via arbitration to the labor courts. At the close of the reporting period, the outcomes for a majority these cases were unknown, but PAM reported referring two cases to MOI's anti-trafficking unit for criminal investigation. In 2020, PAM conducted and/or participated in more than 15,475 inspections to ensure labor and residency laws were fully implemented by employers; these inspections resulted in roughly 1,100 citations and fines against violating companies. Additionally, PAM identified hundreds of companies that engaged in fraudulent practices by sponsoring workers yet failing to provide legitimate employment. Accordingly, PAM officials referred 915 companies to MOI's investigative department, permanently revoked files of 71 companies, and temporarily suspended files of more than 3,400 companies in contravention of local labor laws. As of November 2020, PAM had transferred around 417 company case files to the PPO over involvement in human trafficking since the onset of the pandemic; however, the government did not report the outcome of these referrals. Additionally, in the same month, PAM reported that it had formed crisis and emergency teams in addition to the existing inspection teams to monitor the conditions of expatriate workers during the pandemic. Under Kuwaiti law, a blocked file precludes companies from transferring workers to other employers, hiring new employees, and renewing their licenses to operate. In December 2020, PAM announced that it would no longer conceal the types of violations and crimes by companies found guilty of trafficking by removing obscure codes for 10,000 companies' files and replacing the codes with clear information on their violations and crimes, such as violating workers' rights, failure to pay salaries, and visa trading. The government reported that this information would eventually become accessible to the public via a website to enable greater transparency and hold companies that previously were in violation accountable for past crimes.

In adherence to the domestic labor law, the government's centralized recruitment company, *Al Durra*, worked to reduce recruitment costs, curb illegal recruitment fees, provide greater oversight of recruiting practices, hire male domestic workers, and secure labor agreements for female employees. However, in 2019, *Al Durra* stopped working with expatriate employers after complaints suggested the mechanism was established to help Kuwaitis and was subsequently made available for Kuwaiti citizens only. The most common nationalities hired previously through *Al Durra* included those from the Philippines, India, Sri Lanka, and Burkina Faso. Kuwait maintained its agreement with the Philippine government to regulate the recruitment and employment of Filipino domestic workers in Kuwait to better safeguard their legal protections. The Commerce Ministry capped at 890 KD (\$2,930) the ceiling for mandatory recruitment fees employers pay to agencies to recruit domestic employees; in actuality, a portion of these fees were transferred to the domestic employees. The government made efforts to reduce the demand for commercial sex acts by continuing to enforce the law that makes prostitution illegal and by carrying out raids on suspected sex rings and massage parlors allegedly engaged in commercial sex practices. The government provided annual anti-trafficking training for its diplomatic personnel.



## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Kuwait. Men and women migrate primarily from South and Southeast Asia, Egypt, and other countries in the Middle East to work predominantly in the domestic service, construction, hospitality, and sanitation sectors, and the vast majority arrive voluntarily. Unskilled laborers and female domestic workers are especially vulnerable to forced labor, as they often have limited access to assistance outside their worksite or employer's home, and in some cases, due to the absence of diplomatic representation in Kuwait. In October 2018, Kuwait and India signed an agreement on broader protections for domestic workers that resulted in the end of India's 2014 ban on Indian female domestic workers. However, as conditions for many remain perilous, numerous labor-source countries, including Bhutan, Burundi, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Ethiopia, Ghana, Guinea, Guinea-Bissau, Indonesia, Kenya, Madagascar, Malawi, Niger, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Uganda, and Zimbabwe, continue to restrict their female nationals from domestic employment in Kuwait. The Kuwaiti government has continued its recruitment of domestic employees from African labor-source countries, and many workers continue to defy the respective bans by transiting through third countries before arrival in Kuwait.

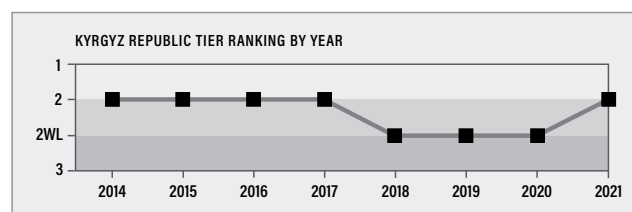
Upon arrival, some sponsors subject migrants to forced labor, and to a much lesser extent sex trafficking, through the following illegal measures: non-payment of wages, protracted working hours contrary to contractual agreements, deprivation of food, substandard housing, threats or harassment, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and passport confiscation. Although unlawful, passport withholding by employers is ubiquitous in Kuwait. Furthermore, many migrant workers pay exorbitant fees to recruiting agents in their countries of origin and/or are coerced into paying labor broker fees in Kuwait, which, according to Kuwaiti law should be paid by the employer, thereby plausibly rendering workers vulnerable to forced labor, including debt bondage. Visa trading continues to be a common manifestation of trafficking in Kuwait, and illicit visa trading markets increasingly expanded into social media during the reporting period. In some cases, officials do not provide workers copies of their contracts, or the contracts are not written in a language they can read. Some illegal labor recruiting companies facilitate trafficking through the use of deceptive techniques to bring in migrant workers on the basis of unenforceable contracts, fraudulent visas, and nonexistent positions. Some officials allegedly take bribes or overtly sell work permits to illegal labor recruiting companies or directly to migrant workers. Civil society groups, press outlets, and members of parliament called for the government to increase its efforts to protect victims and punish traders and their enablers. Chinese nationals working in Kuwait may have been forced to work on projects managed by state-owned enterprises, and Cuban nationals working in Kuwait may have been forced to work by the Cuban government.

Kuwait's sponsorship law, which ties a migrant worker's legal residency and valid immigration status to their employer, restricts workers' movements and penalizes them for leaving abusive workplaces. Domestic workers are particularly vulnerable to forced labor inside private homes, as dominant cultural attitudes—particularly regarding the sanctity of the private household—sometimes enabled the exploitation of foreign workers. Many workers report experiencing work conditions substantially different from those described in the contract. In addition, sources report runaway domestic workers are sometimes exploited in sex trafficking by agents or criminals, who utilize their illegal status to ensure workers will not report illegal activity to authorities. Due to the pandemic, many migrant workers were dismissed from employment and trapped in Kuwait due to travel restrictions and expensive flights without any means of support, rendering them illegal and heightening their risk to trafficking. Others faced increased risk of abuse by employers as curfews and neighborhood lockdowns left them confined to their employer's

homes. The current reporting period saw an increase in press reports where employers physically prevented their domestic workers from leaving the country or transferring to another employer due to shortages in the labor market caused by airport closures in Kuwait for several months. The use of fraudulently obtained visas and fake work permits remains common. The current reporting period saw fewer sit-ins and protests by employees who had been sub-contracted to work for Kuwaiti ministries for companies, compared to previous years, likely due to the pandemic's related mitigation efforts including curfews and neighborhood lockdowns.

## KYRGYZ REPUBLIC: TIER 2

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Kyrgyzstan was upgraded to Tier 2. These efforts included initiating investigations into potential cases of official complicity; reassessing hundreds of previously dismissed cases for trafficking indicators, leading to the reinstatement of several investigations; repatriating dozens of vulnerable Kyrgyzstani children from potentially exploitative circumstances in armed conflict zones in Iraq and Syria; and, with support from an international organization, developing and disseminating anti-trafficking training materials for police and prosecutors. However, the government did not meet the minimum standards in several key areas. For the third consecutive year, the government did not prosecute or secure convictions in any cases that featured genuine trafficking elements according to international law. Authorities relied heavily on international organizations for victim identification and service provision. Following political unrest, the central government disbanded the national anti-trafficking coordinating body, preventing the completion and approval of urgently needed standard operating procedures (SOPs) for implementation of the national referral mechanism (NRM).



## PRIORITIZED RECOMMENDATIONS:

Respecting due process, investigate and, when sufficient evidence exists, criminally prosecute, convict, sentence, and incarcerate persons complicit in human trafficking, including government officials, and ensure convicted traffickers serve proportionate and dissuasive prison sentences. • Finalize, approve, train officials on, and implement SOPs for the NRM. • Increase efforts to proactively identify trafficking victims, particularly among such vulnerable groups as individuals in commercial sex, LGBTQI+ individuals, women and girls subjected to traditional forced marriage practices, Kyrgyzstani migrant workers, and Chinese nationals working in Chinese government-affiliated construction projects within Kyrgyzstan, as well as within increasingly vulnerable internet recruitment channels. • Redesignate a specific government body to coordinate inter-ministerial antitrafficking efforts. • Increase trafficking-specific training for law enforcement, including by contributing to the efforts of international organizations to train police, prosecutors, and judges. • Ensure identified trafficking victims are exempt from punishment for unlawful acts traffickers compelled them to commit. • Continue to collaborate with, and provide financial or in-kind support to, civil society organizations

assisting victims. • Implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims. • Establish and implement a comprehensive anti-trafficking data collection system for use by law enforcement and inter-ministerial coordinative bodies. • Eliminate the imposition of all employee-paid recruitment fees on Kyrgyzstani migrant workers.

## PROSECUTION

The government modestly increased law enforcement efforts in some areas but, for the third consecutive year, did not prosecute or convict any traffickers. Articles 171 and 173 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of two and a half to five years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Prosecutors could also charge traffickers using Article 260 for engaging a person in prostitution through the use of force or the threat of force or fraud, which was punishable by a fine or imprisonment of three to five years' if the victim was an adult, five to 10 years' imprisonment if the victim was 14-17 years old, and 10 to 15 years' imprisonment if the victim was younger than 14 years old. Investigators frequently downgraded trafficking crimes to lesser charges to ease investigation and prosecution, which lead to lesser penalties.

Key government agencies and law enforcement bodies were required to work remotely for seven months during the reporting period as a pandemic mitigation measure; this, coupled with periods of severe political instability and subsequent turnover of stakeholder ministry leadership, significantly impacted investigative and prosecutorial efforts. During the calendar year, the government initiated 40 trafficking investigations—24 for sex trafficking under Article 171 and 16 for labor trafficking under 173—compared with one and seven, respectively, in 2019. This significant increase was due in part to the government's efforts to formally reexamine more than 300 previously dismissed cases involving potential trafficking elements. Of these cases, the prosecutor general's office (PGO) referred 26 to the Ministry of Internal Affairs (MVD) for reinvestigation; ten such cases related to "sexual exploitation" subsequently moved to new pre-trial proceedings under Article 166 (involvement into prostitution) and Article 171. Two cases related to "labor exploitation" were reopened for investigation under unspecified statutes. Seven of the 26 referred cases were formally terminated, and the remainder were ongoing at the end of the reporting period. Authorities also continued to investigate seven cases initiated in the previous reporting period. Many criminal cases were suspended due to pandemic-related delays in court proceedings and the redirection of limited law enforcement resources to pandemic mitigation activities; for much of the reporting period, police, attorneys, prosecutors, and judges had significantly reduced capacity to conduct enforcement and judicial work. As in prior years, courts continued to investigate trafficking cases under lesser statutes, and some prosecutions initiated under Articles 171 and 173 featured elements that were inconsistent with the definitions of trafficking as established in international law, such as the sale of infants. Authorities reported prosecuting three fraudulent adoption cases under trafficking statutes but, for the third consecutive year, did not prosecute or secure convictions in any sex trafficking or forced labor cases that were consistent with international law. Unlike in previous years, the government did not provide information on how many such cases culminated in convictions (compared with 11 suspects convicted of fraudulent adoption in 2019).

Kyrgyzstan's NRM, promulgated in 2019, allowed civil society and international organizations to file criminal complaints on behalf of victims; however, the government did not report if this provision was implemented during the reporting period. In previous years, victim advocates reported a general lack of proactive investigation, particularly of cases in which the victims did not self-report specific complaints. Courts may have improperly dismissed some trafficking cases on the basis of insufficient evidence, including several cases of child sex trafficking. Civil society continued to report the need for systemic

training for law enforcement, prosecutors, and judges, particularly on how to identify victims, work with them as witnesses, and gather evidence outside of victim testimony. During the reporting period, the government collaborated with an international organization to develop and disseminate educational materials on anti-trafficking case methodology for law enforcement and judicial authorities in the southern region. The government, in conjunction with international donors and civil society partners, continued to conduct and participate in training sessions on improving international anti-trafficking cooperation, investigative and prosecutorial best practices, and provision of legal assistance to victims; these trainings proceeded in virtual format as a result of the pandemic. Authorities did not provide data on the total number of officials participating in these training events (compared with 1,119 MVD officials in 2019), but at least 30 prosecutors and investigators benefited from joint PGO and MVD training courses. Unlike the previous year, the government provided information on international investigations; authorities reportedly cooperated with the Government of Italy on a case involving a Kyrgyzstani suspect who may also have been a victim of forced criminality. In previous years, corruption and official complicity presented significant obstacles to anti-trafficking law enforcement, with law enforcement officials and judges accepting bribes to drop cases and, at times, warning suspects prior to raids. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases in prior years. The judicial system continued to feature widespread corruption; during the reporting period, the government began investigating two law enforcement officials for potentially facilitating an unspecified trafficking crime; the investigations were in process at year's end. The government did not report any prosecutions or convictions of government employees complicit in trafficking crimes.

## PROTECTION

The government modestly increased efforts to protect victims. The government reported proactively identifying or participating in the identification of victims, but authorities did not disaggregate such cases from the 111 victims identified by an international organization, compared with two forced labor victims reportedly identified by the government in 2019. NGOs reported identifying and providing services to an additional 82 victims. According to civil society groups, the government referred at least six forced labor victims, all Uzbekistani nationals, to NGO shelter services (compared with two forced labor victims identified and referred in 2019 and none in 2018). International organizations and NGOs did not provide information on victims' genders, ages, nationalities, or types of trafficking in which they were exploited, compared with 60 exploited in forced labor and 12 in sex trafficking; one Uzbekistani national; one child; and 40 men and 32 women in 2019.

The government formally promulgated the NRM in 2019, but the pandemic and political unrest significantly constrained its implementation during the reporting period. The NRM established formal policies on victim identification, assistance referral, provision of social services, and protection of victims' personal data, and did not require victims to participate in a criminal case to receive assistance. It also included provisions that addressed the treatment and proper provision of assistance to children. However, SOPs to guide the NRM's implementation—particularly at the *oblast* and local levels—remained incomplete amid a large-scale government restructure that disbanded the national anti-trafficking coordinating body. Civil society reported the NRM lacked specific measures outlining assistance for foreign victims and did not feature language explaining how NGOs could appeal in instances when the government failed to properly identify victims. Authorities did not proactively implement NRM provisions guiding victim identification among vulnerable communities. The government reportedly granted Chinese companies permission to circumvent pandemic-related border closures and enter the country to engage Chinese nationals in construction projects; authorities did not take steps to monitor these crews for the forced labor indicators common in Chinese-government affiliated projects. The

government trained law enforcement officials on the new NRM during the reporting period, but NGOs continued to ascribe the government's insufficient victim identification to enduring capacity constraints. Absent sufficiently systematized procedures, some police demonstrated ad hoc efforts to screen and refer potential victims identified in enforcement operations, but they did not provide relevant data. The government continued to grant limited financial and in-kind support to two NGO-run shelters that provided services for trafficking victims, including foreign nationals, but the activities of these shelters were heavily constrained by the pandemic. During the reporting period, authorities opened a crisis center in Bishkek for women and girls subjected to domestic violence that could also accommodate trafficking victims; data on assistance provided at this facility and the two trafficking-specific shelters were unavailable in 2020 (compared with nine Kyrgyzstani victims assisted in 2019). The government did not have a policy to provide longer-term shelter or residency options for foreign victims. In previous years, consular officials assisted trafficking victims with provision of no-cost travel documents for transit through migration and passport control, as well as with financial support, including the procurement of airline tickets for their repatriation; such information was unavailable in 2020, in part due to pandemic-related border closures and travel restrictions. Authorities did not report providing any consular or repatriation assistance to Kyrgyzstani victims identified abroad. The government did not provide statistics on the repatriation of foreign victims in 2020, compared with one foreign victim repatriated in 2019 and 29 in 2018. The government took steps to repatriate dozens of highly vulnerable children born to Kyrgyzstani nationals who had traveled alongside relatives to armed conflict zones in Iraq and Syria; however, observers noted authorities at times did not demonstrate sufficient political will to repatriate adult ethnic Uzbek Kyrgyzstani nationals, some of whom reportedly experienced conditions indicative of sex trafficking or forced labor, from refugee camps in these and other conflict areas.

Victims remained highly vulnerable to pressure from traffickers to withdraw their complaints or settle cases informally; MVD's witness protection unit reported assisting trafficking victims but provided no additional details. Article 31 of the criminal code adopted in 2019 allowed for investigative judges to receive victim testimony outside of court, or electronically over video calls; however, there was no evidence that victims benefitted from this provision in 2020, despite an increase in the use of remote technologies for judicial processes during the pandemic. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. Observers noted insufficient legal representation for child victims. The government did not maintain or implement child-sensitive procedures for the investigation or prosecution of cases involving child victims. While the law provided the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution during the reporting period. There were no reports that officials fined, detained, or penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, absent systematized screening procedures as part of law enforcement raids on commercial sex establishments, it is possible the government punished some unidentified victims through arrest or deportation.

## PREVENTION

The government demonstrated uneven efforts to prevent trafficking. The State Migration Service (SMS), which formerly led the anti-trafficking interagency working group and served as the national prevention coordinating body, was disbanded in March 2021 as part of a government restructuring campaign. The government reported that relevant anti-trafficking responsibilities would be transferred back to individual line ministries until a new coordinating body could be established, but this remained pending at the end of the reporting period. Although authorities did not report how many times the working group convened in 2020 prior to the abolishment of the SMS (twice in 2019), the working group did convene virtually during the pandemic to continue discussing implementation of

the current national action plan (NAP) and preparations for the new NAP for 2021-2024, which remained in draft at the end of the reporting period. In 2019, the SMS established an additional interagency focus group of all relevant entities, including local state, non-state, and international actors to accelerate implementation of the NRM and improve law enforcement investigations of trafficking cases. Although it met twice in 2020, the operating status of this entity was unclear amid the pandemic, political instability, and inter-ministerial restructuring, as was that of the parliament's anti-trafficking task force, which acted as the group's oversight body. Anti-trafficking coordination councils at the local level, composed of regional government representatives, NGOs, and local civic groups, continued to meet and were tasked with implementing the NRM, although the pandemic often significantly obstructed this work. The government cooperated with international organizations and continued to conduct awareness campaigns that reached thousands of people throughout the country. The government lacked a uniform system of collecting trafficking data, which, in conjunction with pandemic-related coordination challenges, continued to hinder effective self-evaluation. According to some civil society groups, the government increased the politically-motivated harassment of labor union activists while pursuing legislative amendments that would further restrict freedom of association among groups seeking to improve labor rights.

As with other prevention activities, the status of government-led awareness-raising, pre-departure orientation, and service provision for Kyrgyzstan's migrant workers was unclear following the dismantling of the SMS. Some of its activities began to slow prior to the government restructure amid a decline in labor migration stemming from pandemic-related border closures and travel restrictions. Despite these changes, the government, with the support of an international organization, continued to operate an employment center in Bishkek that provided an unknown number of individuals with information on employment services, vacancy advertisements, and licensed foreign labor recruitment agencies; it also offered pre-departure orientation—which included trafficking prevention—for jobseekers to ensure safer migration and employment. The government maintained two publicly available databases of private employment agencies; one contained information on "government licensed" agencies, and the other a list of agencies about which the government received complaints. The government did not provide updates to the status of legislative amendments introduced in 2019 aiming to strengthen protection for migrant worker recruitment. By law, recruitment agencies could charge a maximum pre-departure fee of 1,000 Kyrgyzstani soms (\$12) to Kyrgyzstani migrant workers seeking employment overseas. The government maintained a hotline for reporting domestic violence and general abuses against children, but none of the 129,000 calls received in 2020 led to the positive identification of any trafficking cases. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance regarding working abroad, but authorities did not report information on calls received or relevant investigations initiated through this hotline (compared with two victims identified and no investigations initiated in 2019). The government continued to provide support for a mobile phone application that connected Kyrgyzstani migrants with information on workers' rights and contact telephone numbers, including anti-trafficking hotlines and local Kyrgyzstani embassies; additionally, the SMS maintained satellite offices in Russia, which continued to be the primary destination country for Kyrgyzstani labor migrants. During the pandemic, the government also worked with international donors to create online awareness materials and hold consultations on the risks of irregular migration for thousands of prospective Kyrgyzstani migrant workers. Unlike the previous year, the government reported providing some anti-trafficking guidance for its diplomatic personnel. The government did not report making efforts to reduce the demand for commercial sex acts.



## TRAFFICKING PROFILE

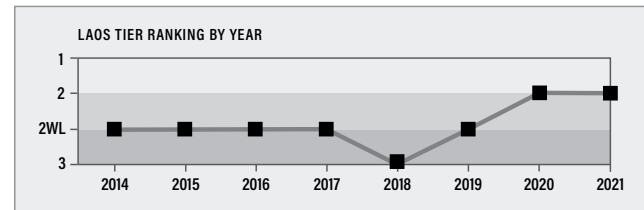
As reported over the past five years, human traffickers exploit domestic and foreign victims in Kyrgyzstan, and they exploit victims from Kyrgyzstan abroad. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyzstani men, women, and children are exploited in forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and Ukraine, Georgia and other European countries, as well as within Kyrgyzstan—specifically in agriculture, construction, textiles, domestic service, and childcare. As a result of a Russian labor migrant re-entry ban, thousands of Kyrgyzstani migrants are unable to return legally to Russia for work. Kyrgyzstani families on the Russian re-entry blacklist often send their children to work in Russia, where they are vulnerable to trafficking. Fearing this blacklist, some unemployed Kyrgyzstani migrant workers likely remain in Russia under irregular immigration status rather than returning home; traffickers may then be able to leverage threats of deportation as a coercive tool to secure and retain their forced labor or to compel them into sex trafficking.

Observers note a pronounced increase in the use of online recruitment channels by trafficking syndicates during the pandemic. Sex traffickers exploit Kyrgyzstani women and girls abroad, reportedly in India, Kazakhstan, Russia, South Korea, Turkey, the United Arab Emirates (UAE), and within the country. Women and underage teenaged girls from Uzbekistan and Tajikistan may be exploited in sex trafficking; the southern region of Kyrgyzstan is increasingly becoming a destination area for Uzbekistani and Tajikistani citizens who are exploited by sex and labor traffickers. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia and Kazakhstan, the UAE, and Turkey, where they may be exploited in sex and labor trafficking. Chinese nationals employed at Chinese government-affiliated construction projects within Kyrgyzstan may be vulnerable to forced labor.

Within Kyrgyzstan, the practice of “bride kidnapping” by Kyrgyzstani men continues to place women and girls at risk of forced marriage that may subsequently lead to sex trafficking and forced labor. Unaccompanied children who engage in begging and children engaged in domestic work—often in the homes of extended family members—are vulnerable to traffickers. Some Kyrgyzstani children are vulnerable to forced labor in animal husbandry. Widespread unemployment and economic hardship among Kyrgyzstani migrant workers in Russia following the pandemic-related closure of businesses and work sites have led to a significant drop in earned income and remittance transfers, leaving these migrant workers and their families in Kyrgyzstan more vulnerable to trafficking. Some members of Kyrgyzstan’s LGBTQI+ communities may be more vulnerable to trafficking; pervasive social stigma and reports of police brutality against LGBTQI+ individuals attempting to report crimes may also dissuade LGBTQI+ trafficking victims from accessing justice. International organizations and NGOs report some Kyrgyzstani men and boys who travel to Syria, Iraq, and Afghanistan to fight alongside or seek employment within armed groups—including some who are recruited with false promises of job offers in Turkey or elsewhere—are subsequently compelled to remain against their will, are subjected to forced labor in cooking, cleaning, and portering and combatant roles, and/or are forced to suffer sexual slavery. Kyrgyzstani women and children traveling with these individuals, at times under deception, are also vulnerable to sex trafficking and forced labor on arrival; some are reportedly placed alongside other Central Asian family members in makeshift camp communities, where their travel and identity documentation is confiscated and their freedom of movement is restricted. Some of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may subsequently lead to sex trafficking or forced labor.

## LAOS: TIER 2

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Laos remained on Tier 2. These efforts included investigating, prosecuting, and convicting traffickers, approving national victim protection and referral guidelines, identifying and referring victims to protection services, maintaining a national anti-trafficking budget, improving cooperation with civil society, and implementing measures to protect the rights of Lao migrant workers abroad—including those seeking employment in domestic work. However, the government did not meet the minimum standards in several key areas. Authorities inconsistently utilized victim identification and screening procedures throughout the country. Police therefore penalized some unidentified sex trafficking victims for prostitution violations—unlawful acts their traffickers forced them to commit. The government continued to inadequately identify Lao and foreign victims of trafficking within Laos, despite acknowledgment by Lao authorities and NGOs of the increased risk of trafficking in special economic zones (SEZs), agricultural plantations, and large-scale infrastructure projects. Furthermore, law enforcement authorities did not adequately address or investigate suspected perpetrators of sex trafficking in at-risk sectors. Victim protection services remained insufficient for male victims of trafficking.



### PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to disseminate, implement, and train police and border officials on the national victim protection and referral guidelines, with a focus on vulnerable groups, and proactively screen for trafficking indicators among vulnerable groups, including—but not limited to—Lao and foreign workers on large infrastructure, mining, and agricultural projects and returning from work overseas, and Lao and foreign women and girls in domestic commercial sex. • Train members of the central and provincial COVID-19 Task Forces, especially personnel involved in processing returning migrants, on victim identification and screening measures and victim referral procedures. • Proactively screen for and identify trafficking victims among women and girls discovered during police raids of nightclubs, karaoke bars, and other establishments that facilitate commercial sex. • Strengthen efforts to secure, formalize, and monitor border crossings in remote and mountainous areas commonly used by Lao labor migrants returning from abroad, and proactively screen for trafficking indicators among them. • Further train law enforcement officials at the national and local level on the Lao Penal Code to improve their ability to investigate, prosecute, and convict traffickers—including complicit officials and child sex tourists. • Increase trafficking investigations, prosecutions, and convictions. • Continue to collaborate with civil society to update and extend the national action plan beyond 2021, taking into account changing trends and trafficking vulnerabilities. • Further increase government efforts and resources dedicated to service provision and assistance programs for victims and expand these services for male victims. • Eliminate the requirement that victims formally request restitution to receive compensation from their traffickers. • Further reduce barriers to formal labor migration to reduce vulnerability of migrant workers, to include taking steps to eliminate employee-paid recruitment fees.

- Continue to strengthen efforts at diplomatic missions overseas to identify and assist Lao victims of sex and labor trafficking.
- Improve transparency and coordination by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among all sectors and levels of government and with nongovernmental stakeholders.

## PROSECUTION

The government decreased law enforcement efforts. Article 215 of the penal code criminalized sex trafficking and labor trafficking and prescribed increased penalties of five to 15 years' imprisonment and a fine of 10 million to 100 million Lao kip (\$1,080 to \$10,780); if the offense involved a child victim, the fine range increased to 100 million to 500 million Lao kip (\$10,780 to \$53,880). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Anti-Trafficking Department (ATD) within the Ministry of Public Security reported it initiated the investigation of 21 potential cases of trafficking involving 43 suspected perpetrators from January to December 2020 (32 cases in 2019). Of these 21 cases, police completed the investigation of and referred to the People's Prosecutor 10 cases involving 20 suspected traffickers in 2020 (14 cases involving 25 suspected traffickers in 2019). Seven of the 10 cases involved fraudulent marriage—which may have involved corollary sex or labor trafficking indicators, but the government did not report these details—one involved labor trafficking, and two involved “trafficking,” but the government did not provide additional details of those cases. Additionally, two trafficking cases involving three suspected perpetrators initiated in 2019 remained pending with the People's Prosecutor during the reporting period. Of the 12 cases, the People's Prosecutor reported that there was not sufficient information to pursue three of the cases and it sent two back to the police for further investigation. The government secured convictions of 11 traffickers in five cases in 2020 (three involving child sex trafficking and two involving forced marriage, although the government did not provide details on the forced marriage cases to confirm that sex or labor trafficking indicators were present), compared with 18 traffickers convicted in 12 cases in 2019 (10 sex trafficking and two labor trafficking). Courts sentenced traffickers to between five and 15 years' imprisonment and fines under article 215 of the penal code. Police at the central, provincial, and district levels reported during police raids of entertainment venues, nightclubs, and karaoke bars, they were reluctant to make arrests of “first offenders” among those facilitating or purchasing commercial sex, including potential perpetrators of sex trafficking and child sex trafficking. Furthermore, the government did not report investigating potential perpetrators of sex trafficking within known establishments facilitating commercial sex in the Golden Triangle SEZ in Bokeo province, even though the SEZ was a part of the Ministry of Public Security's jurisdiction during the reporting period. The government did not report any investigations, prosecutions, or convictions of officials for complicity in trafficking or trafficking-adjacent crimes during the year.

Authorities provided anti-trafficking trainings for law enforcement officials during the reporting period, including train-the-trainer sessions for the police; 129 police officials received trainings, which included 42 capital police officials and 51 police officials from six provinces. The government cooperated with China, Thailand, and Vietnam pursuant to existing bilateral agreements on information sharing, case investigation and prosecution, and victim repatriation. During the reporting period, the police cooperated with the Chinese police in an investigation involving an alleged Chinese sex trafficker who exploited two Lao girls. The government also continued to cooperate with the Chinese government on a case that it initiated in March 2020, which involved two suspected traffickers and six Chinese trafficking victims exploited in the Golden Triangle SEZ; per the bilateral agreement, in May 2020, the Lao government transferred the victims and alleged traffickers to Chinese authorities. Several provinces and districts maintained signed memorandums of understanding (MOUs) with Thai officials to promote cooperation. During the

reporting period, the government received 57 Lao trafficking victims, which included 17 children, from the Thai government.

## PROTECTION

The government maintained victim protection efforts. The government continued to identify and refer trafficking victims to protection services; however, its lack of consistent identification and referral practices throughout the country remained an obstacle to combating trafficking during the reporting period. The central ATD was the sole authority able to formally identify trafficking victims. In practice, provincial police, immigration police, village-level authorities, the government-funded Lao Women's Union (LWU), and NGOs could also screen for and identify victims and refer them to the ATD for formal identification. ATD and other police and border officials, including those stationed near or in at-risk communities, continued to use a victim identification manual; the LWU and Ministry of Foreign Affairs (MOFA) also used this manual during the reporting period. Nevertheless, authorities did not proactively screen for and identify trafficking victims in foreign-owned rubber and banana plantations, SEZs, Laos-China railway construction sites, and garment factories—all locations that presented some indicators of trafficking. Officials reported that a lack of resources and personnel hindered efforts to proactively screen for and identify victims in these sectors. According to media reports during the reporting period, police at the central, provincial, and district levels were aware of establishments facilitating commercial sex in at least one SEZ, but police did not report screening for or identifying any adult or child sex trafficking victims in these establishments. Central and provincial level police officers reported that during raids of establishments facilitating commercial sex, failure to proactively screen for trafficking may have resulted in the arrest of some adult sex trafficking victims for prostitution violations; some child sex trafficking victims may have also been arrested due to officers' inability to effectively determine their age. As of the beginning of the reporting period, the government's National Task Force for COVID-19—a multi-sector committee led by the Ministry of Health (MOH)—assumed responsibility for screening all Lao migrants who returned to the country and oversaw COVID-19 quarantine centers; however, due to the large volume of nationals returning to the country, the task force focused primarily on health examinations for returnees and did not consistently screen this vulnerable population for trafficking. For example, MOH reported the task force facilitated the return of and quarantined more than 300 Lao migrant workers who returned from Malaysia—many of whom worked in the fishing industry—but it did not report if it screened this vulnerable population for trafficking. NGOs reported the Ministry of Labor and Social Welfare (MLSW) screened for trafficking indicators among some nationals returning through formal checkpoints, but the government did not effectively screen for trafficking among those returning illegally at informal border crossings. Overseas, Lao diplomatic officials were responsible for identifying victims and reporting cases to the ATD or MOFA; however, the government did not report if these officials continued to employ victim identification measures during the reporting period. Notably, in April 2020, the government approved national victim protection and referral guidelines—which were developed in consultation with civil society—to establish uniform, protective procedures for referring victims to services with the opportunity to seek justice. Although the pandemic delayed the government's efforts to officially disseminate the guidelines to relevant authorities for a few months, the LWU—which was tasked with compiling the guidelines—began to disseminate them during the reporting period. LWU also reported that authorities demonstrated implementing the guidelines through its efforts to assist in the return of Lao victims from Thailand and China during the reporting period. The government did not report if it funded the repatriation of foreign victims during the reporting period.

The government identified 21 victims of sex trafficking and 39 victims of labor trafficking; 66 victims of fraudulent marriage, which may have included corollary sex or labor trafficking indicators; and 16 victims of other forms of exploitation. All identified victims were citizens of

Laos and the majority of these victims were exploited abroad, mostly in China and Thailand. The government did not report identifying any foreign trafficking victims during the reporting period. The ATD did not report if it counted or tracked victims who declined official assistance. The government referred all 60 identified victims of sex and labor trafficking, as well as the 82 victims of fraudulent marriage and other forms of exploitation, to the LWU for services, which operated the government's single shelter for trafficking victims. In comparison, in 2019, the government did not report a comprehensive number of identified victims but reported the LWU provided services to 39 identified victims. The 2016 anti-trafficking law entitled victims to shelter, legal counseling, medical services, education or vocational training, and financial assistance for reintegration, regardless of sex or nationality; however, in practice, the government did not provide sufficient services for male victims. The provision of shelter or other protective services were not contingent upon victims' cooperation with law enforcement or testimony in court. The Supreme People's Court reported that it continued to allow victims to testify behind a curtain to protect their privacy and ensure their safety, but it did not report how many victims testified against traffickers during the reporting period. The LWU and the MLSW were responsible for providing reintegration services for trafficking victims but relied heavily on NGOs to provide such assistance. The government reported that victims may request civil compensation and that this civil procedure can be combined with a criminal trial; the courts ordered nine defendants convicted in 2020 to pay compensation to their victims (four victims in total), with 78 million LAK. The government did not report providing legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

## PREVENTION

The government maintained prevention efforts. The government reported its budget for anti-trafficking activities remained the same as the previous reporting period, which was 300 million Lao kip (\$32,330) provided to each ministry. Some agencies, especially service providers, reported they had incurred extra expenses in 2020 due to the high volume of returning migrant workers; the government provided extra funds to the MOH for anti-trafficking activities, in part to assist in the unusually high number of victims returning from Thailand. The ministerial level National Steering Committee on Anti-Human Trafficking and the working-level National Secretariat on Anti-Human Trafficking continued to meet regularly and led Laos' anti-trafficking response. The Prime Minister's 2018 decree on the creation of multi-sectoral anti-trafficking steering committees at the provincial and district levels to implement the 2016 anti-trafficking law and national action plan remained a priority; all 18 provinces and districts maintained committees. Coordination with civil society organizations continued to improve throughout the reporting period through joint formal consultations, sharing of best practices, and partnerships at national and sub-national levels. The government implemented its 2016-2020 national action plan and continued to consult with civil society organizations—for a new plan covering 2021-2025. The government's annual progress report on implementation of the existing plan was not publicly available.

The government continued to conduct a range of anti-trafficking education and outreach efforts through public posters, radio segments, and television, including a nationally broadcast weekly television program on trafficking issues. In December 2020, the government conducted awareness-raising on child sex tourism for 50-60 representatives from local anti-trafficking committees, tourism businesses, restaurants, and hoteliers in Champasak and Salavan provinces, then held similar activities in Vientiane Capital and Savannakhet in March and April 2021, respectively. The government also reportedly provided an anti-trafficking training to tourist-focused businesses during the reporting period. The ATD continued to operate a trafficking hotline, which received an average of 15 calls per month, but observers reported it was not fully staffed by an officer who could answer or address calls. The LWU also operated a hotline for domestic and gender-based violence and human trafficking, which served as the

de facto national trafficking hotline; the hotline received 60-100 calls a day, but the government did not report how many trafficking cases or victim referrals it received from the hotline. Observers reported that staff at both hotlines did not always provide effective assistance or follow-up, and public awareness of these hotlines was limited.

Regulations for Lao workers migrating abroad were designed to prevent trafficking but in some cases may have exacerbated vulnerability to it. In May 2020, the Prime Minister issued Decree No.245 on the placement of Lao workers abroad, intended to protect the rights and interests of both workers and recruitment agencies; it also eliminated the ban on domestic work, which previously created the risk that some workers would migrate through informal channels and increase their vulnerability to unscrupulous agents and traffickers. During the reporting period, MLSW conducted skills training and job placement services for Lao workers, in an effort to discourage returned migrants from illegally seeking employment abroad. MLSW continued to oversee 24 recruitment agencies authorized to recruit for jobs abroad, although most of these agencies were closed during the reporting period. These agencies acted as gatekeepers to the formal migration process in Laos, and Lao law allowed these agencies to charge workers various recruitment fees. A 2002 MOU on employment cooperation with the Government of Thailand remained active and provided for a formal labor migration process, but it was costly to workers (requiring forced savings for repatriation and payment of other fees), complex, and time-consuming. As a result, the MOU process did not dissuade migrants from utilizing irregular migration schemes, though it led to higher wages and fewer hours of work. A 2020 study conducted by an international organization reported that while the bilateral process did not always prevent Thai employers from exploiting workers, the process offered victims with assistance in both Thailand and Laos. A 2018 study by an international organization found formal recruitment centers passed on fees to workers; many workers did not understand the contracts they signed with the recruitment centers; and some Thai employers withheld workers' passports—all of which increased workers' vulnerability to trafficking. The MLSW continued to employ a labor attaché in Thailand who could register employment grievances of Lao workers in the country, but the government did not report if the attaché received anti-trafficking training or if the attaché formally identified any trafficking victims in Thailand during the reporting period. The government scheduled standard anti-trafficking trainings for its diplomatic personnel in 2020, but they were delayed due to COVID-19 restrictions; however, MOFA and LWU held a training session for consular officers on victim identification and referral in February 2021. Government capacity to register births and issue family books and other civil documents, particularly in remote areas of the country, remained limited and contributed to vulnerability; however, the government began to modernize civil registration systems in March 2021. The government did not make efforts to reduce the demand for commercial sex.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Laos, and traffickers exploit victims from Laos abroad. Laos is primarily a source country for human trafficking, particularly to Thailand and China, as well as Vietnam and Malaysia. Traffickers exploit a large number of Lao women and girls in Thailand in commercial sex and forced labor in domestic service, factories, or agriculture, and in some cases exploit those sold as brides in China in sex trafficking or domestic servitude. Traffickers exploit Lao men and boys in forced labor in Thailand's fishing, construction, and agricultural industries. Lao trafficking victims, especially from the southern region of the country, are often migrants seeking opportunities abroad whom traffickers exploit in labor or sex trafficking in destination countries. Some victims migrate with the assistance of legal or illegal brokers charging fees, while others move independently through Laos' 101 official border crossings using valid travel documents. Many of these border crossings are managed by provincial or district level immigration authorities with less formal training and limited hours of operation, making them



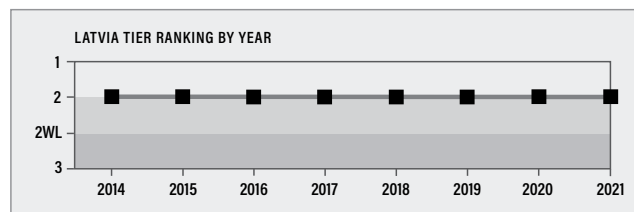
easier transit points for traffickers to facilitate the movement of Lao victims into neighboring countries. Foreign traffickers increasingly collaborate with local Lao middlemen to facilitate trafficking. In 2020, the pandemic had an impact on the vulnerability of Lao nationals returning from abroad. In March 2020, thousands of Lao migrants formally and informally working in Thailand and other countries, including Malaysia and China, began to return to Laos, which led to widespread unemployment within the country and increased economic hardship for families dependent on foreign remittances. These conditions placed Lao workers in potentially exploitative situations as they sought low paying jobs in Laos or illegally migrated for work abroad. Police observed that the closure of the Laos-Thai border has created a local demand for commercial sex; local officials speculate that the lack of access to work in Thailand coupled with economic hardship could lead to an increase in individuals engaging in commercial sex, increasing their vulnerability to sex trafficking.

Traffickers in rural communities often lure Lao women and girls with false promises of legitimate work opportunities or promises of marriage—typically through the use of marriage brokers—to nationals in neighboring countries, primarily China, and then subject them to sex or labor trafficking. Children from poor, rural areas are especially vulnerable. Students often have little incentive to continue their education, especially given the legal work age of 14 and the lure of higher wages abroad. With no oversight by local authorities, foreign and Lao workers at or near foreign-owned or foreign-operated agricultural plantations—including banana and rubber plantations—railway construction sites, and SEZ are extremely vulnerable to forced labor and sex trafficking. A study conducted by an international organization in 2019 reported the presence of women and children in commercial sex near Chinese-financed railway construction sites. There are reports that the Boten Economic Zone near the border with China houses a flourishing commercial sex industry. Other reports indicate that Burmese nationals working as manual laborers or involved in commercial sex near the Lao portion of the Golden Triangle—the geographic area marked by the intersection of the Lao, Burmese, and Thai borders—may be victims of trafficking; a media report from February 2021 indicated the presence of Lao, Chinese, Burmese, Thai, and Vietnamese nationals in commercial sex in the Golden Triangle SEZ, some of whom may be trafficking victims. Traffickers also exploit Vietnamese, Chinese, and Lao women and children in sex trafficking in larger Lao cities and in close proximity to national borders, casinos, and SEZs—reportedly to meet the demand of Asian tourists and migrant workers. NGOs estimated in 2018 that 13,000 individuals in Laos are in commercial sex in established businesses and are potentially vulnerable to sex trafficking, with as many as three times that figure operating independently throughout the country. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States have traveled to Laos for the purpose of exploiting child sex trafficking victims.

## LATVIA: TIER 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period while considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Latvia remained on Tier 2. These efforts included investigating more trafficking cases; seizing significantly more assets from suspected traffickers; and identifying and referring more trafficking victims. Furthermore, the government amended the labor law to protect the rights of employees posted abroad and hold employers liable for the employee's terms of employment and working conditions. However, the government did not meet the minimum standards in several key areas. Courts convicted one trafficker and issued a suspended sentence with no prison time—thereby denying the serious nature of the crime. Officials struggled to identify child trafficking victims even though

children in state orphanages remained vulnerable to sex trafficking. Many judges and prosecutors lacked a sufficient understanding of all forms of trafficking and how to apply anti-trafficking laws.



### PRIORITIZED RECOMMENDATIONS:

Investigate, prosecute, and convict trafficking cases under the trafficking statute (Section 154-1 of the criminal law) rather than for lesser crimes and issue significant sentences, involving imprisonment of at least one year, to convicted traffickers. • Proactively identify trafficking victims, including children induced into commercial sex and victims of sex trafficking in Latvia's legal commercial sex industry, and provide relevant training to authorities. • Develop and implement a national referral mechanism to include guidance on identification, referral, and information exchange among stakeholders. • Expand efforts to educate officials involved in judicial proceedings, particularly prosecutors and judges, to understand all forms of trafficking and apply anti-trafficking laws. • Increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion. • Train authorities from agencies tasked primarily with non-trafficking issues to identify trafficking cases for investigation and refer victims for assistance. • Regulate and monitor recruitment agencies for labor trafficking indicators and hold fraudulent agencies civilly or criminally liable. • Approve and implement a national action plan (NAP) for 2021.

### PROSECUTION

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

The State Police's anti-trafficking unit, comprising 18 officers and specializing in investigating trafficking, brokered marriages, and related crimes, investigated seven new cases (one sex trafficking and six labor trafficking) under Section 154-1, an increase from three in 2019. Authorities prosecuted two traffickers (one sex trafficking and one labor trafficking) under Section 154-1 (three in 2019), and courts convicted one trafficker (three in 2019). The convicted trafficker received a suspended sentence with no jail time, whereas in 2019 the convicted traffickers received prison sentences of five years and two months each. Under Section 165-1, authorities investigated one new case, prosecuted one defendant, and convicted zero traffickers. By comparison, in 2019, authorities investigated one case, prosecuted four defendants, and convicted two traffickers, who received prison sentences of six years and six months. In 2020, the anti-trafficking

police unit seized approximately €1.7 million (\$2.1 million) in assets from suspected traffickers, a significant increase from €463,000 (\$568,000) in 2019. The majority of the assets seized pertained to a labor trafficking case in a cookie factory involving Indian and Uzbek workers. The prosecutor general's office reviewed one judicial assistance request in a trafficking case from Germany and submitted one to Morocco. A specialized prosecution office reviewed, monitored, and managed all Riga District Court trafficking-related cases pertaining to Section 154-1. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Perennial issues within the judicial system, such as lengthy trials and lenient sentences, which often resulted in no jail time for convicted traffickers, remained the government's greatest deficiency—providing limited deterrence, contributing to the underreporting of trafficking crimes, and undermining defendants' rights to a fair trial within a reasonable time. For instance, a 2014 case involving two Riga police officers charged with facilitating pimping remained in court at the end of the reporting period. Reports persisted that police, prosecutors, and judges lacked an understanding of trafficking. Experts noted the need for more training for authorities, particularly on applying anti-trafficking laws, working with victims, evidence collection, and understanding psychological coercion. The government addressed knowledge gaps during the reporting period by training prosecutors and consular employees on aspects of labor trafficking; judges on prevention measures; border guards on victim identification; and police on the different types of trafficking and recruitment methods. Experts noted, though, that a lack of interest in training among law enforcement officials often led to poor attendance at international and local seminars. To improve law enforcement's response to trafficking, the government committed to a project with an Estonian university and international organizations to enhance law enforcement cooperation and training on trafficking.

## PROTECTION

The government increased efforts to protect victims. In 2020, authorities identified 47 trafficking victims (37 labor trafficking, 10 sex trafficking), an increase from 39 in 2019. Police, immigration, and social services utilized written procedures for identifying victims. Authorities referred victims to the assistance program based on decisions by either law enforcement or an NGO-led panel of experts. Experts reported most government agencies lacked either the practical experience or willingness to identify victims and noted agencies tasked primarily with non-trafficking issues rarely referred trafficking cases for investigation or victims for assistance. Additionally, experts raised concerns that the lack of a centralized referral mechanism hindered coordination among stakeholders and the facilitation of care for all potential victims. Subsequently, in August 2020, the prime minister directed the development of a national referral mechanism to include guidance on identification, referral, and information exchange. Identifying child trafficking victims domestically remained a challenge; authorities identified two children in 2020 (one in 2019) even though government officials cited orphanages as vulnerable and noted an increase in potential trafficking cases involving children in recent years. Observers maintained the crime remained underreported and stated further education of staff at institutions, such as orphanages, could lead to increased identification of child trafficking victims. In 2019, the Office of the Ombudsman, in conjunction with an NGO, monitored sexual abuse in orphanages and boarding schools to identify the risks of sex trafficking in the sector but, due to the pandemic, ceased the study during 2020. Nevertheless, the ombudsman maintained children of municipal and private social care providers were most vulnerable to trafficking risks. Child protection conducted 76 inspections of possible children's rights violations (eight at orphanages), but none resulted in a trafficking case.

The government continued to contract two NGOs to assist victims in the state-funded, NGO-run assistance program, allocating €201,000 (\$247,000), a notable increase from €135,000 (\$166,000) in 2019.

The program offered victims medical and psychological assistance, legal representation, housing, and reintegration services. While shelters were available to trafficking victims, with the growing number of labor trafficking victims, NGOs reported the need for specialized shelters. The assistance program certified more victims in 2020 (44 compared with 35 in 2019) due to the increase in identified labor trafficking victims. Thirty-one of the victims certified were foreign nationals (28 in 2019), continuing the swing from 2018 when all certified victims were Latvian nationals. Experts attributed the shift to an increase in domestic labor trafficking of guest workers from India, Tajikistan, and Uzbekistan in the Latvian agriculture and construction industries. Latvian law allowed foreign victims to receive residence permits and a 30-day reflection period to consider claiming formal status as a trafficking victim. In 2020, the government granted a 30-day reflection period to eight victims and issued 17 temporary residence permits. Experts expressed concern about human trafficking in Latvia's legal commercial sex industry and the potential penalization of victims, noting law enforcement's focus on fining potential victims who were not in compliance with regulations or other criminal statutes, rather than on identifying victims. Government regulations on assistance to trafficking victims limited state-funded rehabilitation services to six months, although victims whose cases went to trial received assistance, mostly legal counselling, for the duration of the legal proceedings. In 2020, 22 victims cooperated with law enforcement, a significant increase from four in 2019; 20 were victims of labor trafficking. Two trafficking victims received compensation from the State Agency for Judicial Assistance, which administered the victims' compensation program (three in 2019). During the reporting period, the government amended the Law on Social Services and Social Assistance to prohibit trafficking victims from losing their social allowances once they received court-ordered compensation. In 2020, one trafficking victim received partial court-ordered restitution from their traffickers (two in 2019). One trafficking victim received state-funded voluntary repatriation and other services through the state assistance program.

## PREVENTION

The government increased prevention efforts. Although the government's NAP expired during the reporting period, a new NAP was pending review and approval. Several ministries published quarterly and annual reports on trafficking, including a survey on the scope and social backgrounds of identified victims. The ministries of interior and foreign affairs conducted a joint awareness campaign, informing the public about the different forms of trafficking, risks and repercussions associated with trafficking, and opportunities for assistance. Other government agencies also contributed to a number of public awareness campaigns, including on safe travel and labor exploitation. In accordance with European Parliament directives, the government amended its labor law, obligating employers to regulate working conditions for employees posted abroad. The government also amended the law to penalize employers for not providing a written contract and minimum wage to employees. With the rise of third country nationals arriving in Latvia for employment, the government amended labor regulations on recruitment agencies, requiring agencies to provide job-related information to employees in a language they understand. Based on regional research examining labor trafficking cases, particularly cases combining economic crime and illicit financial flows, the government developed guidelines for authorities to use in identifying cases. Latvia led a regional project to support stakeholders in combating and disrupting labor trafficking by analyzing and consolidating information, improving assistance to victims, and increasing prosecution of traffickers. In 2020, the state monitored the activities of licensed employment agencies, but did not report any canceled licenses for agencies in violation, the same as in 2019. The government did not make efforts to reduce the demand for commercial sex acts. The State Police participated in an international project aiming to combat sexual exploitation among children by addressing trafficking risks, victim vulnerability, and cooperation with law enforcement. A special police unit focused on preventing child sex tourism and the sexual abuse of children. Child

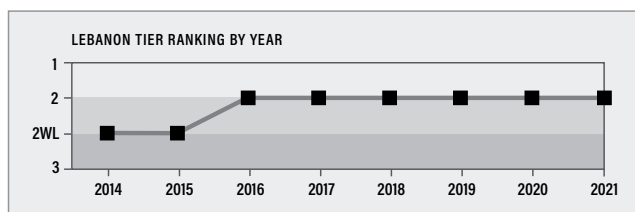
protection maintained a helpline for child victims of abuse, including trafficking. The government maintained emergency helplines that received 74 calls on potential trafficking situations.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Latvia, and traffickers exploit victims from Latvia abroad. Traffickers exploit Latvian women and girls in sex trafficking in Latvia, other parts of Europe, and the United States. Latvian women recruited for brokered marriages in Western Europe are vulnerable to sex trafficking, domestic servitude, and forced labor. Traffickers target single women with limited education, children from disadvantaged families, students, unemployed adults, and people with mental disabilities by word-of-mouth and through social media. Latvian men and women are exploited in forced labor, mainly in other parts of Europe. The government reports a decrease in international trafficking, which it attributes to underreporting. Government officials report an increase in domestic labor trafficking of guest workers, particularly men, from India, Tajikistan, Uzbekistan, and Ukraine, most of whom arrive in Latvia legally with Schengen or student visas and mainly work in the agriculture, construction, food, and hospitality industries. The State Labor Inspectorate reports increasing numbers of illegal workers in the transportation industry, including taxi drivers from Uzbekistan and Tajikistan who receive work contracts from Polish recruitment agencies, at risk to trafficking. Illegal migrants from Vietnam, Pakistan, Algeria, and Russia, some of whom may be or may become trafficking victims, transit Latvia en route to Western Europe. Observers reported children in state orphanages are particularly vulnerable to sex trafficking, although there have been no documented sex trafficking cases of children living in state institutions.

## LEBANON: TIER 2

The Government of Lebanon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Lebanon remained on Tier 2. These efforts included temporarily waiving requirements for employer approval to allow migrant workers to change employers, extending migrant workers' residencies through June 2021 in response to the pandemic, amending reporting processes to prevent automatic penalization of migrant workers leaving abusive employers, and increasing investigations. However, the government did not meet the minimum standards in several key areas. The government did not initiate any new prosecutions or convict any sex or labor traffickers. The government did not approve the labor law amendment extending legal protections to all foreign workers or approve the draft standardized contract for migrant workers. The government did not implement formal victim identification and referral procedures, which resulted in the potential for some victims to face arrest, detention, or deportation for unlawful acts their traffickers compelled them to commit. Lebanon's sponsorship system continued to create vulnerabilities for the exploitation of migrant workers and remained a significant impediment to authorities identifying and protecting trafficking victims.



## PRIORITIZED RECOMMENDATIONS:

Develop and implement government-approved procedures for officials to identify trafficking victims among vulnerable populations, such as illegal or detained migrants, women holding *artiste* visas, domestic workers, and Syrian refugees, for referral to protection services.

- Increase efforts to ensure trafficking victims are not arrested, detained, or deported for unlawful acts their traffickers compelled them to commit, such as immigration or prostitution violations.
- Enact the labor law amendment extending legal protections to all foreign workers, including domestic workers and *artiste* visa holders, and approve the draft standardized contract for migrant workers as submitted to the State Shura Council.
- Strengthen and expand efforts to reform the sponsorship system to ensure all foreign workers, including domestic workers and *artiste* visa holders, are not bound to abusive employers, and allow workers full freedom of movement, including by permanently waiving previous employer approval requirements for workers to change employers.
- Increase prosecutions and convictions of perpetrators of all forms of trafficking under the anti-trafficking law and investigate for potential trafficking crimes employers and recruitment agents who withhold workers' passports, travel documents, or wages.
- Increase efforts to train judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law.
- Screen all detained domestic workers in detention centers for trafficking indicators and refer victims to care.
- Take concrete steps to improve oversight of *artiste* visas, a program that contributes to the vulnerability of women to sex trafficking.
- Ensure the judiciary coordinates with the Directorate of General Security (DGS) to consistently apply the anti-trafficking law by granting temporary residency permits for trafficking victims and allowing victims to work.
- Continue to work in partnership with NGOs to screen, identify, and provide protection services, including witness support during criminal proceedings, for all victims.
- Increase efforts to raise public awareness of trafficking, including exploitation of migrant domestic workers.
- Formally establish the victim assistance fund.
- Adopt and implement the draft national anti-trafficking action plan.
- Improve the judiciary's capacity to collect, compile, and track data and outcomes of trafficking cases from all courts.

## PROSECUTION

The government maintained uneven law enforcement efforts. The 2011 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of five to seven years' imprisonment and fines if the offense involved an adult victim, and 10 to 12 years' imprisonment and fines for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government did not have a law that prohibited or penalized confiscation of workers' passports or travel documents by employers or labor agents.

During the reporting period, the Internal Security Forces (ISF) investigated 12 cases, confirmed by the judiciary as instances of human trafficking, involving 77 suspects—67 men and 10 women—for sex trafficking; the 12 cases involved 38 sex trafficking victims. Additionally, DGS investigated 206 cases of suspected trafficking involving migrant domestic workers and adult nightclub workers holding *artiste* visas. DGS reported it determined 128 of the 206 cases met the criteria for trafficking cases; some of the cases involved multiple violations. DGS investigations resulted in the following outcomes: referral to judicial or law enforcement authorities for further investigation, payment of back wages to workers, repatriation of migrant workers, and denying or restricting employers and sponsors from hiring migrant workers, including domestic workers. The 218 total investigations in 2020 represented an increase from the 191 investigations initiated during the previous reporting period. The government reported one prosecution continued from a previous reporting period but did not report initiating any new prosecutions or convicting any sex or labor traffickers during the reporting period.



This was a decrease in prosecutions and convictions in comparison to the previous reporting period, during which the government prosecuted 46 alleged traffickers and convicted and sentenced 22 traffickers. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period.

Due to pandemic mitigation measures, the government assigned all ISF units, including the anti-trafficking unit, to lockdown enforcement for at least a week at a time at multiple points in the reporting period; the units could not complete regular duties while so assigned. In addition, the government either closed courts or significantly reduced their operating capacity due to pandemic-related mitigation measures; all but emergency trials were suspended, and the government prioritized completing investigations that would allow the release of pre-trial detainees to reduce overcrowding in prisons. The government reported pandemic-related lockdowns and mitigation measures hindered investigators' ability to collect evidence and victim testimonies. The ISF anti-trafficking unit remained understaffed and underfunded with only 22 officers covering all of Lebanon and no field offices outside of Beirut; this continued to limit the ISF's work and ability to recruit and train new officers for the unit. Additionally, government officials and NGOs continued to report some judges lacked understanding of the anti-trafficking law and knowledge of best practices for handling trafficking cases. Officials generally sought to resolve trafficking cases involving foreign workers through mediation between the employer and worker, rather than referring them for criminal prosecution. Government officials continued to report security forces were reluctant to arrest parents for subjecting their children to trafficking, usually in forced begging, due to a lack of social services available should the child be removed from the family. The ISF, DGS, and Ministry of Justice (MOJ) continued to occasionally include specialized anti-trafficking training as a part of their curriculum for personnel. The government also continued to encourage officials to participate in anti-trafficking trainings provided by NGOs, though the pandemic forced the postponement of many trainings.

## PROTECTION

The government increased victim identification and protection efforts, although the government remained dependent on NGOs to provide most victim services. The government did not formally adopt draft procedures for the identification and referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. In November 2020, the government convened international organizations and NGOs via virtual fora to develop a plan to finalize adoption of the draft victim identification procedures. While the government established steps towards adoption, it did not finalize a timeline due to the caretaker status of the government. During the reporting period, the Ministry of Social Affairs (MOA) requested an international organization's assistance to develop a digital tool to better identify trafficking victims among vulnerable populations, including migrant workers. The government identified at least 156 trafficking victims and referred all of them to NGO protection services during the reporting period. The number of victims identified and referred to services in 2020 represented a substantial increase from the 63 victims the government identified in 2019. The government reported a DGS-operated hotline received 211 calls but did not report if it identified any victims through hotline calls or referred any cases for investigation. Through the Ministry of Labor's (MOL) complaints office and 24-hour hotline, it received 300 complaints but did not report further details.

The government did not directly provide protection services to trafficking victims but continued to work in partnership with NGOs to provide essential victim services. Government officials noted the pandemic limited NGOs' ability to assist victims due to movement restrictions and social distancing measures that reduced the number of new victims entering shelters and made service provision difficult. NGO-run victim care facilities in Lebanon were dedicated only to

female and child trafficking victims; there were no services available or government resources dedicated to male trafficking victims, even though trafficking of men in the construction sector reportedly continued. An NGO reported referring male victims to their embassy or consulate for accommodation during the reporting period. Pursuant to a longstanding memorandum of understanding, renewed during the reporting period, between the government and an NGO, DGS referred female victims to an NGO-run safe house and provided security for the location; the government did not allow victims to work while receiving assistance at the safe house. In response to pandemic-related mitigation measures, the NGO updated the safe house to include single-occupant rooms for quarantine purposes. In 2020, the safe house assisted 145 trafficking victims. Victim services were not time-limited or conditional upon victims' cooperation with law enforcement. MOA also continued to coordinate and fund the provision of protection services to child trafficking victims through contractual agreements with NGOs. Foreign embassies that provided shelter to nationals when NGO shelters were full reported providing accommodation to an increased number of their nationals, including domestic servitude victims, due to the economic crisis; for example, the Philippines embassy regularly housed 140 migrant domestic workers in a space meant for 30. DGS expanded a December 2019 amnesty program through June 2021 to waive most overstay fines and provided plane tickets for an unspecified number of migrant workers, including potential trafficking victims; although the program still required out-of-status migrants to pay one year's worth of fees—between 300,000 lira (\$200) and 400,000 lira (\$270)—DGS waived all fees when NGOs or foreign embassies requested. For the second consecutive year, MOA coordinated with an international organization to provide technical support for the development of an implementation decree to create a victim assistance fund; the decree remained in draft form at the end of the reporting period. In September 2020, the caretaker Minister of Labor attempted to introduce an amendment to the draft labor law extending legal protections to foreign and domestic workers; however, the State Shura Council determined a minister in caretaker status could not submit an amendment to a law.

The government continued to arrest, detain, and/or deport unidentified victims for unlawful acts their traffickers compelled them to commit, such as domestic workers who fled abusive employers, out-of-status or irregular migrant workers, women holding *artiste* visas, and persons in commercial sex. NGOs reported some foreign victims, including migrant domestic workers, sometimes refused to file complaints or retracted testimony due to fear of reprisal or deportation. Under the sponsorship system, foreign workers—including foreign trafficking victims—who left their place of employment without permission from their employer forfeited their legal status, thereby increasing the risk of arrest, detention, and deportation. In February 2021, DGS adopted new administrative procedures for employers to inform DGS about domestic workers that have left the workplace; the new procedures replaced previously used employer complaint systems that automatically launched prosecutions of migrant workers who left their workplace. In addition, DGS prohibited the use of certain language in official reports implying domestic workers violated employment conditions such as "fled" or "ran away," replacing them with the phrasing "left the workplace." Authorities could subject foreign workers without valid residence and work permits to detention for one to two months—or longer in some instances—followed by deportation; due to the pandemic, authorities did not exercise this authority during the reporting period. Furthermore, authorities could immediately deport women holding *artiste* visas upon arrest for prostitution violations; however, DGS reported it did not deport any *artiste* visa holders during the reporting period and voluntarily repatriated 53 *artiste* visa holders, five of which were repatriated following trafficking investigations. During the reporting period, DGS extended all residency permits for all migrant workers until June 2021 to mitigate increased vulnerabilities resulting from the pandemic. DGS continued to operate a 750-person detention center where authorities detained foreign domestic workers for

violating the terms of their work contracts or visas. For the last several years, DGS allowed an NGO to operate a permanent office inside the detention center that allowed staff unhindered access to detainees to provide medical and psycho-social services. However, due to a decrease in government funding to the NGO over the past two reporting periods, the NGO was unable to continue providing health services to detainees—including trafficking victims—and was only able to provide social and legal services. DGS also continued to permit the NGO to interview detainees to identify trafficking victims among the detention center population, although interviews were limited due to pandemic-related mitigation measures; NGOs identified 16 trafficking victims in the detention center during the reporting period, compared with 49 victims the NGO identified in 2019. In response to the pandemic, DGS announced only detainees with pending judicial action would be held at the detention center and other detainees would be released with the option of temporary residency or repatriation assistance. DGS reported that as of September 2020, DGS had released and repatriated 600 of the 700 detainees that had been at the center at the start of the reporting period. The NGO continued to report high levels of professionalism, sensitivity, and awareness among DGS officials and investigators, which allowed the NGO to more effectively identify victims among detainees.

Victims could file civil suits to obtain compensation; the government did not report whether courts awarded compensation to victims through civil suits during the reporting period. Investigative judges could exclude the identity of a victim from official reports if there was a concern that providing information about the crime could result in a threat to the life or safety of the victim or their family; the government did not report whether this provision was used during the reporting period. In addition, victims could provide testimony via video or written statement, but the government did not report whether this was used during the reporting period. Victims were also allowed to reside in Lebanon during an investigation of a trafficking case upon a judge's decision, but the government did not report that any judges issued such a decision during the reporting period. NGOs continued to report foreign victims preferred quick administrative settlements followed by repatriation rather than long criminal prosecutions because of the lack of protection services or resettlement options during the criminal proceedings. An international organization reported pandemic-related lockdowns and airport closures further encouraged victims to return home rather than remaining in Lebanon under severe lockdown measures and poor economic conditions. Therefore, authorities faced challenges pursuing potential cases of trafficking when victims chose voluntary repatriation rather than facing an often-lengthy trial process because they were not present in the country to testify against their traffickers. The government did not provide temporary or permanent residency status or other relief from deportation for foreign trafficking victims who faced retribution or hardship in the countries to which they would be deported.

## PREVENTION

The government maintained weak efforts to prevent trafficking. The national anti-trafficking commission under the National Human Rights Committee continued to coordinate anti-trafficking efforts during the reporting period. The government did not adopt its 2013 draft national anti-trafficking action plan, but relevant ministries continued to implement portions of the plan. The government, at times in coordination with NGOs and international organizations, conducted public awareness campaigns during the reporting period. The MOJ also planned a conference with international organizations and NGOs to mark World Day Against Trafficking in Persons in July 2020, but the government canceled the conference due to pandemic-related restrictions. DGS and the MOL continued to operate hotlines to receive reports of abuse and migrant worker complaints, including suspected trafficking crimes. The MOL hotline received 300 calls, and the DGS hotline received 211 calls during the reporting period. The government did not report whether the government identified any victims or initiated any investigations as a result of these calls. DGS

continued a program to inform *artiste* visa holders about restrictions and obligations of their visa status upon arrival to Beirut International Airport. Under the program, if the visa holder objected to the visa's terms, they were free to return to their home country. DGS reported that seven women who entered the country on an *artiste* visa chose to return immediately to their home countries without continuing to their place of employment during the reporting period. Under a directive from DGS, airport officers continued to return passports directly to foreign domestic workers upon their arrival in Lebanon, but NGOs reported that many employers ultimately confiscated workers' passports in private.

The government continued coordinating a working group with an international organization focused on reforming the sponsorship system established in the previous reporting period. In September 2020, the caretaker Minister of Labor approved a draft standardized work contract for migrant domestic workers drafted in the previous reporting period as part of the working group's efforts. However, in October 2020, the State Shura Council suspended the use of the new standardized contract following a legal challenge by a trade organization representing recruitment agencies. The standardized contract remained suspended at the end of the reporting period. MOL finalized standardized operating procedures begun in the previous reporting period to refer migrant workers to services that call the MOL's complaint hotline. Because many domestic workers became unemployed due to the economic crisis, DGS waived requirements for notarized employer approval for workers to change employers during the reporting period; the government did not report for how long these requirements would be waived. A 2015 ministerial decree prohibited recruitment agencies from requesting or receiving any worker-paid recruitment fees, but the government acknowledged there were numerous unregistered recruitment agencies operating illegally which may have charged migrant workers recruitment fees. In 2020, the MOL closed six recruitment agencies for labor violations or complaints of mistreating migrant domestic workers. The MOL also maintained a list of an unknown number of recruitment agencies that had committed fraudulent recruitment practices. The government, however, did not report prosecuting any recruitment or employment agencies for potential trafficking crimes during the reporting period. The government did not take steps to reduce the demand for commercial sex acts or address child sex tourism by Lebanese nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Lebanon, and traffickers exploit victims from Lebanon abroad. Women and girls from South and Southeast Asia and an increasing number from East and West Africa are subjected to domestic servitude in Lebanon. According to an international organization, there were 250,000 migrant domestic workers in Lebanon in 2019. Lebanese government officials and NGOs report most employers withhold their domestic workers' passports, and some employers also withhold workers' wages, force them to work excessive hours without rest days, restrict their freedom of movement, and physically or sexually abuse them. NGOs report that such abuse of domestic workers is typically underreported. Many migrant workers arrive in Lebanon through legal employment agencies but are subsequently exploited or abused by their employers, and some employment agencies recruit workers through fraudulent or false job offers. The prolonged economic crisis exacerbated by the pandemic prompted approximately 30,000 migrant workers to leave Lebanon in 2020. New migrant worker arrivals in Lebanon dropped as much as 75 percent in 2020, compared with 2019, according to media estimates; an international organization reported only 9,409 migrant domestic workers were recruited in 2020, compared with 33,075 recruited in 2019. NGOs reported employers dropped domestic workers off at their embassies during the reporting period because they were unable to continue paying salaries, and an international organization reported renewals of migrant domestic worker contracts

decreased from 151,121 in 2019 to 109,672 in 2020. In 2020, an international organization reported an increase in cases of victims exploited by nationals of their own country of origin, particularly among migrant workers. Traffickers among the same nationality coerce migrant workers that have been fired or abandoned by their Lebanese employer into domestic servitude or sex trafficking. In 2020, NGOs reported demand for domestic workers already in Lebanon increased due to pandemic-related travel restrictions and the economic crisis. NGOs reported the combined impact of the economic crisis, pandemic restrictions, and the August 2020 port explosion in Beirut increased vulnerability of Lebanese nationals to trafficking. NGOs and international organizations reported an increase in exploitation of Lebanese adults by Lebanese nationals—particularly in industries such as custodial services—and similar to migrant workers previously filling the same jobs, these Lebanese workers were subjected to abuses, such as nonpayment of wages, poor working conditions, and excessive hours.

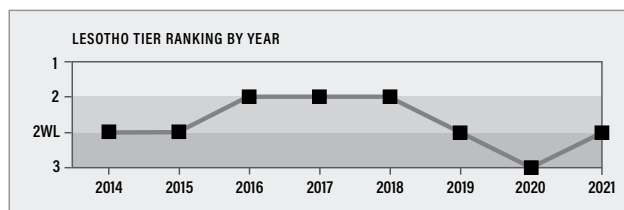
Women, primarily from Russia, Ukraine, Belarus, Moldova, Morocco, and Tunisia, legally enter Lebanon to work as dancers in nightclubs through Lebanon's *artiste* visa program. An *artiste* visa is valid for three months and can be renewed once. The terms of the *artiste* visa prohibit foreign women working in these nightclubs to leave the hotel where they reside, except to work in the nightclubs that sponsor them, and nightclub owners withhold the women's passports and wages and control their movement. Traffickers also exploit these women through physical and sexual abuse and domestic servitude. The government and NGOs reported the number of migrant domestic workers and *artiste* visa holders entering Lebanon was significantly lower in 2020; the government reported 3,376 *artiste* visa holders entered Lebanon in 2019, compared with 774 in 2020. The government reported 29 out of 42 adult nightclubs closed permanently during the reporting period due to the economic crisis and pandemic-mitigation shutdowns, after which *artiste* visa holders either returned to their home country or stayed in Lebanon if they found work at a different nightclub.

Adults and children among the estimated 1.5 million Syrian refugees in Lebanon are at high risk of sex trafficking and forced labor. Restrictions on Syrians' ability to work legally in Lebanon and the enforcement of visa and residence permit laws increase this population's vulnerability to trafficking. Syrians are commonly involved in the exploitation of other Syrians in Lebanon, particularly targeting refugees fleeing the conflict. For example, Syrian traffickers hold Syrian refugee adults and children in bonded labor to pay for food, shelter, and the cost of transit to Lebanon, and they contract out groups of refugees to work in the agricultural sector in the Bekaa Valley. Similarly, an international organization reports evidence of bonded labor within refugee communities, where child labor is used in exchange for living in informal tented settlements. Child labor and forced child labor among the Syrian refugee population continues to increase, particularly in agriculture, construction, and street vending and begging. These children are at high risk for labor trafficking, especially on the streets of main urban areas such as Beirut and Tripoli, as well as in the agricultural sectors of Bekaa and Akkar. For example, in 2019, international organizations reported the presence of children working in illegal cannabis farms in the North Bekaa region. Furthermore, NGOs report that some Syrian refugee children are forced or coerced to conduct criminal activity. Syrian refugee LGBTQI+ persons, women, girls, and some men are highly vulnerable to sex trafficking. Many women and girls who were recruited from Syria with false promises of work were subjected to commercial sexual exploitation in which they experienced mental, physical, and sexual abuse and forced abortions. Family members or powerful local families forced some Syrian refugee women and girls into commercial sex acts or early marriage to ease economic hardships; these women and girls are highly vulnerable to trafficking. Lebanese nationals fleeing the economic crisis reportedly joined Syrian refugees to migrate irregularly from north Lebanon to Cyprus and Turkey, and an international organization reported organized trafficking networks fraudulently offered Lebanese nationals false or

misleading job opportunities. Syrians and Lebanese nationals traveling through these channels were vulnerable to sex trafficking in Turkey.

## LESOTHO: TIER 2 WATCH LIST

The Government of Lesotho does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Lesotho was upgraded to Tier 2 Watch List. These achievements included convicting the first trafficker in four years and sentencing him to imprisonment; enacting a new anti-trafficking law that closed key legislative gaps, including criminalizing all forms of sex trafficking and prescribing penalties commensurate with the penalties for other serious crimes; commencing criminal investigations into multiple government officials allegedly complicit in human trafficking offenses; devoting, for the first time, modest funding for victim protection; and passing a 2021-2026 anti-trafficking national action plan. Despite these achievements, the government did not meet several key minimum standards. Law enforcement efforts remained insufficient compared to the problem, in part due to the lack of training and experience necessary to conduct complex multi-jurisdictional investigations. The government did not investigate several credible allegations of trafficking of its citizens in South Africa, nor did it investigate credible allegations of abuse of trafficking victims by South African and Lesotho police officers. Victim identification efforts were weak, and the government continued to rely on one NGO to provide all victim shelter and care with nascent government funding. For the fifth consecutive year, the government did not finalize standard operating procedures on victim identification or the national referral mechanism, and for the 10th consecutive year, did not allocate funding for the Victims of Trafficking Trust Fund. Law enforcement and front-line responders continued to lack regular anti-trafficking training, which at times resulted in law enforcement re-traumatizing potential victims.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers through independent and fair trials, including officials complicit in trafficking crimes. • Adequately fund the police trafficking and smuggling unit and establish a focal point in all 10 districts of Lesotho to ensure effective responsiveness to all potential trafficking cases. • Increase oversight of labor recruitment agencies licensed in Lesotho to mitigate fraudulent recruitment for mining work in South Africa. • Adequately fund shelter and protective services for victims. • Allocate funds for the Victims of Trafficking Trust Fund and implement procedures for administering the funds. • Finalize and implement guidelines for proactive victim identification and standard operating procedures for referring identified victims to care, in line with the anti-trafficking act regulations. • Allocate funding to support operation of the anti-trafficking taskforce and implementation of the 2021-2026 national action plan. • Provide trafficking-specific training to police investigators, prosecutors, judges, and social service personnel. • Fix jurisdictional issues that prevent magistrate courts from issuing the maximum penalty for trafficking crimes. • Increase efforts to systematically collect and analyze anti-trafficking law enforcement and victim protection data.



- Develop effective professional relationships with South Africa and other judiciaries and law enforcement agencies throughout Southern Africa to increase information sharing, and bilateral and regional coordination on trafficking investigations.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts, although serious allegations of official complicity in trafficking remained unaddressed. Lesotho law criminalized sex trafficking and labor trafficking. The 2011 Anti-Trafficking in Persons Act criminalized all forms of labor trafficking and some forms of sex trafficking but until 2021 remained inconsistent with international law, as the act required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The anti-trafficking act prescribed penalties of up to 25 years' imprisonment or a fine of 1 million maloti (LSL) (\$68,150) for the trafficking of adults and up to life imprisonment or a fine of 2 million LSL (\$136,300) for the trafficking of children. These penalties were sufficiently stringent, but, with respect to sex trafficking, by allowing for a fine in lieu of imprisonment, the penalties in the anti-trafficking act were not commensurate with penalties prescribed for other serious crimes, such as rape.

However, in January 2021, the government enacted the Anti-Trafficking in Persons Amendment Act of 2021, which amended the definition of trafficking to criminalize all forms of sex trafficking and removed the option of a fine in lieu of imprisonment for trafficking offenses. Because the 2021 Amendment removed the option for a fine in lieu of imprisonment, these penalties were commensurate with penalties prescribed for other serious crimes, such as rape. Section 77 of the Children's Protection and Welfare Act (CPWA) criminalized child sex trafficking offenses without requiring the use of force, fraud, or coercion. However, the CPWA prescribed penalties of a fine not to exceed 30,000 LSL (\$2,040) or 30 months' imprisonment, or both; these penalties were not sufficiently stringent nor commensurate with other grave crimes, such as rape.

The government initiated four trafficking investigations, continued three from previous reporting periods, prosecuted four cases, and convicted one trafficker—an increase from zero new investigations, prosecutions, or convictions in the previous reporting period. Two of the new investigations involved Basotho girls allegedly exploited in trafficking in South Africa. In the first case, the victim's uncle allegedly abducted her and transported her to South Africa for sex trafficking. In the second case, an alleged trafficker recruited a girl for domestic work in South Africa, smuggled her across the border, and withheld her wages, purportedly to repay travel expenses. Of the four prosecutions, all of which came from investigations initiated in previous reporting periods, one case involved adult forced labor and three involved adult sex trafficking. The government convicted its first trafficker in four years. The forced labor prosecution led to conviction of the perpetrator and a sentence of 20 years' imprisonment; the sex trafficking prosecutions remained ongoing at the close of the reporting period. For the sixth consecutive year, the government did not address a jurisdictional issue impeding efforts to hold traffickers accountable. Namely, the magistrate courts, which are the court of first instance for trafficking cases, lacked authority to impose the maximum penalties allowed in trafficking crimes.

Corruption and official complicity in trafficking crimes remained significant concerns and continued to inhibit law enforcement action. In a change from previous reporting periods, the government reported two investigations into officials allegedly complicit in human trafficking-related offenses, both of which were ongoing at the close of the reporting period. In one case, a senior Ministry of Home Affairs official, responsible for the anti-trafficking portfolio, allegedly assisted third-country nationals from South Asia with illegal entry into South Africa via Lesotho by removing all records of their entry into Lesotho. This allowed the travelers to circumvent South African entrance requirements. The government investigated

the case as a trafficking offense but was unable to establish elements of human trafficking that would allow for prosecution for human trafficking. Police placed the official on administrative leave pending the outcome of the investigation. The government did not make efforts to address other, repeated allegations of complicity. The government was aware of alleged trafficking of Basotho women to South Africa for commercial sex. For the third consecutive year, the government's efforts to form a liaison relationship with South African officials to investigate these allegations and to target those allegedly involved in these schemes did not yield tangible results. In the previous reporting period, officials deported a Nigerian labor trafficking victim; for the second consecutive year, the government did not take any action against his alleged trafficker, whose identity was known and who operated his business in Maseru with impunity. There were continued allegations of complicity in trafficking among law enforcement officers at the Maseru Bridge border crossing.

The Lesotho Mounted Police Service's (LMPS) Child and Gender Protection Unit (CGPU) led anti-trafficking law enforcement efforts until October 2020, when the government established the Trafficking in Persons and Migrant Control Unit within the LMPS, which assumed responsibility for all trafficking-related investigations. The trafficking and smuggling unit had dedicated investigators and received some administrative support. Like the CGPU, however, it lacked a dedicated budget, and members did not receive training on trafficking in 2020. The government did not have trafficking-specific courts, although three magistrate judges had special training to hear human trafficking cases. Many front-line officials incorrectly believed trafficking to be a movement-based crime and did not screen for trafficking among vulnerable groups, including migrant workers. In addition, many conflated gender-based violence and trafficking, and some police officers exhibited extreme insensitivity towards child victims of sexual abuse, including potential trafficking victims. Observers noted that reporting potential trafficking cases to the police made child victims more vulnerable to exploitation.

## PROTECTION

The government maintained victim identification and protection efforts. The government did not finalize standard operating procedures for victim identification or the national referral mechanism for the fifth consecutive year. The government identified two child trafficking victims, the same number identified in the previous reporting period. The government did not directly assist the trafficking victims but informally referred them to an NGO for care. The NGO had an memorandum of understanding (MOU) with the government to provide emergency shelter to female and child victims of trafficking, sexual assault, and domestic violence, as well as some medical care, counseling, job skills training, and legal assistance. For the first time, the government paid for the shelter's utilities, including reimbursements for prior years' utilities, totaling 147,000 LSL (\$10,020). It did not provide any other financial or in-kind support for trafficking victim care. While trafficking victims had a choice of whether to enter the NGO shelter, it was the only residential assistance available. Neither the government nor the NGO offered independent living options. At the shelter, victims had freedom of movement and could terminate their residency at will. There were no shelters equipped to provide protective services for male victims. In previous years, government social workers often did not respond to requests to certify victims or respond to potential cases. The CGPU and trafficking and smuggling unit, which also had the lead for trafficking victim identification, had limited capacity to respond to potential trafficking cases in Lesotho's 10 districts because they operated from Maseru. They could only provide guidance to other police units that were less capable of responding to trafficking cases.

For the tenth consecutive year, the government did not allocate funding for the Victims of Trafficking Trust Fund, which it had established to ensure consistent provision of protective services and to provide compensation for victims. While Lesotho law provided restitution in trafficking cases, no judges ordered it during the

reporting period. The anti-trafficking act and its implementing regulations prohibited the prosecution of victims for unlawful acts traffickers compelled them to commit, allowed foreign victims to elect permanent residency as a legal alternative to their removal, and encouraged victims to assist in the investigation of traffickers; however, the government did not implement these provisions during the reporting period. For foreign victims, provision of care beyond a 60-day reflection period was dependent on their cooperation with law enforcement; authorities repatriated victims who did not cooperate with law enforcement after the reflection period. The Ministry of Foreign Affairs was responsible for coordinating with the victim's home country for the issuance of travel documents within 60 days of victim identification if the victim no longer had their travel documents in their possession. In practice, and during the reporting period, the government did not facilitate or fund the repatriation of its nationals exploited in trafficking abroad.

## PREVENTION

The government increased anti-trafficking prevention efforts. The multi-sectoral committee (MSC), led by the Ministry of Home Affairs and charged with leading anti-trafficking legal and policy efforts, met four times during the year. This was an increase from sporadic meetings in previous years. Despite more frequent meetings, MSC still had systemic deficiencies that impeded its efficacy. For example, it lacked formal processes, including administrative procedures, to determine action items and track progress against national anti-trafficking goals; coordination among members; and consistent participation from some high-level officials. In past years, senior government officials did not support the MSC and some even appeared to impede its activities. Despite the creation of the cabinet-level sub-committee on human trafficking, it was not clear that the issues surrounding the functioning of the MSC had been resolved. Moreover, the MSC did not invite NGOs to participate in its meetings, which reduced the transparency and efficacy of its efforts. MSC made progress in some of these areas during the reporting period.

To address the lack of high-level participation in anti-trafficking efforts, the Prime Minister created a cabinet-level sub-committee for trafficking composed of six ministers. Together, the MSC and cabinet sub-committee drafted new anti-trafficking legislation, established the trafficking and smuggling unit within the LMPS, and drafted and enacted a new national action plan, which had been pending since 2018. The 2021-2026 national action plan, which incorporated feedback from NGOs and international organizations, provided a roadmap for anti-trafficking efforts that delineated responsibilities among ministries. However, the government did not allocate any funding to MSC or for implementation of the plan. A foreign government began funding an international organization to update MSC's standard operating procedures for increased efficiency.

As in past years, the government reported participating in some radio public awareness events led by NGOs. With support from an international organization, the government contributed information to a centralized anti-trafficking database that collected national data on criminal cases and victims identified and shared it with countries in the region. Labor inspectors conducted 70 inspections in 2020, primarily in textile factories; the inspectors did not identify any cases of forced labor. An NGO conducted, and the government provided material support for, a trafficking victim identification training for 35 labor inspectors, seven journalists, and NGO partners. In addition, the government reportedly began an assessment of child labor and child trafficking and allocated 2 million LSL (\$136,300) to continue it; it did not share any results from the initial assessment. The cabinet approved a new labor migration policy focused on recruitment malpractice. The government made efforts to implement it during the reporting period by adding trafficking indicators to migrant labor inspectors' screening questions, including among migrants departing for South Africa. The government had an agreement with the Government of South Africa that aimed to increase protections for Basotho employed in South Africa, including in domestic work.

The agreement authorized the issuance of long-term work permits, required signed employment contracts, and allowed Basotho to register for unemployment insurance in South Africa; despite this agreement, Basotho remained vulnerable to trafficking. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

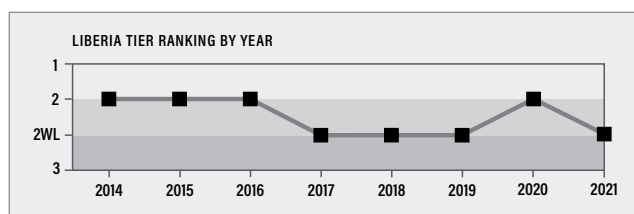
As reported over the past five years, human traffickers exploit domestic and foreign victims in Lesotho, and traffickers exploit victims from Lesotho abroad. Traffickers increasingly used social media to find and lure victims into forced labor and sex trafficking. Traffickers entice victims from rural areas, including the large orphan population, into urban areas or South Africa with false promises of legitimate employment. In Lesotho, traffickers exploit Basotho children in domestic servitude and animal herding; traffickers also exploit children, especially orphans who migrate to urban areas, in sex trafficking. Young girls, especially orphans, regularly engaged in domestic work in exchange for room and board; such informal, imbalanced, and private arrangements render these children vulnerable to forced labor and abuse from employers. There were anecdotal reports that "workshop masters" force children to produce and sell arts and crafts in market vending. There were reports of rampant sexual harassment in Taiwanese, mainland Chinese, and South Asian-owned textile factories in Lesotho, including widespread reports that managers and supervisors coerced female workers into sexual relationships in exchange for maintaining employment, achieving better working conditions, and avoiding further sexual harassment. There were also reports that women employed on construction sites were sexually harassed by their local and South African employers.

Basotho women and girls seeking work voluntarily migrate to South Africa, where traffickers detain some in prison-like conditions and exploit others in sex trafficking. Traffickers exploit some Basotho men who migrate voluntarily, although illegally and often without identity documents, to South Africa for work in agriculture and mining in forced labor; many work for weeks or months before their employers turn them over to South African authorities for deportation on immigration violations to avoid paying them. Traffickers connected to organized crime syndicates operating in South Africa are alleged to exploit and sometimes kill Basotho men in derelict mines. Traffickers also compel Basotho into committing crimes in South Africa, including theft, drug trafficking, and smuggling under threat of violence or through forced drug use. Due to pandemic-related border closures, many Basotho crossed illegally into South Africa in search of employment, including a higher percentage of females; migrants lacking formal legal status are more vulnerable to traffickers. Foreign nationals, including Chinese and Nigerians, subject their compatriots to sex trafficking in Lesotho. The Chinese and Cuban governments may have forced their respective citizens to work in Lesotho, including medical teams from each country sent to combat the pandemic.

## LIBERIA: TIER 2 WATCH LIST

The Government of Liberia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included opening a new shelter for child trafficking victims, initiating an investigation into a high-profile labor trafficking case in cooperation with foreign governments, and allocating funding to NGOs to conduct awareness raising campaigns. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government identified fewer victims, initiated fewer investigations, prosecuted fewer defendants, and did not convict any traffickers. Law enforcement officials continued to lack adequate resources and

understanding of trafficking to effectively investigate and prosecute trafficking crimes. Shelter services for victims remained insufficient, and the government did not support NGOs providing care to victims. Therefore, Liberia was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking cases, including internal trafficking cases and officials accused of complicity. • Train law enforcement and judicial officials on identifying, investigating, and prosecuting trafficking cases under the 2005 anti-trafficking law. • Amend the 2005 anti-trafficking law to remove the requirement of force, fraud, or coercion in child sex trafficking cases. • Amend the 2005 anti-trafficking law to prescribe penalties for adult trafficking that are sufficiently stringent and commensurate with the penalties for other grave crimes. • Expand victim services—particularly for victims outside the capital, males, and victims requiring long-term care. • Increase financial or in-kind support to NGOs that support trafficking victims. • Train law enforcement, labor inspectors, immigration officials, and social workers on standard victim identification procedures and the national referral mechanism. • Allocate financial and in-kind resources, as feasible, to the anti-trafficking task force. • Increase labor inspections in the informal sector and mining regions to improve identification of trafficking cases, including child forced labor. • Increase efforts to raise public awareness of human trafficking, including internal trafficking. • Screen foreign workers, including Cuban medical workers and Chinese nationals working for Chinese-owned enterprises, for forced labor indicators and refer identified forced labor victims to appropriate services.

### PROSECUTION

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

The government investigated seven cases and initiated prosecutions of two defendants, a decrease compared with 18 case investigations and prosecutions of four defendants in the previous reporting period. Courts did not convict any traffickers, compared with one conviction during the previous reporting period. Authorities investigated a case involving a Liberian national who allegedly recruited and exploited 15 adults and children from Sierra Leone, Mali, Guinea, and Cote d'Ivoire in forced labor; the trafficker posed as a labor recruiter on an online platform and exploited the victims in street vending upon their arrival in Liberia. Authorities cooperated with the governments of Sierra Leone, Mali, Guinea, and Cote d'Ivoire on the case. The defendant was charged with human trafficking and awaited prosecution at the end of the reporting period. In January 2021, the government extended authority to Ministry of Labor (MOL) lawyers to prosecute trafficking and child labor cases, in addition to the Ministry of Justice (MOJ); the

MOL subsequently prosecuted one trafficking case during the reporting period. Authorities arrested and charged an Indian national with human trafficking; the perpetrator allegedly fraudulently recruited an Indian man for work in Liberia and exploited him in domestic servitude. However, the MOL dropped the trafficking charges, and the perpetrator paid a fine. Authorities apprehended and extradited one alleged trafficker to Sierra Leone during the reporting period. Officials continued to lack an understanding of internal trafficking, and some continued to view forms of trafficking, especially forced labor of children in domestic servitude, as a community practice rather than a crime. Prosecutors may have pursued other charges, including rape and child endangerment, in lieu of sex trafficking or child forced labor due to a lack of understanding of human trafficking.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. During the previous reporting period, the government reported initiating investigations of an unknown number of cases of official complicity but did not report whether it continued the investigations. Observers previously reported law enforcement occasionally accepted bribes from suspected traffickers to end investigations, and some government employees may have been directly complicit in child trafficking, including for domestic servitude and street vending.

The Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) bore primary responsibility for investigating trafficking cases. The Liberian Immigration Service (LIS) and Transnational Crimes Unit also investigated transnational trafficking cases. The LIS Anti-Human Trafficking and Migrant Smuggling Unit, comprising 14 officers, stationed at least one officer at each of Liberia's five major ports of entry and other minor ports of entry. The government did not provide the LNP with dedicated anti-trafficking funding or in-kind support, and it lacked basic resources and equipment to fully respond to and investigate allegations of trafficking, especially outside the capital. Courts operated at reduced capacity and processed fewer cases due to pandemic-related restrictions. The pandemic also reduced law enforcement's capacity to conduct investigations; authorities reassigned law enforcement officers to enforce public health measures, diminishing police presence at stations, depots, and border posts.

The government coordinated with an international organization to develop a legal handbook on human trafficking for prosecutors and judges; authorities also continued to use a training curriculum on trafficking and case management for judicial and law enforcement officials developed in a previous reporting period. Although pandemic-related restrictions halted training for much of the reporting period, the government provided some support to the same international organization to train 223 law enforcement officials from LNP, LIS, Liberia Drug Enforcement Agency, and labor inspectors on conducting trafficking investigations and identifying victims. Nonetheless, officials and NGOs reported many labor inspectors, police, prosecutors, and judges remained unable to identify trafficking and lacked sufficient resources, impeding trafficking investigations and prosecutions.

### PROTECTION

The government maintained insufficient efforts to identify and protect trafficking victims. The government identified 29 trafficking victims in 2020, compared with identifying seven trafficking victims and 60 potential trafficking victims during the previous reporting period. Of the 29 victims, authorities identified 11 victims from Cote d'Ivoire, Guinea, Mali, and Sierra Leone as part of a fraudulent recruitment investigation; the government provided shelter and basic necessities to the 11 victims but could not account for all of the victims' whereabouts at the end of the reporting period. The government did not report how many, if any, of the remaining 18 identified victims it referred to shelter services. The government had



standard operating procedures and a national referral mechanism (NRM) to identify trafficking victims and refer them to care. However, law enforcement, immigration, and social services personnel lacked training on such procedures and, at times, misidentified trafficking victims as victims of other crimes. The government did not report training officials on the NRM, in part due to pandemic-related gathering restrictions, compared with holding three trainings during the previous reporting period.

Police and community members generally referred trafficking victims to the Ministry of Gender, Children, and Social Protection (MOGCSP). The anti-trafficking task force working group, which included the MOGCSP, was responsible for coordinating victim care. During the reporting period, the MOL opened a shelter for child labor and child trafficking victims; the shelter could accommodate eight victims at a time, with emergency space for five additional victims. The government also operated the Liberia Children Village for child victims of neglect and abuse, which could provide short-term shelter to child trafficking victims. The MOGCSP operated shelters in Lofa and Nimba for gender-based violence victims that female trafficking victims could access; the shelters provided long-term care and social services. Additionally, the MOGCSP operated several transit centers that provided medical services and short-term accommodation. Each transit center should have had at least one social worker, one nurse trained in sexual- and gender-based violence cases, and one police officer on staff; however, resources allocated to each center varied. Most of the transit centers operated only during the daytime and did not provide short-term accommodations. Twelve LNP WACPS facilities could provide short-term accommodations to child victims of crime, and occasionally adult victims, but lacked basic amenities; an international organization renovated six of the centers during the reporting period. Two MOGCSP social workers continued to work within the WACPS to assist women and children, including trafficking victims, and visit police precincts to coordinate cases. Resource constraints limited services for trafficking victims. The government relied heavily on NGOs and private shelters when government shelters were unavailable but did not report providing financial or in-kind assistance to those shelters. Shelter and services were available to both domestic and foreign victims. No shelter was available for adult male victims, although some MOGCSP and private shelters could accommodate young boys. Adult victims were only allowed to leave the shelters at will on an ad hoc basis. Shelters sometimes could not protect victims' identities, and victims could usually stay only three to six months due to capacity limitations. MOGCSP could arrange foster care for victims requiring longer-term care. The government did not report if the MOGCSP continued collaborating with NGOs through regular meetings of the Child Protection Network during the reporting period. The government coordinated with the Government of Sierra Leone to repatriate three Sierra Leonean potential trafficking victims, and the government repatriated one Indian national trafficking victim.

The government did not systematically encourage victims to participate in investigations and prosecutions of their traffickers but at times provided victim-witnesses support to offset the costs of participating in a trial; during the reporting period, the government provided some funding for transportation and lodging to assist victims' participation in prosecutions. The anti-trafficking law allowed victims to obtain restitution, but courts did not issue restitution in any cases during the reporting period. Victims could file civil suits against their traffickers; no victims filed civil suits during the reporting period, largely due to lack of awareness of this option. The government did not have a formal policy that provided alternatives to removal to countries in which victims would face retribution or hardship but could offer alternatives, including temporary residency, on a case-by-case basis. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to a lack of training, insufficient resources, and inconsistent application of victim identification procedures, authorities may have detained unidentified victims.

## PREVENTION

The government maintained efforts to prevent human trafficking. The MOL coordinated the government's anti-trafficking efforts and co-chaired the anti-trafficking task force with the MOJ. The task force also included representatives from the Ministry of Foreign Affairs, Ministry of Health, Ministry of Internal Affairs, and MOGCSP; it continued to meet regularly during the reporting period. The government allocated \$50,000 to the task force in the 2020-2021 budget, the same amount allocated in the 2019-2020 budget; the government did not report how much of the funding it disbursed during the reporting period, compared with disbursing \$25,000 during the previous reporting period. The government allocated \$5,000 to five local NGOs conducting awareness raising campaigns on trafficking and child labor in five of Liberia's 15 counties. The government continued implementing the 2019-2024 action plan to combat trafficking in persons, although pandemic-related gathering restrictions limited its ability to conduct activities during the reporting period. In July 2020, the government organized public awareness activities around World Day against Trafficking in Persons with participation of high-level officials, community members, and the media. In collaboration with NGOs, the MOL continued to operate an anti-trafficking hotline during business hours and hired an additional staff member to manage the calls. The government received 346 credible calls during the reporting period but did not report initiating any investigations or identifying any victims as a result. Despite conducting over 1,000 labor inspections in 2020, labor inspectors did not report identifying any child labor or trafficking victims. During the previous reporting period, LNP visited popular beaches and entertainment centers in Monrovia known to have high instances of child sex trafficking, spoke with community groups, and distributed fliers to sensitize citizens on child protection issues; the government continued these activities on a limited basis during the reporting period due to the pandemic's impact on tourism and strained law enforcement resources. 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.

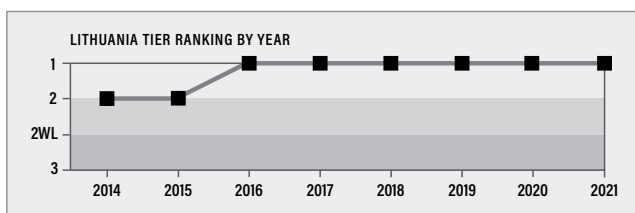
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Liberia, and traffickers exploit victims from Liberia abroad. Trafficking within the country is more prevalent than transnational trafficking, and the majority of victims are children. Traffickers recruit and exploit most victims within the country's borders in domestic servitude, forced begging, sex trafficking, or forced labor in street vending, gold and alluvial diamond mines, and on small-scale rubber plantations. Traffickers typically operate independently and are commonly family members who promise poorer relatives a better life for their children or promise young women a better life for themselves, take the children or women to urban areas, and subsequently exploit them in forced labor in street vending, domestic service, or sex trafficking. Traffickers are also often well-respected community members who exploit the "foster care" system common across West Africa. While Liberian law requires parents to register children within 14 days of birth, only about 30 percent of births are registered. Although the government has expanded birth registration accessibility, continued lack of birth registration and identity documents increase individuals' vulnerability to trafficking. Traffickers exploit orphaned children in street vending and child sex trafficking. Some parents encourage their daughters' exploitation in commercial sex to supplement family income. Liberian nationals and—to a lesser extent—foreigners exploit children in sex trafficking in Monrovia. Traffickers allegedly compel children to sell illicit drugs. Cuban medical professionals working in Liberia may have been forced to work by the Cuban government, and Chinese nationals working in Liberia may have been forced to work, including by Chinese-owned enterprises. Officials identified potential Chinese and Malaysian forced labor victims in the construction sector during the previous reporting period. In the past, officials documented allegations of women in sex trafficking in Chinese-run hotels. Sierra

Leonean traffickers operate in Liberia. During the reporting period, Liberian authorities identified a suspected trafficker and trafficking victim from India. Traffickers exploited a small number of Liberian men, women, and children in other West African countries, including Cote d'Ivoire, Guinea, Mauritania, Nigeria, Senegal, and Sierra Leone. During the previous reporting period, Thai authorities identified a Liberian trafficking victim in Thailand. In the past, traffickers exploited Tunisian and Moroccan women in sex trafficking in Liberia and Liberian women in forced labor in Lebanon and Finland.

## LITHUANIA: TIER 1

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period while considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Lithuania remained on Tier 1. These efforts included prosecuting and convicting more traffickers; allocating more funds to NGOs for victim assistance; and approving a new national action plan (NAP). Furthermore, the government adopted a non-punishment provision for labor trafficking victims and a law entitling all victims access to assistance. In addition, child protective services trained child rights specialists on identifying child victims. Although the government meets the minimum standards, authorities investigated fewer cases and identified the lowest number of victims since 2013. Shortcomings in victim protection during the investigation and trial process continued to hamper law enforcement efforts, and concerns persisted that relevant agencies lacked the knowledge to recognize indicators of child trafficking. Additionally, authorities inconsistently implemented victim identification and referral mechanisms throughout the country, especially in rural areas.



### PRIORITIZED RECOMMENDATIONS:

Proactively identify victims, particularly children, and provide training for authorities and child protective services officials. • Implement formal victim identification and referral mechanisms for victim assistance throughout the country, especially in rural areas. • Increase efforts to vigorously investigate and prosecute sex trafficking and labor trafficking cases and convict traffickers. • Expand efforts to protect victims from threats and re-victimization during the investigation and trial of trafficking cases, including by developing clear procedures on how to protect victims. • Train investigators and prosecutors on building trafficking cases, including collecting evidence to corroborate victim testimony. • Provide specialized services to child victims in foster care homes and mixed-use shelters. • Ensure victims have access to appropriate mental health professionals during the interrogation process. • Develop a more comprehensive data collection system that disaggregates data, including by type of trafficking.

### PROSECUTION

The government increased law enforcement efforts. Articles 147 and 157 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Five specialized prosecutors led the investigation and prosecution of trafficking cases in country. Authorities investigated

eight trafficking cases (one sex trafficking, six labor trafficking, and one child trafficking), compared with 13 in 2019. The government initiated prosecutions of 40 suspected traffickers, a substantial increase from 24 in 2019, and convicted 16 traffickers, compared with 12 in 2019. Of the 16 convicted traffickers, 12 received prison sentences with terms ranging from one to eight years. Government officials reported that collecting adequate evidence remained a problem in prosecuting trafficking cases, particularly since trafficking activity recently shifted online to methods that did not include physical coercion. As a result of the pandemic, remote court hearings became the main litigation tool, which according to law enforcement posed challenges. In addition, the pandemic compounded the already existing difficulties associated with communication and cooperation between law enforcement officials in Lithuania and other countries. Nonetheless, the government collaborated with foreign counterparts in 21 international trafficking investigations (42 in 2019), including a joint investigation with authorities from Spain and the United Kingdom (UK) on a labor trafficking case, which involved eight Lithuanian victims and resulted in two arrests. The general prosecutor's office received no extradition requests, the same as in 2019, and issued six European arrest orders in trafficking cases, compared with three in 2019. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The general prosecutor's office organized a virtual training on protecting refugees from trafficking for 14 prosecutors and 28 border officials; 34 border officials received anti-trafficking training from the State Border Guards Service. The National Court Administration organized anti-trafficking training modules for judges. Additionally, the Ministry of Interior (MOI) hosted a national seminar on preventing trafficking and assisting victims; more than 250 law enforcement officers, municipal employees, psychologists, social workers, diplomats, lawyers, and judges participated.

### PROTECTION

The government maintained protection efforts. Authorities identified 24 victims, the lowest number of identified victims since 2013 (36 in 2019); however, amid reports indicating foreign workers were at high risk to exploitation, authorities identified 11 foreign victims in 2020, an increase from six in 2019. As in previous years, experts raised concerns that the data collected across government agencies and civil society was inconsistent and did not provide a comprehensive picture of the trafficking situation. While authorities implemented formal victim identification and referral mechanisms for victim assistance, observers reported authorities in some parts of the country underutilized both and lacked the skills to identify victims. Additionally, observers reported the mechanisms lacked best practices for how to interview victims, especially children, and as a result, victims were often questioned several times, placing them under additional stress.

In accordance with European Parliament directives, the government passed a law entitling all crime victims, including trafficking victims, access to assistance, including counseling, regardless of whether victims sought assistance from law enforcement. The government allocated €245,000 (\$301,000) to NGOs for victim assistance, an increase from €190,000 (\$233,000) in 2019. Government-funded NGOs supported 208 trafficking victims, including the 24 identified victims and at-risk individuals, compared with 224 in 2019. A formal mechanism existed between police and NGOs to refer victims to NGO facilities; however, NGOs alleged authorities did not refer all victims to care facilities. Facilities provided short- or long-term assistance, such as health care, psychological and social counseling, and shelter, to trafficking victims. Authorities placed Lithuanian female trafficking victims in municipal and NGO-facilitated shelters for victims of domestic violence and had the option to place foreign victims at a refugee reception center in Rukla. Five crisis centers provided assistance to male victims, including finding accommodations. Authorities placed child victims in foster care homes or mixed-use shelters, as there were no shelters specifically for child trafficking victims. Experts raised concerns about inadequate protection and

assistance measures for child victims. According to observers, child protective services struggled to identify child victims and refer them to care, especially in rural areas. In 2020, authorities identified one child victim, compared with four in 2019. Child protective services organized a training on identifying child victims for 63 child rights specialists with plans to expand the training to more specialists. Child sexual abuse victims, including trafficking victims, could seek assistance in the government-operated national support center in Vilnius. Municipalities continued to finance and implement reforms to the institutional child care system with the goal to move all children from institutions to families. As part of the reforms, municipalities converted large institutions into community houses, which accommodated up to eight children. In 2020, 567 children lived in community homes, and 1,200 children remained in state care homes. The minister of social affairs and labor signed a decree prohibiting the placement of new children into care at orphanages as of January 1, 2020. Foreign trafficking victims had the same access to care as Lithuanian victims. Legislation allowed foreign victims a 30-day reflection period to decide whether to cooperate with law enforcement; foreign victims cooperating with law enforcement could receive temporary residency.

During the reporting period, the government passed amendments to the anti-trafficking law, which included a non-punishment provision establishing that labor trafficking victims not be penalized for committing offenses related to forced labor and services. While the government encouraged victims to cooperate in investigations and prosecutions, the absence of a clear policy on how victims would be adequately protected and law enforcement's shortcomings in this area contributed to victims' reluctance to assist in cases. In particular, traffickers sometimes threatened victims as they were entering or exiting the courtroom, and victims lacked access to mental health professionals during or after their interviews by law enforcement. Although the government provided legal representation to victims, observers reported attorneys had little experience with trafficking issues; as a result, NGOs often hired private attorneys for victims. There were no state-run victim compensation programs, but victims could apply to the court for financial compensation from their trafficker. In 2020, 20 victims applied for compensation, and courts ordered payment of €29,000 (\$35,600) in non-material damage and €5,340 (\$6,550) in material damage.

## PREVENTION

The government increased prevention efforts. The government approved a new NAP for 2020-2022 and allocated approximately €375,000 (\$460,000) for implementation. The NAP focused on strengthening interagency coordination; improving prevention work; strengthening the pre-trial investigations process; and improving assistance to trafficking victims. The government developed the NAP in consultation with multiple national and local agencies and NGOs. The government participated in a range of awareness-raising activities, including developing a smart phone application to teach children about trafficking and staging trafficking-themed live performances and videos. The police advertised and managed an email account that the public could use to report potential trafficking situations and solicit advice. During the reporting period, the government launched a 24-hour national hotline available in multiple languages to assist trafficking victims via NGOs, and it reported that NGOs assisted 208 victims. The government made efforts to reduce the demand for commercial sex acts by fining five individuals for buying sexual services (16 in 2019).

A specialized trafficking police officer served as an attaché in the Lithuanian embassy in the UK to assist in international investigations involving Lithuanian citizens in the UK and Ireland. In Spain, the MOI funded a project focused on preventing labor exploitation of the Lithuanian community, which included more than 28,000 Lithuanians. In cooperation with Poland and Sweden, the MOI conducted a study aimed at identifying recruitment methods and tools used by employment agencies to recruit Lithuanians to work

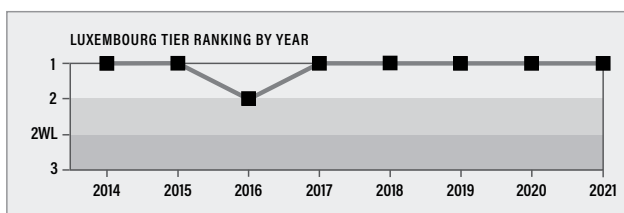
under exploitative conditions. The State Labor Inspectorate trained 52 new inspectors on identifying labor trafficking cases and launched a special group of inspectors to manage forced labor cases. The inspectorate and police inspected construction sites, hotels, and restaurants to ensure employers were complying with the law regarding third country nationals and reported 29 illegally hired individuals as potential labor trafficking victims.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Lithuania, and traffickers exploit victims from Lithuania abroad. Law enforcement reports most trafficking cases involve Lithuanian trafficking networks that prey on Lithuanian victims. As a result of the pandemic, traffickers have shifted recruitment methods from in-person to online settings, mainly through social media, hindering authorities' ability to locate victims and identify traffickers. Traffickers exploit Lithuanian men and boys in criminal activities, such as shoplifting, and Lithuanian women and children in commercial sex in Scandinavia and Western Europe, particularly Spain and the UK. They also continue to exploit women and girls in sex trafficking within the country. NGOs report the majority of trafficking cases occur within Lithuania. Many trafficking victims have some degree of mental disability, psychological problems, and/or alcohol or drug addiction. Authorities report women are recruited for brokered marriages abroad; these women are vulnerable to sex trafficking, domestic servitude, and forced labor. Reports indicate the exploitation of foreign workers from Ukraine, Russia, and Belarus. Foreign workers are at risk of labor trafficking as long-haul truck drivers, builders, ship hull assemblers, and welders. The 1,200 children institutionalized in approximately 49 child care institutions are vulnerable to trafficking.

## LUXEMBOURG: TIER 1

The Government of Luxembourg fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Luxembourg remained on Tier 1. These efforts included increased funding for NGOs to ensure more robust access to services for victims and the establishment of the country's first crime victim hotline. The government also increased cooperation between labor inspectors and police to identify labor trafficking through joint operations and increased efforts to collaborate with international law enforcement partners to investigate trafficking cases. Although the government meets the minimum standards, the number of convictions declined, and courts continued to issue lenient sentences to convicted traffickers, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting nationwide efforts to fight trafficking.



## PRIORITIZED RECOMMENDATIONS:

Sentence traffickers to significant prison terms and ensure convicted traffickers serve those sentences in practice. • Develop safeguards for victims to protect them against traffickers freed on suspended sentences. • Revise the trafficking law to clarify that force, fraud, or coercion are core elements of the crime of trafficking of adults rather than aggravating factors. • Increase training for judges on the severity



of the crime and the impact on victims and ensure convictions result in significant sentences. • Increase efforts to identify labor trafficking victims, by raising the number of labor inspectors in the field and granting them the power to proactively identify victims and increase efforts to prosecute and convict labor traffickers. • Promote a victim-centered approach in child victim identification procedures. • Increase staffing of the victim protection and fugitive research unit. • Include measurable outcomes in the national action plan to assess its progress. • Coordinate trafficking data collection and fund, maintain, and conduct trafficking research to create an evidence base for future policy decisions.

## PROSECUTION

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

In 2020, the government initiated 11 investigations, compared with nine investigations in 2019. Of these cases, four were forced labor and one was sex trafficking; six cases were determined to not involve trafficking. The government initiated four prosecutions (two in 2019) and convicted one perpetrator for sex trafficking in 2020 (two convictions in 2019). Courts issued weak sentences for trafficking convictions, a perennial problem that undercut efforts to hold traffickers accountable and protect victims. The government partially suspended the convicted trafficker's 18-month prison sentence in a case involving the exploitation of four victims. In 2019, the courts fully suspended the two convicted traffickers' sentences. Law enforcement officials continued to report the law hindered investigators' ability to search private homes suspected of being used for commercial sex and illicit activities; authorities noted commercial sex activities moved increasingly to private homes and online platforms during the pandemic. The police organized crime unit responsible for investigating trafficking comprised 13 investigators. The police maintained a two-person victim protection and fugitive research unit to ensure separation between victim assistance and investigations; however, an official noted that the unit did not have sufficient personnel to cover the potential absence of one of its officers. The government's national institute of public administration canceled all anti-trafficking training for prosecutors, judges, law enforcement and immigration officials due to the pandemic. However, all 109 new police recruits received anti-trafficking training per mandated curriculum. Police and investigators continued to participate in an ongoing labor trafficking investigation with Belgium involving five suspects in five companies and an ongoing sex trafficking investigation with Germany involving six suspects. Labor inspectors and police coordinated with French labor inspectors to inspect a construction site, which led to the identification of four victims from Portugal, who were living in France but forced to work in Luxembourg. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government increased efforts to protect victims. Authorities identified seven trafficking victims (six forced labor victims and one sex trafficking victim), compared with nine in 2019 and 14 in 2018. All were foreign citizens, including five men and two women; four of the victims were from Portugal. Police presumed an additional three foreign national labor trafficking victims; however, the potential victims declined to participate in an investigation and did not request or accept assistance services. The police had the sole

authority to officially identify a victim and refer them to government assistance. Although NGOs continued to report the labor inspectorate was understaffed and the government's ratio of field inspectors to workers was less than half of the ILO's recommendation for highly industrialized countries, observers credited labor inspectors with increased recruitment and inspection efforts during the reporting period. However, labor inspectors did not have clear victim identification protocols and were not authorized to identify victims under Luxembourg law but could refer victims to the police; during the reporting period the labor inspectorate increased its cooperation with police including through joint investigations. A joint investigation in September and October 2020 led to the identification of four labor trafficking victims. Due to the pandemic, the government did not train labor inspectors during the reporting period.

Government-funded victim services included housing, psychological support, medical, legal, and financial assistance. The government utilized a national mechanism for victim referral and provided €461,500 (\$566,260) in 2020 to the two NGOs responsible for coordinating trafficking victim care, an increase from the 2019 amount of €359,420 (\$441,010). The two government-funded NGOs provided shelter to 16 trafficking victims during the reporting period. In January 2021, the two NGOs increased their operating hours to a maximum combined total of 100 hours per week from 60 hours per week; the two NGOs also combined resources during the reporting period, to include operating a joint office space and creating a single contact number. These measures facilitated better access to care for victims, although the limited operating hours continued to cause delays in victim assistance and hindered proactive operations. When the government identified victims outside operational hours, police could directly refer adult female and child victims to shelters; adult male victims could be housed temporarily in hotels until longer-term housing could be identified. Adult male victims could receive the same access to long-term accommodation and other victim services as adult female and child victims. Victims could leave the shelters unchaperoned and at will during opening hours of their respective shelter. The government also provided €8.4 million (\$10.31 million) to assistance centers that provided shelter and assistance to victims of crime, including trafficking victims, compared with €7.5 million (\$9.2 million) in 2019. The government further provided €96,960 (\$118,970) to an NGO responsible for providing shelter to male trafficking victims. In an effort to mitigate the spread of the pandemic, the government funded the temporary housing of victims in hotel rooms before transferring them to shelters.

The government had legal alternatives to removal to countries in which victims would face retribution or hardship and provided relief from deportation for medical reasons. Victims were entitled to a 90-day reflection period to decide whether they wanted to testify, during which EU citizens could work. Upon expiration of the reflection period, the government could issue a foreign victim either temporary or permanent residency status if the victim chose to cooperate with law enforcement, during which time all victims could work. The government assessed on a case-by-case basis the residency status of victims who did not cooperate with law enforcement. Victim assistance was not contingent on cooperating with an investigation. Victims who declined to cooperate with police did not benefit from a temporary authorization to stay but otherwise received the full range of assistance. During the pandemic, the government extended residence permits for all migrant workers. Immigration officials used a questionnaire to proactively screen asylum-seekers for trafficking indicators; the government did not detect potential trafficking victims amongst asylum-seekers in 2020. The government continued working with the Netherlands and Belgium to strengthen their joint efforts in combating trafficking, particularly to protect non-EU victims exploited in a territory other than that of the country where they seek help and assistance. Moreover, the three governments published an updated brochure to raise awareness amongst the public and potential victims about anti-trafficking legislation and referral and assistance programs in each of the three countries. In December 2020, the government

passed legislation to guarantee legal aid, regardless of nationality or residency status, to all persons recognized as victims who have insufficient resources and choose to pursue civil action. Victims could participate in a witness protection program to ensure their security before, during, and after a trial. Victims could claim compensation from the government and file civil suits against traffickers. The government did not grant compensation during the reporting period; in 2019, courts granted €2,000 (\$2,450) to a victim in a civil suit.

## PREVENTION

The government modestly increased prevention efforts. The government's inter-ministerial trafficking committee, chaired by the Ministry of Justice met three times in 2020 (five in 2019), to coordinate anti-trafficking efforts and national action plan implementation. Some observers noted the government fragmented responsibilities between numerous ministries with little centralized communication, however, the government reported no issues. For example, three separate ministries coordinated funding for male, female, and child shelters. GRETA reported the national action plan, endorsed in 2016, was vague, lacked a timeframe on meeting objectives, and did not allocate any resources. The Consultative Commission on Human Rights continued to serve as the independent rapporteur. In April 2020, the government launched the country's first hotline for victims of crime, including trafficking victims; however, the hotline did not receive any calls leading to the detection of trafficking victims. In 2020, the government budgeted €15,000 (\$18,400) to fund awareness activities compared with the same amounts in 2019 and 2018. The government continued its multi-faceted awareness campaign in coordination with the EU by printing and distributing brochures on victim rights and support services and renting and using advertisement space at tramway stops in one city. A government-funded NGO developed a toolkit for high school students to raise awareness about decent work conditions; the NGO tested the program in one school, but the pandemic postponed the project. The independent rapporteur reported the need to coordinate data collection across stakeholders. Government-funded NGOs carried out anti-trafficking projects in a range of countries in Asia, Africa, and South America. The government made efforts to reduce the demand for participation in international sex tourism by continuing to fund an NGO for local awareness campaigns focused on the prevention of child sex tourism. The government encouraged, but did not require, diplomats to attend anti-trafficking training. Labor laws allowed for recruitment fees but criminalized excessive amounts. The government continued its commitments under the 2020-2022 national action plan on implementing the UN Guiding Principles on Business and Human Rights, which sought to prevent forced labor in private sector supply chains. The government did not make efforts to reduce the demand for commercial sex acts but criminalized soliciting a sex trafficking victim.

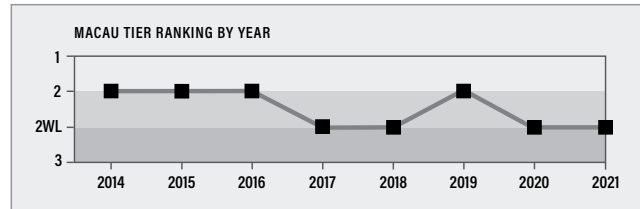
## TRAFFICKING PROFILE

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

## MACAU: TIER 2 WATCH LIST

The Government of the Macau Special Administrative Region of the People's Republic of China does not fully meet the minimum

standards for the elimination of trafficking but is making significant efforts to do so. These efforts included training numerous police, customs, and social welfare officials; increasing funding for governmental anti-trafficking efforts; holding labor rights seminars for migrant workers vulnerable to exploitation; and enacting legislation to deter practices among employment agencies that contribute to debt-based coercion. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Authorities did not identify or provide assistance to any victims for the second consecutive year, and the government did not initiate any trafficking investigations or prosecutions or convict any traffickers. The government has never identified a victim of forced labor. Therefore Macau remained on Tier 2 Watch List for the second consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Significantly increase proactive victim identification, especially among vulnerable populations such as migrant workers and persons in commercial sex. • Significantly increase efforts to investigate, prosecute, and convict sex and labor traffickers, including those operating in casinos and other entertainment establishments, and sentence those convicted to significant prison terms. • Develop, approve, and implement an updated anti-trafficking action plan. • Ensure victims are referred to and receive protective services. • Provide training on the use of the trafficking law to prosecutors and judges, ensuring an understanding that a victim's initial consent is not seen as evidence that trafficking did not occur. • Increase efforts to screen for and identify labor trafficking and male victims, including by decreasing the reliance on self-identification tools and improving victim-centered screening practices. • Amend the labor law to include protections for foreign domestic workers. • Take steps to eliminate recruitment or placement fees charged to workers by employment agencies in Macau and in their countries of origin, including by ensuring any recruitment fees are paid by employers and coordinating with migrant workers' countries of origin.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Law 6/2008 amended the penal code and criminalized sex trafficking and labor trafficking and prescribed penalties of three to 20 years' imprisonment, depending on the age of the victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Authorities did not initiate any investigations or prosecute or convict any traffickers in 2020, compared with one sex trafficking investigation, zero prosecutions, and three sex trafficking convictions in 2019. Officials reportedly believed a victims' initial consent or "voluntary association" with a trafficker was sufficient evidence to prove a trafficking crime did not occur, which sometimes led to trafficking cases being pursued under other crimes. In previous years, the government reported victims were often unwilling to participate as witnesses in cases against their traffickers, which also affected the success of trafficking prosecutions. After an October 2019 media report documenting the prevalence of sex trafficking in nightclubs and casinos, authorities initiated an investigation into the allegations; however, the government did not report any progress in their investigation during the reporting period. As a result of a judicial assistance request, authorities investigated a report from a foreign government that suspected two of its citizens committed a

trafficking crime in Macau, but they did not identify any evidence of trafficking. The government trained more than 1,700 police officers, labor department employees, social workers, and immigration officials, and it continued to include a trafficking component in mandated training for new police and customs recruits. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

## PROTECTION

The government maintained weak protection efforts, and for the second consecutive year, authorities did not identify or provide services to any victims. The government has never identified labor trafficking victims in Macau. Authorities had formal victim identification procedures, an operational referral process, and standardized screening questionnaires that could guide law enforcement, immigration, and social services personnel to screen individuals vulnerable to trafficking, including persons in commercial sex and migrant workers. Officials distributed questionnaires to suspected undocumented workers to promote self-identification but did not identify any victims of forced labor through these efforts; it was unclear if these questionnaires were an effective tool for victim identification due to their reliance on victims to self-identify. In previous reporting periods, officials referred child victims to a government-funded NGO that offered shelter, counseling, and economic and medical assistance. In 2020, the government modified its victim referral process to refer child victims to two separate government-funded NGOs, which were designated to assist victims' depending on their country of origin; however, authorities did not report referring victims to either shelter during the reporting period. The social welfare bureau designated shelters for adult female and male trafficking victims and made medical care, financial assistance, counseling, legal assistance, and other services available for identified victims, but it did not report providing these services to any adult victims during the reporting period. The law permitted victims to seek compensation through civil courts or to obtain restitution in criminal proceedings. The government allocated approximately 1.74 million patacas (\$217,770) for victim protection services, compared with 1.72 million patacas (\$215,270) allocated in 2019. In addition, the government reserved a budget of 39,600 patacas (\$4,960) under an agreement with an international organization for repatriation assistance, but it did not assist any victims through the agreement during the reporting period. The government operated and publicized a trafficking hotline, as well as a hotline for reporting labor exploitation, for the public and potential victims to seek assistance; nonetheless, the government did not report identifying any victims through these hotlines. There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of sufficient screenings, some potential victims may have remained unidentified within the law enforcement system. The approval of a standard operating procedure for ensuring safe repatriation of mainland Chinese child sex trafficking victims was delayed due to the pandemic. The law permitted migrant victims to remain in Macau temporarily and seek employment while authorities pursued cases against their traffickers. In cases in which a victim faced retribution or hardship in their home country, authorities reported a policy that provided permanent residency on the basis of "well-founded humanitarian reasons," although no victims benefited from this policy.

## PREVENTION

The government maintained efforts to prevent trafficking. The interagency Human Trafficking Deterrent Measures Concern Committee, led by the security bureau, coordinated Macau's anti-trafficking efforts. Macau did not experience resource limitations as a result of the pandemic and therefore did not divert anti-trafficking resources during the reporting period. The government allocated 3.44 million patacas (\$430,540) to the committee for anti-trafficking activities in 2020, compared with 3.24 million patacas (\$405,510) allocated in 2019. The government disseminated television commercials, radio broadcasts, online videos, and pamphlets and

posters in several different languages to raise awareness of trafficking. The Labor Affairs Bureau (LAB) distributed a leaflet in three languages covering the prevention of forced labor in offices of the immigration department. The labor department held labor rights seminars for the hotel and construction industries, and it co-hosted seminars with an NGO and a foreign consulate for migrant workers. In addition, the government held awareness seminars for potential workers in the mainland Chinese city Zhuhai, which borders Macau. Standard labor laws did not apply to domestic workers, and while there was a required minimum income threshold for employers to be able to sustain at least a 3,000 patacas (\$375) monthly wage, there was no minimum wage for foreign domestic workers, a situation which may have increased their vulnerability to trafficking. During the reporting period, the government amended the law regulating the hiring of migrant workers to ban migrants from seeking employment in Macau while under a tourist visa. While some observers expected this change to reduce recruitment practices that led to worker exploitation, others noted it may increase costs for migrant workers to come to Macau and thereby increase their risk of facing debt-based coercion. Separately, the legislative assembly passed legislation that became effective in March 2021 and established new regulations for employment agencies, such as limiting the amount of fees agencies could charge migrant workers to 50 percent of the first months' salary and prohibiting the withholding of workers' identity documents or other personal belongings. Violations of the law were subject to a fine of 20,000 to 50,000 patacas (\$2,500-\$6,260) and license revocation. The labor department held three orientation meetings covering the new legislation with employment agency operators. LAB adjudicated 1,519 labor dispute cases and conducted inspections at 72 construction sites and 209 employment agencies for labor violations. The government did not make efforts to reduce the demand for commercial sex acts or provide anti-trafficking training to its personnel posted overseas.

## TRAFFICKING PROFILE

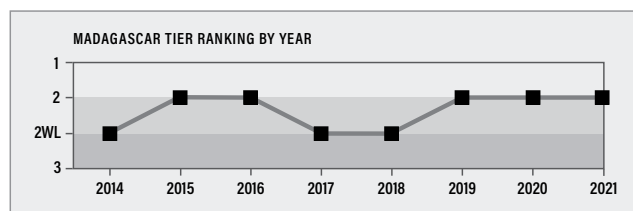
As reported over the past five years, human traffickers exploit foreign victims in Macau. Traffickers recruit victims, primarily from mainland China, Russia, and Southeast Asia, using false advertisements for jobs, such as singing and modeling or work in casinos. Adult and child victims are compelled into commercial sex in massage parlors, illegal brothels, nightclubs, entertainment establishments in casinos, hotels, and private homes, where they are closely monitored, threatened with violence, forced to work long hours, and sometimes have their identity documents confiscated. Casinos and other entertainment establishments reportedly allow staff to partner with criminal networks to allow illegal commercial sex activities within their establishments, which likely facilitated sex trafficking. The government's pandemic-related mitigation efforts, including travel and quarantine restrictions, disrupted Macau's tourism industry; as a result, illegal activities in casinos, including commercial sex, declined in 2020. Migrant construction and domestic workers, primarily from mainland China, Indonesia, and Philippines, may be vulnerable to forced labor in Macau. Some employment agencies overcharge workers recruitment fees of approximately two to three months' salary and withhold workers' passports, potentially leading to debt-based coercion. Some brokers bring migrant workers to Macau to renew work visas for other countries while restricting their movement and withholding their passports.

## MADAGASCAR: TIER 2

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of COVID-19 pandemic on its anti-trafficking capacity; therefore Madagascar remained on Tier 2. These efforts included increasing investigations and prosecutions of suspected trafficking crimes; repatriating victims of trafficking; operationalizing two new



one-stop centers to provide assistance to victims of child sexual exploitation, including child sex trafficking; and establishing a second specialized center for gender-based violence victims, including trafficking victims. For the first time in recent years, the government reported taking law enforcement action in trafficking cases involving child sex tourism. However, the government did not meet the minimum standards in several key areas. Despite continued reports of alleged complicity, the government did not hold any complicit officials accountable and did not investigate reports of officials facilitating child sex trafficking or the dismissal of trafficking cases. The government remained without official standard operating procedures (SOPs) to proactively identify trafficking victims and refer them to care, and it did not identify any foreign victims of trafficking. Overall efforts to address internal trafficking crimes, including domestic servitude, forced begging, and child sex trafficking, remained inadequate.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses, including complicit officials and perpetrators of internal trafficking crimes, and adequately sentence convicted traffickers. • Systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including child laborers, women exploited in commercial sex, migrant workers, and Chinese nationals working on Chinese government-funded infrastructure projects. • Refer all identified trafficking victims to appropriate protection services, including victims of internal trafficking, such as domestic servitude, forced begging, child sex trafficking, migrant workers, and Chinese nationals working on Chinese government-funded infrastructure projects. • Institutionalize the training of front-line officials on case investigation and the use of SOPs for the identification and referral of victims to appropriate services. • Finalize, adopt, and provide appropriate funding to implement an anti-trafficking national action plan. • Amend the 2014 anti-trafficking law to ensure that the penalties prescribed for adult sex trafficking are commensurate with those prescribed for other serious crimes, such as rape and/or kidnapping. • Improve coordination between law enforcement and prosecutors/investigating judges, including regular case conferencing and conducting prosecution-led investigations. • Establish and implement strong regulations and oversight of recruitment companies, and enhance enforcement, including by investigating and prosecuting those involved in fraudulent labor recruitment. • Increase migrant worker protections by prohibiting recruitment fees charged to migrant workers and requiring minimum salaries, pre-departure training, a mutually enforceable standard contract, a complaints mechanism for returning workers, and a public blacklist of abusive employers. • Improve the national identification system, including a database and anti-fraud features, to prevent child sex trafficking based on issuance of fraudulent documentation. • Increase use by all relevant agencies of the national centralized anti-trafficking database to streamline data collection, including the number of victims identified, cases investigated and prosecuted, and convictions. • Conduct community-level sensitization campaigns to raise public awareness of all forms of trafficking, including child sex trafficking and internal trafficking.

### PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Law No.2014-040 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to five years' imprisonment and a fine of one million to 10 million Malagasy ariary (MGA) (\$260

to \$2,610) for offenses involving an adult victim, and five to 10 years' imprisonment and a fine of two million to 20 million MGA (\$520 to \$5,230) for those involving a child victim. These penalties were sufficiently stringent. For offenses involving children, with respect to sex trafficking, these penalties were commensurate with those prescribed for other serious crimes, such as rape; however, offenses involving adult sex trafficking were not commensurate with those prescribed for other serious crimes.

The government reported investigating 24 potential trafficking cases involving at least 30 suspects, compared with 16 investigations involving at least 16 suspects in the previous reporting period. The government arrested at least 20 suspected traffickers; many remained in pretrial detention at the end of the reporting period, while the government temporarily released some of the suspects. The government reported prosecuting eight trafficking cases, involving at least eight suspected traffickers, compared with the prosecution of seven alleged traffickers in one case in 2019. The government reported referring all other investigated cases for prosecution but did not report initiating prosecutions or provide updates on ongoing cases. The Anti-Corruption Court (PAC) of Antananarivo, whose mandate included trafficking cases that were transnational or involved criminal networks or fraudulent documents, convicted two traffickers charged with fraudulently inducing Malagasy women to travel to China for the purpose of exploitation, compared with six convictions in 2019 and zero convictions in 2018 and 2017. The PAC sentenced both traffickers to six years' imprisonment. A second branch of the PAC began operations in Mahajanga in October 2020. For the first time in recent years, the government reported investigating and prosecuting suspects involved in child sex trafficking, including child sex tourism. In Toliara, authorities prosecuted and convicted a foreign tourist who engaged in child sex trafficking and was charged with child sexual exploitation. The Court of First Instance convicted the tourist of pedophilia and sentenced him to five years' imprisonment and a fine of 10 million MGA (\$2,610); however, the perpetrator appealed his sentence, claiming poor health conditions, and courts subsequently released him and suspended the judgement. The government did not report the outcome of the other six reported prosecutions. Overall, efforts to investigate and prosecute internal trafficking crimes, including domestic servitude, forced begging, and child sex trafficking, remained inadequate compared to the scale of the problem, and officials continued to frequently conflate trafficking and smuggling. Since May 2020, the National Office to Combat Human Trafficking (BNLTEH) has maintained a national database for the collection of trafficking-related information; however, not all relevant ministries regularly contributed to the database, causing national law enforcement statistics to remain difficult to obtain and verify.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Furthermore, procedures stating that a government official cannot be arrested without authorization from the official's supervisor impeded holding complicit officials accountable for trafficking crimes. Observers reported some government officials continued to help Malagasy nationals obtain fraudulent travel documentation to circumvent a 2013 travel ban to certain Middle Eastern countries where traffickers have exploited Malagasy laborers. Observers also alleged that a network of government officials continued to produce false identity documents used to facilitate child sex trafficking, especially in coastal areas like Nosy Be; however, the government did not report initiating an investigation into these continued allegations. Judges released accused sex offenders, some of whom may have been traffickers and often were foreign citizens, allegedly at the request of senior government officials.

In partnership with an NGO, the government trained nine law enforcement officials, gendarmes, and judges in Toamasina and Morondava on reporting child sex trafficking, compared with at least

110 officials trained in 2019 and 264 in 2018. Despite training efforts, the government did not institutionalize anti-trafficking training, and some police, immigration officers, prosecutors, and judges continued to lack a clear understanding of trafficking, which hampered law enforcement and victim identification efforts. Coordination and information sharing between the public prosecutor's office and police were inadequate and continued to hinder case progression. In December 2019, the government, in partnership with an international organization, approved an interagency agreement between the justice system, the national police, and the national gendarmerie to establish a protocol for effective coordination on trafficking cases; however, the different agencies had not signed the agreement and did not report cases of its implementation for the second consecutive reporting period. Due to lengthy judicial processes and a lack of implementation for victim protections in criminal proceedings, victims and families often chose to settle conflicts, including trafficking crimes, through informal family mediations at the local level. Victims were often reluctant to file charges due to fear of reprisals.

## PROTECTION

The government increased victim protection efforts. Due to a lack of coordinated data collection at the national level, the government did not report comprehensive data. The government reported identifying at least 175 victims of trafficking during the reporting period, compared with at least 111 victims identified in the previous reporting period. Of the identified victims reported, 172 were female, three were male; 171 were adults, four were children; and all victims were Malagasy nationals. The government provided various forms of assistance, including medical services, psychosocial counseling, and financial support, to at least 117 trafficking victims, compared with at least 103 victims assisted last reporting period. In addition to victims identified by the government, NGOs and international organizations reported identifying and assisting at least 973 potential victims, providing them with protective services, including medical care, social reintegration assistance, and school support. The government, with the support of international organizations, repatriated 305 Malagasy women, including potential victims of trafficking, from the Middle East—176 from Kuwait, 75 from Saudi Arabia, and 54 from Lebanon—where they had been laboring in domestic work and potentially exploited in domestic servitude, compared with 68 victims repatriated from Kuwait in the previous reporting period. The government and international organizations reported all of the women became stranded abroad due to pandemic-related business closures, travel restrictions, and border closures.

The government remained without official SOPs to proactively identify trafficking victims and refer them to care; instead, there were disparate SOPs across different ministries. An international organization reported training law enforcement officials and service providers on a victim identification and referral manual; however, the manual did not include methods to proactively screen vulnerable groups to identify potential trafficking victims. The manual included a list of assistance organizations to which victims should be referred for care. The government did not distribute the manual, and officials used it only minimally outside of Antananarivo. The Central Unit of Specialized Investigation and Fight Against Documentary Fraud within the National Police reportedly developed a victim identification questionnaire for use during investigations; however, the government did not report implementing the tool during the reporting period.

The Ministry of Population (MOP), in collaboration with an international organization, continued to coordinate more than 700 child protection networks across the country to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims of crime, including trafficking. Due to lack of resources, only about 600 child protection networks provided basic assistance through public hospitals and health units, and most of the networks referred the victims to international organizations and NGOs for additional assistance; however, this was an increase compared with only

400 operating in the previous reporting period. Through referral from the child protection networks, an international organization assisted 876 children (487 girls and 389 boys), including victims of sexual exploitation and the worst forms of child labor, both including child trafficking. The Mitsinjo Center, a government-owned, trafficking-specific temporary shelter for repatriated adult victims, assisted one potential victim during the reporting period. Since the intended recipients of shelter at the center had to quarantine after travel during the pandemic, repatriated women, including potential trafficking victims, received shelter at a hotel paid for by international organizations. The government reported the center was instead used as emergency shelter for victims of other types of violence for most of the reporting period. Six government hospitals had "one-stop" victim support centers that offered assistance to child victims of various abuses, including sex trafficking; the one-stop support centers—located in Antananarivo, Mahajanga, Nosy Be, Toamasina, Tolagnaro, and Toliara—offered victims medical assistance, psychological support, and access to police and social workers. The government reported assisting 1,304 children (including 14 boys) at these facilities; however, the government did not report the number of identified trafficking victims assisted. The government opened and operated two new one-stop centers in Tolagnaro and Toliara during the reporting period. The MOP, in partnership with an international organization, continued to operate a foster care program for exploited children in Nosy Be; the government did not provide statistics on the number of available foster families or beneficiaries for the second consecutive reporting period. The government continued to operate and fund the Manjary Soa Center in Antananarivo, which received 30 children who had been removed from situations of forced labor and sex trafficking. This center provided vocational training or reintegration into the public school system and allowed victims to stay at the center for a whole school year. The city of Antananarivo continued to manage an emergency center for child victims of crime, including domestic servitude and forced begging victims, who were frequently referred by the Morals and Protection of Minors Police Service; the city, in partnership with an international organization, provided food, lodging, psychological and medical aid, and educational services. In November 2020, the government, in partnership with an international organization, established a second specialized center for gender-based violence victims, including trafficking victims, in Antananarivo; the MOP provided training to staff at the new shelter on trafficking victim identification. These centers provided free psychological support, medical care, and legal assistance; the government did not report the number of trafficking victims assisted during the reporting period.

The 2014 anti-trafficking law required authorities to consider legal alternatives for foreign trafficking victims who believe they may face hardship or retribution if returned to their country of origin, but the government did not report providing this protection to victims during the reporting period. There were occasional reports that the government arrested or punished trafficking victims for unlawful acts traffickers compelled them to commit; police would sometimes arrest girls for prostitution without screening or identification as trafficking victims and would sometimes temporarily keep potential transnational labor trafficking victims in police stations due to a lack of alternative accommodations. Observers reported employers often sued former child domestic workers to avoid paying accumulated unpaid salaries in cases where victims may have reported their abuse; however, the government did not report investigating these incidents. To prevent retaliation from suspected traffickers, trafficking trials could be held in private or by camera for the sake of the victim or witness confidentiality and privacy; however, the government did not report doing so during the reporting period. While the 2014 anti-trafficking law entitled victims to restitution, for the seventh consecutive year, the government did not implement this provision.

## PREVENTION

The government maintained efforts to prevent trafficking. BNLTEH, under the prime minister's office, continued to lead the government's

national anti-trafficking efforts. During the reporting period, the government dedicated additional resources to BNLTEH, increasing the total staff from six to 15 civil servants. The 2020 federal budget legislation provided a dedicated budget of 410 million MGA (\$107,200) for anti-trafficking programs led by BNLTEH; however, the government did not disburse any funding to BNLTEH during the year, attributing the decision to the strain on the national budget during the pandemic. The lack of funding led to the cancellation of most of BNLTEH's planned activities. The government did not have an anti-trafficking national action plan (NAP); BNLTEH finalized an updated draft NAP, which was awaiting approval by the prime minister at the end of the reporting period. The government maintained efforts to conduct public awareness campaigns during the reporting period. BNLTEH, in partnership with an international organization, launched an online campaign focused on the increased risks of human trafficking in the context of socio-economic challenges during the pandemic. BNLTEH also disseminated four series of posters to raise awareness among relevant government ministries. Despite decreased air travel due to the pandemic, BNLTEH continued to broadcast a video on the risks of dangerous migration and human trafficking in Ivato International Airport. BNLTEH maintained a hotline to report human trafficking and dedicated staff to receive incoming calls; however, calling the hotline was not free of charge, and its publicization was limited. In partnership with an international organization, the MOP continued to operate a national toll-free hotline to report child abuse. The government reported identifying 37 cases of child exploitation—including at least 23 cases of forced labor in domestic servitude and at least three cases of child sex trafficking—from the hotline during the reporting period, compared with 27 cases in the previous reporting period.

A 2013 ban on migrant worker travel to Middle Eastern countries the government considered high-risk remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Comoros, Ethiopia, Kenya, Mauritius, and Seychelles. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, the government continued its suspension of all existing accreditations for placement agencies and, thus, its prohibition of recruitment of workers for employment abroad. These prohibitions on migrant workers continued to leave Malagasy with no legal means to travel abroad for work and therefore without access to protection mechanisms available through authorized travel, subsequently increasing their vulnerability to trafficking and blackmail. The Ministry of Labor, Employment, Civil Service, and Social Laws (MOL) continued to oversee the process of migrant workers traveling to non-Gulf countries by requiring contract approval by the relevant Malagasy embassy. The MOL and Ministry of Youth, in partnership with an international organization, established fair recruitment focus groups in the Analamanaga, Diana, and Sava regions; these groups met regularly to assess employment opportunities abroad, identify alternatives to professional migration, and raise awareness on the risks of illegal work migration.

The government increased efforts to reduce the demand for commercial sex acts, including child sex tourism. Local officials in Toliara, a destination for child sex tourism, increased efforts to investigate child sex tourism suspects, including those purchasing sex from children. The Ministry of Tourism (MOT), in partnership with international organizations, continued to monitor the commitment of the approximately 1,000 tourism operators in 12 regions who had previously acceded to the tourism code of conduct against commercial child sexual exploitation and sex tourism. The MOT reported that it continued to conduct an unknown number of routine compliance inspections; however, the government did not report the number of inspections conducted during the reporting period, if any hotel operators were found in violation of the code, or if steps were taken to rectify noncompliance. The MOT conducted an unknown number of hotel compliance inspections to remind hotels of their obligation to display posters in their reception areas publicizing the prohibition of commercial child sexual exploitation; the government

also maintained such billboards at airports as a warning for tourists. The MOT, in partnership with NGOs and an international donor, continued to disseminate pamphlets to tourists to remind them that child sex trafficking was illegal and provide steps on how to report a trafficking crime. The government did not provide anti-trafficking training to diplomats.

## TRAFFICKING PROFILE

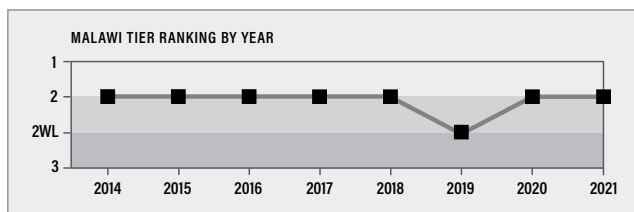
As reported over the past five years, human traffickers exploit domestic and foreign victims in Madagascar, and traffickers exploit victims from Madagascar abroad. Traffickers exploit Malagasy children, mostly from rural and coastal regions and from impoverished families in urban areas, in child sex trafficking and forced labor in domestic service, mining, fishing, and agriculture across the country. The prevalence of child forced begging continues to increase in Antananarivo; reports indicate that traffickers force children, including those with disabilities, to work for long hours and in dangerous conditions, frequently at the behest of their parents. Most child sex trafficking occurs in tourist destinations, urban cities, vanilla-growing regions, and around formal and informal mining sites with the involvement and encouragement of family members; however, tourist operators, hotels, taxi drivers, massage centers, and local adults in commercial sex also facilitate this crime. Traffickers continue to exploit girls as young as 13 years old in child sex tourism in Nosy Be and other coastal areas, increasingly in Toliara. Malagasy men exploit the majority of child sex trafficking victims. Although tourist arrivals declined in 2020, historically most foreign sex tourists in Madagascar are French and Italian nationals, and, to a lesser extent, other Westerners and Comorians. In coastal areas like Nosy Be, Toliara, Mahajanga, and Toamasina, parents encourage girls as young as 15 years old to become financially independent by engaging in commercial sex with foreign tourists; traffickers use this cultural norm as an opportunity to exploit girls in child sex trafficking. Traffickers fraudulently recruit some children for work in Antananarivo and Mahajanga as waitresses and masseuses before exploiting them in child sex trafficking. Traffickers continue to abuse traditional practices of arranged marriage, bride purchase, and girl markets to exploit girls in child sex trafficking. Government officials are reportedly complicit in providing falsified national identity cards to traffickers that facilitate child sex trafficking in Madagascar and forced labor in domestic service of Malagasy women abroad. During the pandemic, sex traffickers increasingly exploited women and children online; in some cases, traffickers lured women from rural provinces to Antananarivo with the promise of employment but then forced them to perform online sex acts for foreign customers. Previous reports indicated child sex trafficking of boys was becoming more prevalent. Forced labor persisted in the context of *dinas*, which were informal arrangements for payment or in response to wrongdoing and a way of resolving conflicts or paying debt.

Many Malagasy women are employed as domestic workers in China, Lebanon, Kuwait, and Saudi Arabia, and media sources report that informal placement agencies are still attempting to circumvent a 2013 ban against sending workers to the Middle East by routing them via Comoros, Ethiopia, Kenya, Mauritius, and Seychelles using legitimate tourist visas to avoid declaring travelers as migrant workers. Traffickers acting as agents in labor recruitment agencies send Malagasy women to China with falsified identity cards, where they are exploited in forced labor in agriculture or domestic servitude. Traffickers and employers may exploit Malagasy men in forced labor in the services and construction industries in the Middle East and in domestic service in China. Suspending accreditation of placement agencies has led to employers and traffickers increasingly targeting migrant workers for blackmail or solicitation of bribes. Reports indicate traffickers and employers exploit Malagasy workers in Gulf States using various forms of abuse, such as physical violence, salary withholding, and confiscation of passports. Chinese nationals working in Madagascar, particularly in construction, may have been forced to work, including by the state-owned enterprises that employed them.



## MALAWI: TIER 2

The Government of Malawi 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Malawi remained on Tier 2. These efforts included initiating more trafficking investigations and prosecutions; identifying more trafficking victims; developing standard operating procedures (SOPs) and an implementation plan to identify victims within refugee camps and refer them to appropriate care; and establishing four new district-level anti-trafficking coordination committees. The government formally recognized and provided official licensing certificates to four trafficking-specific shelters—the first in the country—initiating the process for the four shelters to become operational. However, the government did not meet the minimum standards in several key areas. Government efforts to address sex trafficking were inadequate compared to the scale of the problem; the government did not report investigating any sex trafficking crimes or identifying any sex trafficking victims during the year. Due to the lack of shelters and other protections, police often detained victims during the investigation process and did not take adequate measures to prevent the re-traumatization of victims participating in criminal proceedings. Credible reports of official complicity continued to impede the government's efforts to carry out anti-trafficking law enforcement efforts and proactively identify trafficking victims. The U.S. Department of State suspended the A-3 visa sponsorship privileges afforded to Malawi bilateral mission members as a result of an unpaid default judgment rendered against a now former Malawian diplomat by a federal district court in 2016 for trafficking. For the third consecutive year, the former diplomat failed to pay the outstanding judgment.



### PRIORITIZED RECOMMENDATIONS:

Using the established standard operating procedures and national referral mechanism, systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including individuals involved in commercial sex, refugees, and foreign workers, and refer all victims to appropriate services. • Vigorously investigate and prosecute sex and labor trafficking crimes and sentence convicted traffickers to adequate penalties under the 2015 anti-trafficking law, including complicit government officials. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and protective services to more trafficking victims. • Increase protective services for victims participating in the criminal justice process to prevent re-traumatization, including establishing child-friendly interviewing spaces and ensuring victims receive basic needs. • Expand the collection of law enforcement and victim protection data for trafficking cases, specifically the number of victims referred and provided protective services, and compile data from all districts. • Disperse funds allocated to the Anti-Trafficking Fund to provide care to victims and to expand training for law enforcement and protection officers on investigating trafficking crimes, identifying trafficking victims, and providing adequate protection services. • Train labor inspectors to identify potential forced labor victims during routine inspections and to report potential trafficking violations to appropriate officials. • Develop and institutionalize a mandatory

pre-departure anti-trafficking training for all Malawian diplomats.

• Increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints.

### PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. The 2015 Trafficking in Persons Act criminalized sex trafficking and labor trafficking, and prescribed punishments of up to 14 years' imprisonment for offenses involving an adult victim and up to 21 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping.

In 2020, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from five of Malawi's 34 district-level police stations, compared with data from 11 district-level police stations during the previous reporting period. The government reported investigating 44 trafficking cases and arresting 54 suspected traffickers, compared with reporting 48 arrests in an unspecified number of investigations during the previous reporting period. Of these 44 cases, 35 involved forced labor; the government did not report the types of trafficking in the remaining nine cases and did not report investigating any sex trafficking crimes during the reporting period. The government noted that the majority of alleged traffickers were Malawian nationals, while others were foreign nationals from Zambia, Mozambique, Pakistan, and China. Four investigations remained ongoing at the end of the reporting period. The government initiated prosecutions of 33 cases involving 39 suspected traffickers, compared with 30 alleged traffickers prosecuted in 2019. The government reported convicting 29 traffickers, compared with 30 convictions during the prior reporting period. Ten prosecutions remained ongoing at the end of the reporting period. Courts sentenced convicted traffickers to prison terms ranging from one to five years' imprisonment. The government reported 13 traffickers received suspended sentences; four did not serve any prison time. Courts acquitted two alleged traffickers for unspecified reasons. The government reported that pandemic-related restrictions, such as travel limitations and spread of the virus among law enforcement officials, may have inhibited or slowed some efforts, particularly investigations, during the year.

During the reporting period, the government, in partnership with an international organization, trained 247 police and social welfare officers on trafficking, compared with at least 153 officials trained on investigations, victim identification, and data collection in the previous reporting period. The MPS retained anti-trafficking training in its curricula for the Limbe, Mtakata, and Mlangeni Police Training Schools and Zomba Police College; however, the government did not report the number of recruits trained. The government noted pandemic-related restrictions and widespread infection among officials negatively affected training opportunities during the reporting period. Despite previous trainings, police reported a continued lack of financial resources and coordination with neighboring countries to conduct timely cross-border investigations; pandemic-related border closures and travel restrictions further affected transnational anti-trafficking efforts during the year.

Widespread corruption, coupled with a lack of capacity and resources, led to limited documentation and poor data collection on trafficking cases. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In recent years, law enforcement officers regularly failed to screen individuals engaged in commercial sex for trafficking indicators and were allegedly complicit in sex trafficking crimes by arresting and charging girls and women in commercial sex if they did not provide free sexual services to the arresting officer. Furthermore, officers often made little effort to

discern the age of individuals in commercial sex or investigate such cases as child sex trafficking crimes, despite indications of children being involved. During the reporting period, officials suspended 12 police officers in Mzuzu for reportedly assisting traffickers; the government did not provide further details on these allegations or report criminally investigating these cases. In April 2019, the Department of State suspended for two years the A-3 visa sponsorship privileges afforded to Malawi bilateral mission members as a result of an unpaid final judgment against a former Malawian diplomat for approximately \$1.1 million rendered by a federal district court in a civil human trafficking case involving a domestic worker who sued her former employer, the former Malawian diplomat, for trafficking. The former diplomat left the United States in 2012. During the reporting period, the former diplomat and the domestic worker reportedly discussed settlement but were unable to reach agreement. For the third consecutive year, the government did not report taking any further action to hold the diplomat accountable.

## PROTECTION

The government increased efforts to identify trafficking victims, while efforts to provide services to victims remained weak. The government identified 199 trafficking victims, a significant increase compared with 140 victims identified in the previous reporting period. The government reported traffickers exploited 144 of these identified victims in forced labor; it did not provide details on the type of trafficking the other 55 victims experienced. The government did not report identifying any sex trafficking victims during the reporting period. Of the 199 victims identified, 57 were children; however, government reports did not distinguish between child trafficking victims and the children of trafficking victims in its records. Consequently, some of the child victims reported in 2020 may have been the dependents of identified adult victims. The government continued to use the SOPs and national referral mechanism for victim identification and assistance launched during the previous reporting period; however, observers noted government officials continued to lack an understanding of trafficking, hindering proactive identification and referral efforts. During the reporting period, the government, in partnership with international organizations and foreign donors, developed and finalized SOPs for victim identification and referral, as well as a case reporting form, to increase protection efforts in the Dzaleka Refugee Camp.

During the reporting period, the government formally recognized and provided official licensing certificates to the first trafficking-specific shelters—in Limbe, Lilongwe, Mchinji, and Zomba—initiating the process for the four shelters to become operational and support identified victims of trafficking. The government, in partnership with NGOs, had already identified facilities to house these shelters and assigned protection officers from the Ministry of Gender to oversee the shelters once operational. The government referred at least 96 victims to NGO-run protection services, where they received counseling, medical care, food, and livelihood training, as appropriate; however, observers reported that government efforts to provide protection services to trafficking victims remained minimal. The government operated one center in Lilongwe that provided counseling and specialized care for vulnerable children, which could include child trafficking victims; however, the government did not provide specific numbers of trafficking victims who benefited from these services during the reporting period. Some of the approximately 300 police sub-stations at the village-level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately, and the quality of services varied throughout the country. The government and civil society reported pandemic-related preventative measures, such as limitations on gatherings, travel restrictions, border closures, and curfews, limited victim care during the reporting period.

Despite the government's reliance on civil society organizations to provide care to trafficking victims, it did not report providing financial or in-kind support to such organizations during the reporting period.

In 2020, the government allocated 150 million Malawian kwacha (\$182,930) to the anti-trafficking fund, the same amount allocated in 2019 and 2018; the government utilized the fund for various activities during the reporting period, including support for victim repatriation and capacity building for protection service providers. A significant lack of resources, capacity, and anti-trafficking training among police and social welfare officers led to ad hoc assistance, a lack of victim-centered approaches, and potential re-traumatization of victims. Observers reported police often transported victims, particularly children, and suspected traffickers in the same vehicle, resulting in potential intimidation and further traumatization of victims. Officials occasionally placed victims in detention, due to a lack of shelter space; in some cases, victims reportedly ran away from detention after officials failed to provide them basic needs, such as food. The 2015 anti-trafficking law allowed courts to provide immunity to victims for crimes their trafficker compelled them to commit, including potential immigration violations; however, previous reports alleged foreign victims faced deportation unless they challenged their immigration status in court. Malawian law did not allow for foreign victims to receive regularization of immigration status and temporary residency.

## PREVENTION

The government slightly increased efforts to prevent trafficking. The National Coordination Committee Against Trafficking in Persons, led by the Ministry of Homeland Security and charged with overseeing national anti-trafficking efforts, met once during the reporting period, compared with quarterly meetings in prior years. The government established four new district coordination committees against trafficking in persons in Dedza, Karonga, Mangochi, and Mzimba and began developing district-level action plans for each committee; this expanded the total number of district coordination committees to six, including in Mchinji and Phalombe. Members of the informal Malawi Network Against Child Trafficking, comprising government officials, religious leaders, NGOs, and international stakeholders, also continued to meet. The government continued to implement its 2017-2022 anti-trafficking national action plan, including by establishing new district coordination committees, training police and social welfare officials, and conducting awareness campaigns. During the reporting period, the government developed and finalized an implementation plan to increase anti-trafficking efforts within the Dzaleka Refugee Camp. The government reported conducting fewer awareness campaigns compared with the previous reporting period, citing pandemic-related restrictions on in-person gatherings; however, the government conducted some national and community-level radio campaigns to raise awareness of trafficking crimes. The government did not operate a hotline to report trafficking crimes or provide services to victims; however, it partnered with an NGO-run hotline to assist victims and track trafficking crimes. The government and NGO registered 82 potential trafficking crimes – 65 involving children and 17 involving adults – through the hotline during the reporting period. With support from an international organization, the government contributed information on trafficking cases identified during the reporting period to a national centralized anti-trafficking data collection and reporting tool. The Ministry of Labor carried out an unknown number of inspections, primarily in response to complaints of forced or exploitative labor on large commercial farms; however, the government did not report identifying any trafficking victims or further investigating potential trafficking violations found during these inspections. The government did not make efforts to reduce the demand for commercial sex acts. Due to pandemic-related restrictions on travel and gatherings, the government did not provide anti-trafficking training to its diplomatic personnel, compared with one training during the previous reporting period. However, the government reported developing an anti-trafficking training program for diplomats during the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malawi, and traffickers exploit victims from

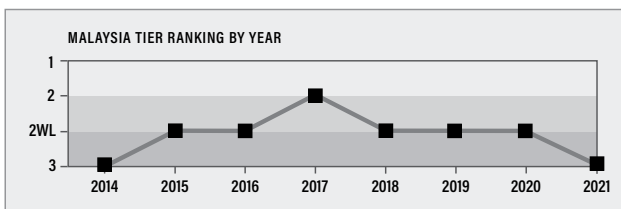
Malawi abroad. Traffickers exploit most Malawian victims within the country, generally lured from the southern part of the country to the central and northern regions for forced labor in agriculture (predominantly the tobacco industry), goat and cattle herding, and brickmaking. Many cases of child labor external to the family involve fraudulent recruitment and physical or sexual abuse, indicative of forced labor. Traffickers — primarily facilitators, family members, or brothel owners — lure children in rural areas by offering employment opportunities, clothing, or lodging, for which they are sometimes charged exorbitant fees, resulting in sex trafficking. Traffickers exploit teenage boys in forced labor on farms and girls in sex trafficking or other forms of sexual exploitation in nightclubs or bars. As a result of restaurant and bar closures during the pandemic, observers report that private homes, especially in Lilongwe and Blantyre, have started operating as illegal brothels and bars; operators of these establishments exploit girls in sex trafficking. Traffickers exploit children in forced labor in begging, domestic servitude, small businesses, and potentially in the fishing industry; in past years, some children were coerced to commit crimes. During the pandemic, school closures from March to October 2020 and January to February 2021 increased children's vulnerability to exploitation, including sex trafficking and forced labor in agriculture. Adult tenant farmers are at risk for exploitation, as they incur debts to landowners and may not receive payment during poor harvests. Traffickers exploit adults and children from Mozambique, Zambia, the Great Lakes region, and the Horn of Africa in labor and sex trafficking. In response to the pandemic, traffickers began using unmonitored and irregular border crossings to facilitate transnational trafficking, avoiding traditional border crossings requiring COVID-19 test certificates; observers also report traffickers' increasing use of smaller, less obvious transportation methods, such as bicycles and motorbikes, versus trucks or buses to transport potential trafficking victims.

Malawi hosts more than 49,000 refugees and asylum-seekers, primarily from the Democratic Republic of the Congo, Rwanda, Burundi, Ethiopia, and Somalia, in Dzaleka Refugee Camp. Traffickers exploit men in forced labor and women and girls in sex trafficking both inside and via the camp. Criminal networks facilitate sex trafficking and forced labor, primarily in farming and domestic servitude, of refugees in Malawi or the transportation of refugees and vulnerable migrants for the purpose of sexual exploitation to other countries in Southern Africa. Malawian victims of sex and labor trafficking have been identified in Kenya, Mozambique, South Africa, Tanzania, and Zambia, as well as in Iraq, Kuwait, and Saudi Arabia. Some girls recruited for domestic service are instead forced to marry and are subsequently exploited in sex trafficking by their "husbands." Fraudulent employment agencies lure women and girls to Gulf states, where traffickers exploit them in sex and labor trafficking.

## MALAYSIA: TIER 3

The Government of Malaysia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Malaysia was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. The government prosecuted and convicted some traffickers, adopted victim identification standard operating procedures (SOPs), continued to identify and provide some protection services to trafficking victims, and publicly released the results of a survey it funded on the prevalence of forced and child labor in the palm oil sector. However, the government continued to conflate human trafficking and migrant smuggling crimes and did not adequately address or criminally pursue credible allegations from multiple sources alleging labor trafficking, including in the rubber manufacturing industry and palm oil sector, with the government owning 33 percent of the third largest palm oil company in the world. The government continued

to rely on victims to "self-identify" and did not implement SOPs to proactively identify victims during law enforcement raids or among vulnerable populations with whom authorities came in contact; thus, authorities continued to inappropriately penalize victims for immigration and prostitution violations. Insufficient interagency coordination and inadequate victim services, which discouraged foreign victims from remaining in Malaysia to participate in criminal proceedings, continued to hinder successful law enforcement efforts to prosecute traffickers. Despite ongoing concerns that corruption facilitated trafficking, the government arrested and investigated, but did not prosecute or convict, officials who were allegedly complicit in trafficking-related crimes.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify trafficking victims among vulnerable populations, including household workers and palm oil plantation workers • Increase efforts to prosecute and convict more trafficking cases—as distinct from migrant smuggling—including those involving complicit officials and forced labor crimes. • Make public the results of investigations involving corrupt officials to increase transparency and deterrence and hold officials criminally accountable when they violate the law. • Increase law enforcement capacity to investigate and prosecute trafficking cases, including by improving interagency coordination. • Improve case management and communication with trafficking victims, including through an expanded Victim Assistance Specialist program. • Expand labor protections for domestic workers and investigate allegations of domestic worker abuse. • Take steps to eliminate recruitment or placement fees charged to workers by recruiters and ensure recruitment fees are paid by employers. • Expand efforts to inform migrant workers of their rights and Malaysian labor laws, including their rights to maintain access to their passports at any time, as well as opportunities for legal remedies to exploitation. • Create a system for access to timely and accurate interpretation in victims' primary languages available to law enforcement, the court system, and shelters. • Continue to expand cooperation with NGOs, including through financial or in-kind support to NGOs to provide some victim rehabilitation services. • Effectively enforce the law prohibiting employers from retaining passports without employees' consent, including by increasing resources for labor inspectors, and include language explicitly stating passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labor source countries. • Increase the number of trafficking victims who obtain approval for freedom of movement from shelters, expand freedom of movement to include unchaperoned movement, and increase victims' access to communication with people outside shelter facilities, including through telephone calls. • Train relevant officials, including labor inspectors and immigration officials, on SOPs for victim identification that include information on trafficking indicators. • Reduce prosecution delays, including by providing improved guidance to prosecutors on pursuing trafficking charges, and increase judicial familiarity with the full range of trafficking crimes, particularly forced labor. • Increase efforts to identify trafficking victims among Chinese workers on Chinese-government affiliated infrastructure projects.

### PROSECUTION

The government maintained law enforcement efforts. The 2007 Anti-Trafficking in Persons and Smuggling of Migrants (ATIPSOM) Act—amended in 2010 and 2015—criminalized labor trafficking and sex trafficking and prescribed punishments of three to 20



years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. From April 2020 to March 2021, law enforcement authorities conducted 118 total human trafficking investigations and – of these cases – referred 52 suspected sex trafficking cases and 57 suspected labor trafficking cases to the Attorney General for prosecution. The Attorney General's Chamber initiated the prosecution of 79 alleged traffickers. The courts convicted 25 human traffickers and migrant smugglers, but it did not disaggregate the data, nor did it provide case details; perpetrators were charged and convicted under a range of laws, including the ATIPSOM Act, Immigration Act, and the Penal Code. This data compared with 277 investigations (80 of which involved forced labor), 20 prosecutions, and 20 convictions during the previous reporting period. The government did not report efforts to coordinate with foreign law enforcement to investigate or prosecute trafficking cases. The government continued to conflate human trafficking and migrant smuggling, which impeded anti-trafficking law enforcement and victim identification efforts.

The Royal Malaysia Police continued to serve as the lead enforcement agency under ATIPSOM and assigned 248 officers to its specialized anti-trafficking unit. The Labor Department similarly had a specialized trafficking enforcement team with 24 officers. Although the government continued to operate an interagency anti-trafficking law enforcement task force, coordination among agencies remained insufficient. For example, police, immigration, and customs officials often failed to collaborate when an investigation fell under the purview of two or more units or departments. The pandemic further restricted criminal justice operations, including those related to human trafficking cases, as courts intermittently closed, and trials were delayed throughout the reporting period. Law enforcement did not proactively investigate potential trafficking crimes, including those that NGOs reported, and sometimes referred potential victims for immigration violations, rather than investigating their traffickers. This subsequently resulted in increased unwillingness among civil society to report trafficking cases to officials. The government sometimes pursued cases of forced labor as disparate labor law violations instead of criminal cases of human trafficking or failed to investigate them at all. The government convicted 26 individuals for withholding the passports of employees under the Passport Act of 1966, but it did not report sentencing details for those convicted nor did it prosecute or convict these individuals for potential trafficking crimes.

The government did not adequately address or criminally pursue credible allegations of labor trafficking in the rubber manufacturing and palm oil sectors made by international media, NGOs, and foreign governments. During the reporting period, the Labor Department initiated 57 investigations against employers in the rubber-product manufacturing sector to confirm compliance with housing laws, but it did not investigate these allegations as potential trafficking crimes. In December 2020, the government filed 19 charges against a disposable glove manufacturing company under the Worker's Minimum Standards of Housing and Amenities Act (Act 226) for inhumane living conditions in migrant workers' dormitories. The government also filed 30 charges against another rubber glove manufacturer following a series of raids where labor inspectors discovered more than 200 foreign workers living in inhumane and unsanitary conditions. However, the government did not report investigating or prosecuting these companies for human trafficking crimes despite credible evidence of debt-based coercion. The government did not initiate investigations of two Malaysian companies in the palm oil sector for forced labor allegations that occurred during the reporting period. Furthermore, the government did not report if it investigated a formal complaint filed in August 2019 detailing allegations of forced labor at a Malaysian palm oil company's plantation which was partially owned by the government. The government also did not report investigating or prosecuting, as trafficking crimes, allegations from 2018 that several rubber-product

manufacturers exploited migrant workers, including through methods indicative of forced labor.

Corruption and official complicity facilitated trafficking and impeded anti-trafficking efforts. In April 2020, the government charged a police inspector with eight counts of rape and human trafficking for the sexual exploitation of two Mongolian women after he arrested them; the case was pending trial at the end of the reporting period. Between May and October 2020, the government arrested 41 law enforcement personnel, including police, armed forces, and immigration officials, for collusion with human trafficking syndicates; the investigations were ongoing at the end of the reporting period. In 2019, the government charged the former deputy prime minister, who also served as minister of home affairs, with 40 counts of corruption for allegations of receiving kickbacks in visa issuance contracts for foreign workers. Although his trial was scheduled for October 2020, it was postponed due to pandemic-related restrictions; the case was pending at the end of the reporting period. The government did not report convicting any complicit officials for trafficking crimes during the reporting period.

The attorney general's chambers increased the number of trafficking-specialist deputy public prosecutors from 69 to 73 during the reporting period. The government continued to operate its special trafficking court in Selangor, but it did not implement plans to expand special trafficking courts around the country. The government continued to conduct or support at least 52 anti-trafficking trainings, including hosting virtual trainings—in collaboration with an international organization—for law enforcement personnel and labor inspectors on victim identification SOPs. Nonetheless, officials did not consistently understand the definition of trafficking. Prosecutors often interpreted the definition of trafficking under ATIPSOM to require the physical restraint of a victim to pursue trafficking charges, which meant prosecutors did not pursue many potential trafficking cases under trafficking charges—especially in cases where coercion was a primary element used by traffickers. A 2014 directive required prosecutors to meet with victims at least two weeks prior to the start of a trial to prepare victims to record their statements and to help them understand the judicial process. Prosecutors reported they engaged with victims; however, limited availability of interpretation services made effective communication difficult. In addition, NGOs reported some prosecutors did not meet with victims before trial as required by the directive and sometimes only met a victim on the first day of a trial. Law enforcement agencies overwhelmingly cited language barriers with potential victims as an ongoing challenge in their work. While the government sometimes worked with foreign embassies or NGOs to interpret conversations, it did not have an institutionalized way to ensure timely and accurate communication with potential trafficking victims who did not speak Bahasa Malaysia or English. Furthermore, the absence of shelters in northern Malaysia hindered the ability of those prosecutors to meet with victims who were relocated to Kuala Lumpur for services. Some foreign victims reported a reluctance to stay in Malaysia to participate in prosecutions due to fears of extended shelter stays, unappealing shelter conditions, and intimidation from traffickers; some victims further reported authorities treated them like criminals, including taking victims to court in handcuffs for their trafficker's trial. Although the law permitted victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings.

## PROTECTION

The government demonstrated mixed protection efforts. From April 2020 to March 2021, the government identified and confirmed 119 trafficking victims among 487 potential victims. Of the confirmed victims, 72 were adult women and 47 were men or children. This data compared with the 82 confirmed victims identified and granted full protection orders among the 2,229 potential victims during the previous reporting period. In April 2020, the anti-trafficking council (MAPO) formally adopted victim identification SOPs, which were previously developed in collaboration with NGOs. However,

the government did not report systematically implementing these SOPs; thus, authorities continued to punish potential trafficking victims with arrest, detention, and deportation for immigration or prostitution violations. The government continued to focus most of its identification efforts on the use of large-scale police raids of suspected commercial sex establishments; NGOs reported that some police units continued to conduct these raids during the reporting period. The government also conducted raids during the reporting period on factories suspected of having forced labor, the more prevalent trafficking problem in Malaysia. The government did not place adequate attention on the identification of victims of forced labor. Officials reported the government's identification of labor trafficking victims often relied on reports of abuse from embassies representing foreign workers or from workers' complaints of non-payment of wages and other violations, rather than proactive screening efforts. Despite adopting victim identification SOPs, NGOs reported police and immigration officers inconsistently applied victim identification procedures during large-scale operations to detect undocumented migrants, which ultimately prevented some foreign victims from being identified as victims and receiving protection services. Law enforcement authorities relied on victims to "self-identify" subsequent to a police raid, rather than proactively identifying victims using standardized procedures or victim-centered screening methods. Furthermore, the government did not partner with NGOs to help screen for trafficking during such raids or among vulnerable populations. The government did not adequately screen asylum-seekers and refugees for indicators of trafficking. Officials' interpretation that ATIPSOM required a trafficking victim to be subjected to physical restraint, prevented the government from identifying some victims and issuing protection orders to many suspected victims of trafficking. NGOs relayed that authorities often treated potential victims identified during police or immigration raids like criminals; this treatment and the raid-environment were not conducive to victims speaking candidly to law enforcement and consequently contributed to the government's insufficient identification of victims. In January 2021, the government announced a state of emergency and extended power to the armed forces to arrest undocumented migrants—a population highly vulnerable to trafficking—at the border. NGOs reported the government's focus on illegal immigration during the reporting period resulted in local law enforcement personnel treating potential trafficking victims as illegal migrants and failing to investigate perpetrators for trafficking crimes.

ATIPSOM required that the government place victims who were granted a court-ordered 21-day interim protection order (for potential trafficking victims) or a subsequent 90-day protection order (for certified trafficking victims) at a "place of refuge," designated by the Minister of Home Affairs. During the reporting period, the government granted all 119 certified victims with full protection orders and housed them in government-operated shelters where they had access to food, medical care, social, religious, and income-generating activities, and security. The Ministry of Women, Family, and Community Development continued to fund eight shelters for trafficking victims: five government-operated and three NGO-operated. While the law permitted victims who were Malaysian citizens or permanent residents to be placed in the care of family members or a guardian, as opposed to a government shelter or other designated place of refuge, foreign victims were required to remain in government shelters for the duration of their protection orders. The government typically renewed protection orders for certified victims until the completion of the trial associated with their case; this resulted in some victims remaining in the shelters for up to six months. NGOs reported investigative authorities did not allow sufficient time to appropriately interview potential victims in shelters in order to certify them as victims and grant 90-day protection orders, which prevented some victims from obtaining protection services. Undocumented foreign trafficking victims had a considerably lower chance of obtaining protection orders compared with foreign victims who had valid immigration papers. During the 21-day protection order, immigration authorities could offer special

immigration passes to victims of labor trafficking that would allow them the right to work. Although the government did not require victims to participate in prosecutions to access special immigration passes, NGOs reported the government required victims seeking these benefits to make an initial deposition in court. While the government reportedly maintained a streamlined process to issue immigration passes, which required a security risk assessment, medical screening, and mental health evaluation by the end of victims' 21-day interim protection order, no victims had requested an immigration pass nor were any issued during the reporting period. The government continued to lack enough qualified mental health counselors to conduct the required psycho-social evaluation during the appointed 21-day timeframe. In comparison, the government issued 45 special immigration passes to victims during the previous reporting period. Furthermore, victims were not permitted to leave shelters unless immigration authorities granted them a freedom of movement pass; however, the government was less likely to approve these passes for female victims of sex trafficking. Although the government reported freedom of movement passes allowed victims to leave the shelters unchaperoned, in practice, a victim's freedom of movement outside of shelters remained restricted to chaperoned trips. NGOs reported these shelter conditions resulted in victims feeling as though they were detained. Of the 119 confirmed victims, the government issued 66 freedom of movement passes, compared with 45 passes for 82 confirmed victims during the previous reporting period. The government issued a work visa to one victim during the reporting period, compared with one in the previous reporting period; the victim later declined the visa and requested repatriation.

NGOs reported medical screening was inadequate for victims upon arrival to government shelters, and shelters lacked full access to reproductive health and dental services. Shelters did not have medical staff on site, and accessing medical care required shelter staff to coordinate transportation and a chaperone. Shelter staff limited victims' communication, including with family members in their home countries, and the government did not permit victims to possess personal phones in shelters. Despite placing translated shelter rules and regulations in five languages in some government shelters, language barriers continued to impact the government's victim services. The lack of available and adequate interpretation services prevented some victims from understanding shelter rules and their rights during the judicial process, contributing to stress and reluctance to participate in prosecutions. As in past years, many identified victims preferred to return immediately to their home countries. The government worked with foreign diplomatic missions to fund and provide repatriation assistance for victims to return to their home countries. The government continued to give monthly allowance payments of 127 Malaysian ringgit (RM) (\$32) to victims for incidental expenditures. The government did not always disburse the funds on a monthly basis; some victims received the allowance as a lump sum when they repatriated home. The government allocated 750,600 RM (\$186,720) to three shelters operated by local NGOs that could assist potential and certified victims, a decrease compared with its allocation of 1 million RM (\$248,760) to two shelters in 2019. NGOs provided some victim services, including medical care and counseling, without government-allocated funding; however, NGOs continued to express difficulty maintaining adequate resources and staffing levels to provide consistent services for victims.

The government extended a victim assistance specialist program until March 2023; under the program, two appointed specialists provided services to trafficking victims from the time authorities identified them, through the judicial process, and during their repatriation to their home country. The specialists under this program worked with and provided assistance to 15 victims during the reporting period—a significant decrease from more than 100 victims they assisted during the previous reporting period. For victims who participated in court proceedings, the government instructed prosecutors to request restitution in each case; during the reporting period, prosecutors requested restitution in five cases, compared with 24 in 2019, and

secured 86,236 RM (\$21,450), compared with 124,410 RM (\$30,950). The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. ATIPSOM required that foreign victims without legal residence in Malaysia be referred to immigration authorities for repatriation upon the revocation of their protection order.

## PREVENTION

The government maintained efforts to prevent trafficking. The Ministry of Home Affairs led the MAPO council, which included five enforcement bodies, other government entities, and three NGOs. It continued to meet on a quarterly basis and coordinated interagency anti-trafficking efforts to implement the government's 2021-2025 national action plan. In 2020, the government allocated 4 million RM (\$995,020) to operate the MAPO secretariat, the same amount allocated during the previous reporting period. The government created 11 television and 10 radio anti-trafficking programs and broadcasted more than 3,000 anti-trafficking public service announcements on television stations and more than 55,000 announcements on national radio networks, compared with 27,667 radio broadcasts in 2019; it also created 22 anti-trafficking billboards, issued more than 5,000 mobile trafficking awareness announcements, and continued to distribute brochures raising trafficking awareness in multiple languages during the reporting period. The government also allocated 12,048 RM (\$3,000) to a local NGO to implement anti-trafficking awareness campaigns. Labor officials continued to provide banners and other signage at the Kuala Lumpur International Airport in holding lounges for newly arrived migrant workers in a range of languages to help educate foreign workers about their rights in Malaysia. The government hosted three public sessions for more than 700 foreign workers in the palm oil industry about their legal rights and for employers on indicators of forced labor. The government continued to operate an anti-trafficking hotline, established in 2018; however, it was attached to a general government hotline staffed by operators who were not trained to work on human trafficking cases. The hotline reportedly received 22 calls during the reporting period, which resulted in the initiation of 22 law enforcement investigations and the identification of seven potential trafficking victims.

The government continued to enforce its ban of Malaysia-based outsourcing companies, which previously often used practices that perpetuated debt-based coercion among migrant workers. The government's Private Employment Agency Act (PEAA) required all private recruitment agencies to secure a license with the Ministry of Human Resources to recruit foreign workers, including domestic workers. The PEAA capped employee-paid recruitment placement fees at 25 percent of the first month's salary for Malaysian workers employed within or outside of Malaysia and one month's salary for non-citizens employed within Malaysia. The law did not define what comprised a "placement fee" and enforcement of this rule was lacking; the majority of migrant workers in Malaysia paid much higher fees to recruitment agents, including in their home country, which contributed to the workers' vulnerability to debt-based coercion. The government also mandated employers pay the foreign worker levy, a one-time cost paid to the government for any non-Malaysian the company hired, instead of forcing workers to bear the cost. The government did not report investigating any employment agencies for violating the PEAA during the current or previous reporting period. The government continued to use an online application system – launched during the previous reporting period – for employers to renew their workers' temporary work permits without using a broker. During the reporting period, the government convicted six immigration officers, suspended five officers from their duties, and investigated 28 officers for involvement in providing fraudulent passport stamps to allow foreign workers and undocumented immigrants to stay in Malaysia.

Employment law continued to exclude domestic workers from a number of protections, including maximum working hours and the country's minimum wage. Civil society observed a lack of adequate

efforts to inform migrant workers of their rights and Malaysian labor regulations. The government reported it employed 94 labor inspectors who focused on human trafficking for the entire country, 65 of which were assigned to Sabah where a large number of Malaysia's palm oil plantations were located; 24 inspectors were assigned to peninsular Malaysia and five assigned to Sarawak. During the reporting period, the government publicly released the results of a survey it funded from June 2018-January 2019 on the prevalence of forced and child labor in the palm oil sector. The study revealed that eight out of every 1,000 palm oil plantation workers were in situations of forced labor, with the prevalence rate considerably higher in Sarawak than in Peninsular Malaysia and Sabah. The lack of adequate resources, including for additional labor inspectors, hindered the government's efforts to adequately identify labor trafficking and enforce the prohibition on employer-perpetrated passport retention, which remained widespread. Labor courts resolved 10,465 labor disputes and ordered employers to provide workers back wages amounting to 18.06 RM (\$4.49 million) and levied fines against employers who violated labor laws of 499,570 RM (\$124,270). The government did not make efforts to reduce the demand for commercial sex.

Malaysian birth registration policies have left more than 500,000 individuals, including children, stateless and therefore unable to access some government services, including legal employment, increasing their vulnerability to trafficking. In December 2020, the government announced a one-year time period for stateless individuals to apply for citizenship, with significantly reduced wait times for application approvals; however, stateless persons continued to face extraordinary hurdles that prevented them from submitting applications. The law did not permit the government to grant stateless persons asylum or refugee status, which left more than 178,000 refugee-status-seekers and asylum-seekers in Malaysia, including more than 97,000 Rohingya, unable to obtain legal employment, which increased their vulnerability to exploitation. Furthermore, while some refugee community schools operated in Malaysia, the law did not permit stateless and refugee children to attend public schools.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malaysia, and to a lesser extent, traffickers exploit victims from Malaysia abroad. The overwhelming majority of victims are among the estimated two million documented and an even greater number of undocumented migrant workers in Malaysia. Foreign workers constitute more than 30 percent of the Malaysian workforce and typically migrate voluntarily—often through irregular channels—from Bangladesh, Burma, Cambodia, China, India, Indonesia, Laos, Nepal, the Philippines, Thailand, and Vietnam. Refugees, asylum-seekers, and stateless individuals who lacked the ability to obtain legal employment in Malaysia are also vulnerable to sex and labor trafficking. Employers, employment agents, and illegal sub-agents exploit some migrants in labor trafficking primarily through debt-based coercion when workers are unable to pay the fees for recruitment and associated travel. Some agents in labor source countries impose onerous fees on workers before they arrive in Malaysia, and Malaysian agents administer additional fees after arrival—in some cases leading to forced labor through debt-based coercion. Large organized crime syndicates are responsible for some instances of trafficking. Employers utilize practices indicative of forced labor, such as restrictions on movement, violating contracts, wage fraud, assault, threats of deportation, the imposition of significant debts, and passport retention—which remained widespread—to exploit some migrant workers in labor trafficking on oil palm and agricultural plantations; at construction sites; in the electronics, garment, and rubber-product industries; and in homes as domestic workers. Malaysian law allows employers to hold workers' passports with the workers' permission, but it is difficult to determine if workers have freely given permission, and some employers retain the passports to prevent workers from changing jobs. A 2018 NGO report documented multiple indicators of forced labor associated with the production of palm oil in Malaysia, including coercive



practices such as threats, violence, lack of clarity of employment terms and conditions, dependency on the employer, lack of protection by police, debt bondage, high recruitment fees, and involuntary overtime. Traffickers use large smuggling debts incurred by refugees to subject them to debt-based coercion. North Koreans working in Malaysia may have been forced to work by the North Korean government. Chinese nationals working for Chinese government-affiliated construction projects in Malaysia are vulnerable to forced labor. In 2017, hundreds of Chinese nationals working for one of the largest Chinese investment projects in Malaysia in the state of Johor reported exploitative work conditions, including paying high recruitment fees charged by recruitment agents in China, never receiving work visas, and receiving delayed or lower wages than promised.

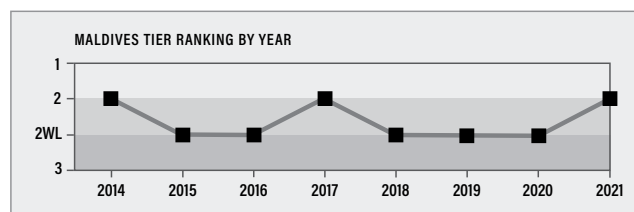
Traffickers recruit some young foreign women and girls—mainly from Southeast Asia, although also recently from Nigeria—ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, or for brokered marriages, but instead compel them into commercial sex. Traffickers use fraudulent recruitment practices to lure Rohingya women and girls out of refugee camps in Bangladesh to Malaysia, where they are coerced to engage in commercial sex. Traffickers also exploit some men and children, including Malaysians, into commercial sex. The Malaysian government reported in 2020 that children are vulnerable to online sexual exploitation, including some instances of child sex trafficking. Traffickers exploit Malaysian orphans and children from refugee communities in forced begging. Traffickers increasingly exploit Malaysian women and children in forced labor. Stateless children in Sabah were especially at risk of forced labor in palm oil production, service industries, and in forced begging. Media report young male and female Malaysians pay recruitment fees for promised high-paying jobs, but traffickers transfer them to Cambodia and exploit them and authorities arrest them for immigration violations. In order to circumvent the Indonesian government's ban on Indonesian migration to 21 countries, some Indonesian workers transit Malaysia legally en route to Middle Eastern countries, where traffickers exploit some in forced labor.

Official complicity continues to undermine anti-trafficking efforts. Ongoing corruption related to processes for foreign nationals to work in Malaysia increases the cost of migration and consequently increases migrant workers' vulnerability to trafficking through debt-based coercion. Corrupt immigration officials facilitate trafficking by accepting bribes from brokers and smugglers at border crossings, including at airports. Some government officials profit from bribes and direct involvement in extortion from and exploitation of migrants.

## MALDIVES: TIER 2

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Maldives was upgraded to Tier 2. These efforts included opening two investigations into cases allegedly involving government officials in trafficking or trafficking-related corruption; establishing the Office of Anti-Human Trafficking (ATO) headed by a Director in the Ministry of Defense (MOD); dedicating funding for the office and the national action plan (NAP) in the official budget for the first time; passing amendments to the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol through all necessary parliamentary committees in preparation for a final vote; completing construction of a trafficking victims shelter; elevating the human trafficking unit in the Maldives Police Service (MPS) to an anti trafficking department; holding its first ever social media awareness campaign on International

Migrant's Day to raise awareness on human trafficking; and drafting several standard operating procedures (SOPs) for victim identification, shelter operations, and referral to victim services. However, the government did not meet the minimum standards in several key areas. Despite continued reports of trafficking indicators among migrant workers, including non payment of wages and passport retention, the government identified only two victims during the reporting period. The government arrested some possible victims without screening them for trafficking indicators and at the close of the reporting period they remained in detention, despite NGOs calling for their identification as victims and subsequent release. The government did not hold employers or recruitment agencies accountable, by filing any charges against them despite sustained reports of labor violations. The government continued to erroneously consider trafficking as a crime only involving migrant workers and failed to properly investigate or charge cases involving Maldivian nationals.



### PRIORITIZED RECOMMENDATIONS:

Respecting due process, significantly increase investigations, prosecutions, and convictions for all forms of trafficking, including official complicity in trafficking-related crimes. • Significantly increase oversight of labor recruitment agencies and employers and refer trafficking indicators, such as non-payment of wages and passport retention, to police for criminal investigation. • Amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Significantly increase efforts to identify victims, and formally adopt and train officials on SOPs for proactive trafficking victim identification and referral to services. • Increase training for front-line officials on differentiating sex trafficking from sexual abuse, and train immigration officials and social service providers to identify and refer suspected trafficking cases to police. • Increase training for law enforcement and judges on investigation of trafficking crimes and application of the anti-trafficking law. • Allocate resources for proactive monitoring of resorts and guest homes for labor violations and child exploitation. • Open a trafficking victim shelter, establish consistent protection services, including psycho-social support, and provide interpretation for foreign victims. • Finalize, adopt, implement, and train officials on the SOPs for shelter operations and victim services. • Continue to increase public awareness of human trafficking—especially among migrant workers—through widespread media campaigns. • Re-establish regular anti-trafficking training for diplomats.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts; it reported investigations into corrupt and allegedly complicit officials, but decreased overall trafficking investigations, prosecutions, and convictions. The PHTA criminalized some, but not all, forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the PHTA required transportation of a victim in order to constitute a trafficking offense. The law criminalized child sex trafficking but did not make clear if forced prostitution of adults was considered a form of trafficking. Article 16 criminalized debt bondage without reference to transportation. The PHTA prescribed penalties of up to 10 years' imprisonment for trafficking offenses involving an adult victim and up to 15 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The

government finalized amendments to the PHTA to bring it in line with the Palermo Protocol. These amendments passed all necessary parliamentary committees and was pending a final vote before the entire parliament at the end of the reporting period.

The government investigated two trafficking cases involving seven individuals but did not initiate any new prosecutions or convict any traffickers during the reporting period. This compared with investigating two trafficking cases and 27 potential labor trafficking cases, prosecuting one case, and convicting two traffickers during the previous reporting period. The fall in numbers was due in large part to the government's need to reallocate a significant amount of financial and human resources away from nearly all aspects of its operations to focus on the pandemic. While MPS continued to investigate 27 recruitment agencies from the previous reporting period, it reported that it did not identify any trafficking victims from the cases. The Prosecutor General's Office (PGO) continued to prosecute four cases from previous reporting periods. Two prosecutions—one possible labor trafficking case from 2016 and one possible sex trafficking case from 2017—ended in acquittals for the alleged traffickers due to insufficient evidence, although the PGO appealed the acquittal in the 2017 case to the Maldives High Court, which remained ongoing at the end of the reporting period. The Ministry of Gender, Family, and Social Services (MOGFSS) did not identify any child sex trafficking cases during the reporting period. MPS reported investigating 291 incidents of child commercial sexual exploitation in 2020, and sending PGO 115 of these cases for prosecution; however, it did not report identifying any of these cases as trafficking. The government ordered a national lockdown, during which all government offices were closed, from April through July 2020. Following the end of the lockdown, courts remained closed to in-person sessions for the remainder of the reporting period. Additionally, the government diverted police officers from their regular duties to enforce the lockdown and move migrant workers from their typical congested living quarters to government provided shelter. To adapt to pandemic-related restrictions, MPS introduced special investigative guidelines that included virtual meetings with witnesses and established an online portal for MPS to submit cases to PGO electronically. Courts also began to hold limited virtual trial hearings. As the new procedures required implementation of new technological solutions, the government reported the lockdown affected the ability of law enforcement to report and investigate cases and delayed the prosecution of all criminal cases.

The government took steps to investigate select reports of trafficking-related corruption, though corruption and official complicity in trafficking crimes remained significant concerns. The government did not report any prosecutions or convictions of government employees complicit in human trafficking crimes. In July 2020, MPS announced an investigation into a local construction company of which a member of parliament was managing director, following a violent protest staged by approximately 200 foreign migrant worker employees who had not received salaries, some for more than six months. MPS referred the case to the PGO in December 2020. Previously, the Controller of Immigration alleged the former government had illegally issued quotas relating to the number of migrant workers allowed, which in turn facilitated fraudulent recruitment and human trafficking, and the Minister of Economic Development (MED) similarly alleged in public remarks that Maldivian recruiters bribed senior officials in exchange for larger quotas to bring in more migrant workers. During the reporting period, MPS and the Anti-Corruption Commission (ACC) investigated two former and two current immigration officials over alleged complicity in the case. The investigation was ongoing at the end of the reporting period. Civil society alleged labor inspectors accepted bribes to not report labor violations. Private employers held foreign employees' passports. Observers assessed that some traffickers operated with impunity due to connections with influential Maldivians. Observers reported some officials warned businesses in advance of planned raids to investigate labor violations.

During the reporting period, the MPS-Human Trafficking Unit (MPS-HTU) was elevated to create a department solely dedicated to the investigation of trafficking cases. MPS designed the department with additional staff and two units – one focused on the investigation of cases and one focused on training and awareness-raising programs. However, pandemic-related challenges and broader restructuring within the MPS delayed the hiring of additional staff and the creation of these units. Immigration continued to implement a mandatory trafficking training for new recruits, and MPS-HTU reported all of its current officers had previously received trafficking-specific training. Despite these trainings, officials continued to conflate human trafficking with smuggling, and government efforts focused primarily on transnational labor trafficking to the possible detriment of sex trafficking. Government officials acknowledged the need for increased training on identifying and investigating trafficking cases, especially among MED, MPS, and Labor Relations Authority (LRA) personnel. Some officials stated the country's trafficking problem involved primarily Bangladeshi migrant workers and therefore the trafficking problem had diminished following the return home of the majority of the workers due to the pandemic. Civil society reported law enforcement and judges' lack of awareness and training on the PHTA likely contributed to the dearth of successful prosecutions. MPS, in partnership with an international organization, maintained a trafficking case management system that allowed potential victims to submit cases to the police online; however, it was only available in English, which limited its utility. Authorities recognized the lack of cooperation with source-country governments as an obstacle to investigating cases with foreign victims or perpetrators; they made some efforts to work with other governments during the reporting period. The absence of dedicated foreign language interpreters for victims and witnesses among law enforcement and social service providers continued to hamper law enforcement and victim protection efforts.

## PROTECTION

The government made mixed protection efforts; it identified fewer trafficking victims and may have arrested and detained unidentified victims but worked to draft long-stalled SOPs on victim identification, protection, and reintegration and shelter operation and victim services. Due to the pandemic, the government reported a temporary suspension of proactive victim identification screening procedures. Officials identified two Bangladeshi labor trafficking victims—compared with one sex trafficking victim and five potential labor trafficking victims in the previous reporting period. The two identified victims were part of more than 200 expatriate workers at a resort who protested their employer's failure to pay six months of salary. NGOs reported concerns that the government was unable to identify any additional migrant workers who participated in the protest as trafficking victims, arguing that there was sufficient cause to classify them as victims given their employer had confiscated their passports, they had not received salaries for an extended period of time, and most of them did not have a valid work visa. The MOGFSS did not identify any child trafficking victims, compared with identification of six child sex trafficking victims and 15 potential child labor trafficking victims the previous reporting period. The government did not have standard procedures to identify trafficking victims or refer them to care. It did not formally adopt the SOPs for victim identification, protection, and referral that the National Anti-Human Trafficking Steering Committee (NAHTSC) had finalized in 2016. Although MPS had disseminated the SOPs to its officers in the past, government agencies did not uniformly employ them. During the reporting period, the NAHTSC drafted victim support and shelter guidelines, which established key principles on which officials created two overarching sets of SOPs on victim identification, protection, and reintegration; and on shelter operations and provision of victim services. The guidelines also outlined a formal referral system. At the end of the reporting period, the NAHTSC solicited stakeholder comments but had yet to finalize, adopt, and publish the SOPs. While all agencies could screen for trafficking, only MPS-HTU could officially declare an individual a trafficking victim. MPS and social service providers did not have a clear understanding of the differences between sex

trafficking and sexual abuse, especially in cases of children; this made the true number of sex trafficking victims unknown.

The government completed construction of a shelter for trafficking victims, but was waiting to open the shelter following the finalization, adoption, and publishing of the victim support and shelter guidelines, which remained pending at the end of the reporting period. An NGO working with the government on the establishment of the shelter stated that the main challenges to finalizing these guidelines were pandemic-related restrictions and the human and financial resource constraints prompted by the government's pandemic response. Victims were entitled to services, including counseling, interpretation, and police protection; however, in practice, the government did not always provide these services. From July through their repatriation to Bangladesh in December 2020, the government provided the two identified victims shelter at a local guesthouse, food, medical services, and psycho-social support. Article 32 of the PHTA provided a 90-day reflection period during which victims could receive services while deciding whether to assist authorities in a criminal case. PGO could only provide a victim support officer to trafficking victims if their cases went to prosecution. The judiciary could provide protections for child trafficking victims who participated in trials against their alleged traffickers.

MED continued its re-registration and regularization program initiated in September 2019, which aimed to legalize undocumented foreign migrant workers and repatriate both documented and undocumented workers wishing to return to their home country. MED completed the registration of more than 41,000 migrant workers as of February 2021 and between March 2020 and February 2021, the government repatriated more than 16,000 (8,775 undocumented and 8,000 documented) foreign migrant workers. NGOs reported concerns the government did not screen any of these workers for human trafficking indicators. The government reported limited screening took place due to resource constraints and the large increase in repatriation requests due to the pandemic. There were reports the government penalized potential labor and sex trafficking victims. NGOs reported MPS arrested 19 of the approximately 200 foreign migrant workers who participated in the protest at a resort construction site and began to investigate them on suspicion of property damage. NGOs called for the workers to be identified as trafficking victims and released from custody. MPS reported they screened the workers for signs of trafficking but did not identify them as victims. At the end of the reporting period, the 19 workers remained in immigration detention awaiting deportation or criminal charges. While the government screened for physical confinement before arresting foreign women in commercial sex, it did not adequately screen for fraud or coercion. Foreign trafficking victims could receive a special visa allowing them to remain in Maldives and work during the investigation and prosecution, which both identified victims received. The PHTA permitted the deportation of identified victims who had voluntarily entered Maldives illegally.

## PREVENTION

The government increased anti-trafficking prevention efforts. The NAHTSC, composed of senior government officials, remained the lead interagency body responsible for coordinating the government's efforts to combat human trafficking. The NAHTSC focused on five key areas of the Anti-Human Trafficking National Action Plan during the reporting period to adapt to reduced resources due to the government's focus on fighting the pandemic. This included drafting an amendment to the Anti-Human Trafficking Act to align the definition of human trafficking with the 2000 UN TIP Protocol; the establishment of the trafficking shelter; establishment of an Office of Anti-Human Trafficking (ATO); completing a draft of the victim support and shelter guidelines; and conducting an awareness campaign. In July 2019, the government transferred the trafficking portfolio from MED to the Ministry of Defense (MOD). In August 2020, the president created a new director of anti-human trafficking position within MOD to serve as the chair of the NAHTSC and in December 2020, the government announced that the director would also lead the new ATO. ATO's mandate was to coordinate the

implementation of the 2020-2022 NAP. In February 2021, the new director reported that MOD had allocated office space for the ATO and had hired two staff, one for policy and outreach and the other for administration and budget. The 2021 State Budget allocated 1.99 million Maldivian rufiyaa (\$129,050) to fund the work of the ATO and the implementation of the NAP, despite a significant decline in government revenue. This was the first time the government allocated funds specifically for the NAP under a State Budget. The NAHTSC delayed a baseline study to collect data throughout the country's atolls to inform anti-trafficking priorities for 2021, due to pandemic-related travel restrictions. During the reporting period, the government re-assigned the dedicated trafficking hotline from MED's portfolio to MOD. MOD attempted to incorporate the hotline into an existing call center operated by Immigration; however, the hotline became inoperable, due to both logistical challenges and resource constraints related to the pandemic. The hotline did not receive any calls prior to its transfer to MOD. Civil society reported the lack of Bengali speaking hotline operators could have been a barrier to the large number of suspected Bangladeshi trafficking victims. Due to the pandemic, authorities provided visa relief to foreigners by allowing those who wished to stay in Maldives the opportunity to extend their visas without any fine or penalties.

In September 2019 the government created a special task force distinct from the NAHTSC to address migrant workers' issues, including human trafficking and illegal employment. During the reporting period Immigration revised its expatriate regulations and developed a new quota issuance policy for visas, creating a ceiling on the maximum number of foreign workers (100,000) that can enter Maldives from any single country and including provisions for prioritizing Maldivians for employment. The quota was intended to limit the number of migrant workers coming from any one country and to help the government better track the migrants. The policy outlined procedures for worker recruitment and employers providing accommodation for workers, among other policies related to recruitment. In February 2021, the foreign minister signed a memorandum of understanding (MOU) with Bangladesh on human resource placement. The government also proposed an additional MOU regarding Bangladeshi migrant workers in the Maldives, but for the third year a draft MOU on human trafficking between the Maldivian and Bangladeshi governments awaited finalization by Maldivian officials at the end of the reporting period.

LRA had the authority to inspect all worksites, including private homes, and it carried out approximately 70 inspections in 2020, compared with 200 in 2019. The government reported pandemic-related travel restrictions delayed inspections during the year. LRA did not report any cases of forced child labor or child commercial sexual exploitation during the reporting period. LRA lacked the resources, staff, and training necessary to fulfill its mandate. LRA generally received numerous complaints of non-payment of wages and mediated such claims with the employer. If an employer did not agree to mediation, LRA could file a civil case in the labor tribunal to impose a fine. Officials and civil society, however, reported the government did not enforce settlements adjudicated by the tribunal, so employers often refused to pay fines without repercussions. Neither LRA nor the tribunal referred labor violations to police for criminal investigation. LRA could request to MED that it blacklist foreign recruitment agencies with repeated or serious labor violations. MED did not always implement LRA's recommendations, and despite repeated recommendations from LRA to blacklist certain agencies, those agencies continued to operate. Immigration also inspected establishments that employed migrant workers and issued warnings to six establishments for lack of proper documentation, including invalid work visas. It did not report any further action against the establishments. LRA continued to use an online portal for island councils to report the number of individuals, including migrant workers, on each island, but some councils did not push businesses to register their employees with the portal because they did not want to expose the plethora of undocumented workers.



Civil society reported a continued lack of significant efforts to raise awareness of trafficking among the most vulnerable groups. Due to the pandemic, the NAHTSC canceled a media campaign to mark the World Day Against Trafficking in Persons in July 2020 and instead conducted an online public awareness campaign in December for International Migrant Day. The government issued campaign material targeting Maldivians and migrant workers through social media platforms in Bangla, Hindi, Sinhala, English, and Dhivehi. The government did not make efforts to reduce the demand for commercial sex acts or for child sex tourism. While anecdotal reports suggest that there have been cases of children being exploited for commercial sex acts or child sex tourism, there were no confirmed cases during the reporting period. The government previously reported increased concerns that traffickers could use resorts and guesthouses to facilitate child sex tourism, in part because no government agency had the authority or resources to monitor these establishments for such crimes. The government did not report any anti-trafficking training for diplomats during the reporting period.

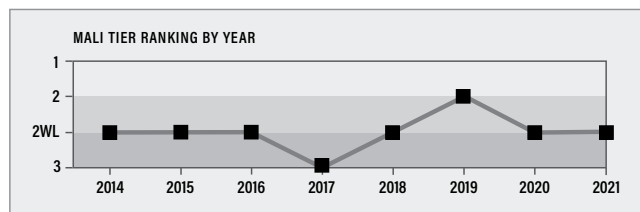
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Maldives, and traffickers exploit victims from Maldives abroad. Traffickers subject an unknown number of the approximately 169,000 documented and 65,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt-based coercion. Migrant workers pay approximately \$2,500 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt-based coercion upon arrival. In recent years, officials reported an increasing number of Bangladeshi workers fraudulently obtained 12-month work visas while only possessing the requirements for three month visas. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. Civil society reported labor traffickers target Bangladeshi children who enter the country on work visas and falsified passports. Police reported an increase in Bangladeshi nationals living in Maldives who pose as labor agents and fraudulently recruit migrant workers from Bangladesh, facilitate their travel to Maldives, and abandon them upon arrival without documentation, rendering them vulnerable to traffickers. South Asian women may be victims of forced labor in domestic service in Maldives. Traffickers may have targeted migrant workers on fishing and cargo boats in Maldivian waters for forced labor. Traffickers use Maldivian children in forced criminality, including the transportation of drugs for criminal gangs. Sex traffickers exploit women and girls from Maldives and other South Asian countries and—to a lesser extent—women from Africa, Asia, and Eastern Europe in Maldives. Some impoverished parents act as traffickers, allowing sex traffickers to exploit their children in exchange for financial assistance. Some traffickers bring women from South Asia into Maldives under the guise of tourism and force them into commercial sex. Specifically, police reported an increase in traffickers bringing Bangladeshi women into Maldives on tourist visas and exploiting them in commercial sex. Some employers transport Maldivian children to the capital from other islands for domestic work, where employers sexually abuse some and others are vulnerable to labor traffickers. Traffickers may have exploited Maldivian women in sex trafficking in Sri Lanka. Traffickers have exploited Maldivian children in child sex tourism.

## MALI: TIER 2 WATCH LIST

The Government of Mali does not fully meet the minimum standards

for the elimination of trafficking but is making significant efforts to do so. These efforts included training judges, prosecutors, and law enforcement officials on trafficking and conducting awareness raising activities. Given the military's past recruitment and use of children between the ages of 9 and 14, the government issued an edict banning children from military camps and designated a child soldier focal point to coordinate with international organizations when allegations of child soldiering arise. It partnered with an international organization to identify children used by armed groups, including potential trafficking victims, and referred most of those children to international organizations for care as part of its continued efforts under its Disarmament, Demobilization, and Reintegration (DDR) plan with the UN. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Substantial personnel turnover related to the August 2020 coup d'état and subsequent formation of the transition government hindered Mali's ability to maintain consistent anti-trafficking efforts and accurately report on those efforts for this reporting period. Officials prosecuted hereditary slavery cases as misdemeanor offenses and continued sentencing traffickers with penalties inconsistent with the law. The government continued providing support to and collaborating with the Imghad Tuareg and Allies Self-Defense Group (GATIA), a non-governmental armed group led by a Malian general that recruited and used children. The government did not investigate any suspects, including government officials, for child soldiering crimes or make significant efforts to prevent armed groups from recruiting and using children. Law enforcement continued to lack resources and understanding of human trafficking, which impeded law enforcement efforts. Shelter and services for victims, especially male victims, remained insufficient and primarily restricted to Bamako. Therefore Mali remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Cease support to armed groups that unlawfully recruit and use children, enforce measures banning children from military bases, and hold any individuals or complicit officials criminally accountable for child soldiering offenses, including using children in support roles. • As part of the peace process, engage with non-governmental armed groups to cease recruitment and use of children. • Amend the 2012 anti-trafficking law to ensure that it can be used to effectively investigate and prosecute trafficking offenses involving hereditary slavery, and sentence convicted slaveholders to significant prison terms. • Vigorously investigate, prosecute, and sentence convicted traffickers, including complicit officials, to prison terms in line with the 2012 anti-trafficking law. • Expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants, including psycho-social care, family reintegration, education, and vocational training, and release any children inappropriately detained. • Allocate dedicated budgets, resources, and personnel to the anti-trafficking committee and institutionalize monthly committee meetings to improve operationalization of anti-trafficking policies and inter-ministerial coordination. • Screen vulnerable populations, including children associated with armed groups, individuals in commercial sex, and communities with a history of hereditary slavery, for trafficking indicators and refer them to appropriate services. • Develop standard operating procedures to identify victims, and train criminal justice officials and social service providers on the procedures. • Train and equip law enforcement on effective, victim-

centered investigation techniques and trauma-sensitive approaches when interviewing victims. • Regularly train judges and prosecutors on the 2012 anti-trafficking law and standardize continuing education trainings. • Provide financial and in-kind support to NGOs that identify and assist trafficking victims. • Adopt a new national plan of action and allocate resources to its implementation.

## PROSECUTION

The government maintained inadequate law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices, as amended, criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment for trafficking offenses, except forced begging for which it prescribed lesser penalties of two to five years' imprisonment and a fine of 500,000 to 2 million West African CFA francs (FCFA) (\$945-\$3,780). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Government officials and NGOs reported that the law did not precisely define hereditary slavery and therefore could not be effectively implemented to prosecute trafficking cases involving hereditary slavery. During the previous reporting period, the government, in collaboration with an international organization, drafted legislation revising the anti-trafficking law to explicitly define hereditary slavery as a form of human trafficking; the legislation remained pending before the Ministry of Justice (MOJ) at the end of the reporting period.

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 reported investigating at least 59 cases, including 17 new case investigations, compared with investigating 75 cases, including 40 new case investigations, during the previous reporting period. The government prosecuted at least 78 defendants, including 22 defendants under the 2012 trafficking law and 56 defendants under discrimination and related penal code statutes for hereditary slavery. The courts convicted 40 traffickers, including 31 slaveholders under penal code provisions and nine traffickers under the 2012 trafficking law, and dismissed cases against 25 alleged slaveholders. This was compared to prosecutions of 67 defendants and convictions of 13 traffickers, including two slaveholders, during the previous reporting period. Prosecutors charged most hereditary slavery cases as misdemeanor offenses under discrimination, destruction of crops, or burglary statutes, which prescribed significantly lower penalties than those available under the trafficking law. Of the 31 slaveholders convicted, 25 defendants received a fully suspended prison sentence and a fine and six received a sentence of one year's imprisonment. The government convicted nine Nigerian nationals of sex trafficking and sentenced them to between 18 months' and five years' imprisonment. The court sentenced only two traffickers to penalties as prescribed in the anti-trafficking law. The Brigade de Moeurs was the primary law enforcement agency investigating sex trafficking and cases involving children, and the Specialized Judiciary Brigade and Specialized Investigative Brigade investigated and prosecuted transnational trafficking. The Migrant Smuggling and Trafficking Brigade, created in October 2019 with the assistance of a foreign donor, investigated illicit migration and migrant smuggling, including potential trafficking cases. These units were not dedicated to human trafficking, lacked adequate resources and training, and could not access portions of the country due to insecurity.

During the reporting period, the government, in partnership with an international organization, trained 100 judges, prosecutors, and law enforcement officials on investigating trafficking and smuggling; this included training 25 magistrates in August 2020 and 30 law enforcement officials in November 2020. Another international organization trained 59 law enforcement officials on identifying and interviewing victims, with limited government support. Despite these efforts, continued lack of awareness of the 2012 anti-trafficking law and frequent turnover and transfers of officials stymied law

enforcement action. Additionally, law enforcement's system-wide lack of funding and resources, including vehicles and equipment to investigate crimes, impeded anti-trafficking efforts. The government had limited or no judicial presence in much of Mali, primarily in the north and center of the country, due to continuing security challenges. Insufficient funding and judicial staffing levels limited regular sessions of the Court of Assizes—which heard all serious criminal felony cases, including trafficking—and caused significant judicial delays. Insecurity limited court sessions outside of the capital, and pandemic restrictions on gatherings and court hearings further exacerbated judicial delays.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking, including hereditary slavery or child soldiering offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Observers alleged government officials interfered in hereditary slavery cases, and at times threatened community members, in an effort to have charges dismissed. A foreign government alleged Malian law enforcement returned three trafficking victims to their traffickers in exchange for bribes during the reporting period, and law enforcement officers allegedly coerced victims to pay bribes to avoid fines or obtain fraudulent identity documents. There were no reports Malian armed forces (FAMA) recruited and used children in combat or support roles during the reporting period. The Ministry of Defense (MoD) issued an edict banning children from all deployed military camps in October 2020. The MoD also designated a child soldier focal point to coordinate with international organizations when allegations of child soldiering arise. However, in the previous reporting period, observers verified for the first time since 2014 that FAMA recruited and used 47 children between the ages of 9 and 14 years old in support roles in Gao region as couriers and domestic help; FAMA released all 47 children to their families and an international organization for care by March 2020. International observers reported non-governmental armed groups—such as GATIA, led by a Malian general—continued recruiting and using child soldiers during the reporting period. During the reporting period, an international organization reported FAMA personnel sexually exploited girls in exchange for food and other goods in 2019.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims. Government officials and NGO partners identified 73 sex trafficking victims, including 65 Nigerians, six Malians, and two Sierra Leoneans during the reporting period. Officials also identified and screened 115 potential trafficking victims; this compared with 64 trafficking victims and 106 potential victims identified during the previous reporting period. The government and NGOs provided care to all potential and identified victims. Additionally, an international organization identified at least 230 children associated with armed groups in the first half of 2020 alone, a significant increase compared to 215 children in 2019; authorities referred most of the children for care, while 15 remained in detention. The government did not have standard victim identification procedures.

The government did not have a formal referral mechanism but worked closely with the Fodé and Yeguine Network for Action (RAFY), a national network composed of NGOs, international organizations, and government ministries, including the Ministry for the Advancement of Women, Children, and the Family (MFFE), to refer identified trafficking victims to service providers. Officials reported the network did not adequately function during the reporting period due to poor coordination between members. With some government support, RAFY assisted 63 identified trafficking victims and 115 potential trafficking victims by providing shelter, referring victims to NGOs for services, or assisting with repatriations during the reporting period. An international organization assisted an additional 106 trafficking victims and 10 babies born while in the organization's care during the reporting period; this included 110 Nigerians, two

Sierra Leoneans, and four Guineans. The government relied on NGOs to provide the majority of services, funded by private and international donors. NGOs operated transit centers for adult and child victims of crime, including one specialized shelter for female adult trafficking victims in Bamako. The government distributed pandemic prevention kits including food and sanitary supplies, valued at nearly 40 million FCFA (\$75,610), to NGOs managing 10 transit centers. Services varied by location but generally included short-term shelter, food, counseling, vocational training, repatriation, and reintegration assistance. MFFE had general care facilities that could accommodate trafficking victims but did not report whether the facilities assisted any victims during the reporting period. Shelters and services for victims outside the capital remained limited, especially in the north. Foreign and domestic victims received the same services. While some facilities offered specialized services for female victims, there were no such services for male victims. An international organization assessed victim services remained inadequate during the reporting period. Pandemic mitigation measures to allow for social distancing reduced already insufficient shelter capacity; additionally, border closures required victims of trafficking remain at shelters for long periods of time. In collaboration with international organizations, the government assisted in repatriating at least 33 Malians exploited in Algeria, Cote d'Ivoire, and Senegal by providing travel documents and reintegration assistance. The Nigerian consulate in Bamako coordinated with an international organization to assist approximately 200 Nigerians in 2020 with shelter, basic services, and repatriation.

The government did not offer legal alternatives to removal to countries in which victims would face retribution or hardship; however, most identified victims were ECOWAS nationals who did not require special status to remain in Mali. The government did not have formal policies to encourage victims to participate in trials against their traffickers. In addition, sources reported authorities employed trauma-insensitive methods to rush victims to provide statements for fear that victims would be unavailable or unwilling to provide future statements once they entered NGO and international organization shelters. Victims could file civil suits against their traffickers; however, no victims reportedly used this provision during the reporting period and many victims were unaware of the option. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to a lack of formal identification procedures, authorities may have detained some victims. Authorities continued following the government's 2013 inter-ministerial protocol requiring them to direct former child soldiers to rehabilitation centers, and observers reported officials had a better understanding of the protocol. However, the government continued to inappropriately detain some children associated with armed groups. Under a DDR agreement with an international organization, the government and international organization partners identified 230 children used by non-state armed groups, including potential trafficking victims, in the first half of 2020 and referred most of those children to international organizations for care. However, observers reported authorities inappropriately detained some children for alleged affiliation with non-state armed groups; at the end of the reporting period, at least 15 children remained in custody, representing a slight decrease from prior reporting periods. An international organization reported concerns the government held some children, including potential trafficking victims, with adults in military detention centers, which increased their vulnerability to further exploitation.

## PREVENTION

The government maintained weak efforts to prevent trafficking. The government continued implementing the 2018-2022 National Plan of Action to Combat Trafficking in Persons during the reporting period. The national anti-trafficking committee met four times during the reporting period, compared to meeting three times during the previous reporting period. However, the lack of coordination and ownership for activities in the action plan among committee members impeded its effectiveness. The government lacked dedicated staff to work on

trafficking, including the role of chairman of the anti-trafficking committee, which severely impeded the government's efforts to consistently coordinate anti-trafficking activities. The government allocated 220 million FCFA (\$415,880) for anti-trafficking efforts, an increase from 200 million FCFA (\$378,070) allocated the previous year. In December 2020, the government conducted awareness raising sessions on child forced begging for community leaders and Quranic teachers in coordination with civil society organizations. The MOJ also trained community stakeholders, including community leaders and traditional leaders, on trafficking in persons, especially issues related to forced labor and sex trafficking, around artisanal gold mines in four regions. An action plan to cease recruitment and use of children drafted in the previous reporting period by the UN and non-governmental armed groups, including GATIA, remained pending signature from the leadership of each armed group. The police operated a hotline for crimes against women and children, although it did not report receiving any trafficking calls during the reporting period. The government did not make efforts to address fraudulent recruitment of Malians abroad. Labor inspectors lacked sufficient capacity or resources to regulate the informal sector, where most cases of forced labor occurred. In November 2020, the government adopted a decree implementing the 2019 mining law, which prohibited child labor and child trafficking in traditional gold mines and quarries. 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 Mali, and traffickers exploit victims from Mali abroad. Some families sell their children into domestic servitude or forced labor in gold mines. Internal trafficking is more prevalent than transnational trafficking. Labor traffickers exploit boys from Mali, Guinea, and Burkina Faso in agriculture—especially rice, cotton, dry cereal, and corn cultivation—artisanal gold mines, domestic work, transportation, begging, and the informal commercial sector. Corrupt Quranic teachers coerce and force Malian boys to beg or perform agricultural work in neighboring countries, including Senegal, Guinea, and Cote d'Ivoire. Slaveholders subject some members of Mali's black Tuareg community to slavery practices rooted in traditional relationships of hereditary servitude. An NGO noted hereditary slavery practices in Mali differ from surrounding countries, as communities – rather than individuals or families – exploit victims of slavery. Traffickers exploit men and boys, primarily of Songhai ethnicity, in a long-standing practice of debt bondage in the salt mines of Taoudeni in northern Mali. NGO reports indicate traffickers exploit Malian children in forced labor on cotton and cocoa farms in Cote d'Ivoire. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia and domestic servitude in Lebanon, Saudi Arabia, and Tunisia. Traffickers recruit women and girls from other West African countries, particularly Nigeria and Benin, with promises of jobs as nurses or waitresses in Bamako, but instead exploit them in sex trafficking throughout Mali, especially in small mining communities. In January 2019, Nigerian authorities estimated more than 20,000 Nigerian girls are victims of sex trafficking in Mali, although this data has not been corroborated. An NGO reported sex trafficking of girls in Mali has steadily increased since 2005. Traffickers compel women and girls into sex trafficking and forced labor in domestic work, agricultural labor, and support roles in artisanal gold mines. Reports allege corruption and complicity among local police and gendarmes in Farako may have facilitated forced labor and sex trafficking in mining communities. Africans transiting Mali to Europe, primarily via Algeria and Libya and less so via Mauritania, are vulnerable to trafficking, and Nigerian traffickers exploit Nigerian women in sex trafficking in Mali en route to Europe. An international organization repatriated 147 Malians from Algeria and 1,305 Malians from Libya in 2019, compared to more than 1,430 Malians from Libya in 2017; while some returnees were identified as trafficking victims in 2017, the international organization did not identify any trafficking victims among the 2019 returnees.



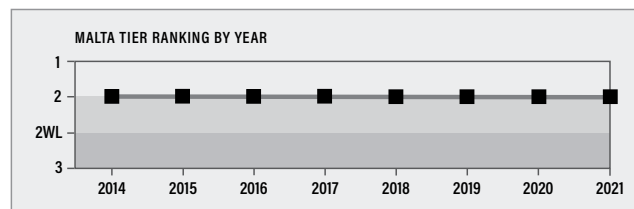
During the reporting period, the government did not exercise control over the majority of its territory and lost ground it had previously regained. Justice officials had no or an extremely limited presence in much of Mali, particularly in the northern and central regions, limiting the government's ability to administer justice, provide victim services, and gather data. Since early 2012, rebel and Islamic extremist groups have occupied parts of northern Mali. Terrorist organizations and armed groups continue to recruit and use children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols; some used boys for running errands and spying. Some of these groups use girls in combat, support roles, and for sexual exploitation, including sexual slavery through forced marriages to members of these militias. During the reporting period, authorities identified at least one girl held in sexual slavery by armed groups. The armed groups purportedly coerce some families to sell their children to the groups or compel communities into giving up teenage boys to the groups for "community protection." An international organization reported traffickers fraudulently recruited some children for education in Quranic schools but forced them to fight with armed groups. Some families reportedly insert their children into the ranks of armed groups because parents believe they will benefit from DDR assistance. According to an international organization, insecurity, the pandemic, and deteriorating economic conditions are leading to a rise in child trafficking, forced labor, and forced recruitment by armed groups in Mali. International observers reported artisanal gold mines controlled by armed groups remain a concern for trafficking, child labor, and child soldiering. In the past, a Malian armed group forcibly recruited Malian refugees in Mauritania to be child soldiers in Mali.

Malian security forces sometimes cooperated with non-government armed groups which recruited and used children, sometimes through force, fraud, or coercion. The government provided in-kind support to and collaborated with GATIA, a non-governmental armed group led by a Malian general that used and recruited children during the reporting period. Malian security forces allegedly cooperated with other non-government armed groups that recruited and used children during the reporting period. In October 2020, the government appointed members of armed groups to cabinet positions; it is unclear to what extent, if any, these individuals remain engaged in the armed groups. In September 2020, the government launched the Menaka without Weapons initiative, an operation carried out by Malian defense and security forces, Coordination of Movements of Azawad (CMA) and GATIA patrols with the support of MINUSMA and Operation Barkhane, to secure the town of Menaka. An international organization reported armed groups, including GATIA, were taking steps to complete a UN Action Plan that would bring them into compliance with international child protection laws, but the agreement had not been signed by the end of the reporting period; CMA signed a UN Action Plan in 2017, but continues to recruit and use children. During the reporting period, one international organization reported CMA used children younger than the age of 18 to manage checkpoints at gold mines under its control. During the previous reporting period, FAMA recruited and used at least 47 children between the ages of 9 and 14 years old in support roles in Gao region as couriers and domestic help. During the reporting period, an international organization reported FAMA personnel committed acts of conflict-related sexual violence, including child sex trafficking. In 2016, an international organization investigated GATIA officials, Malian Defense and Security Forces officers, and civilians for conflict-related sexual violence, including sex trafficking and sexual slavery.

## MALTA: TIER 2

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

compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Malta remained on Tier 2. These efforts included investigating and prosecuting more suspected traffickers and continuing to maintain convictions with significant sentences. The government also trained more officials, increased funding for victim assistance and prevention efforts, and adopted an anti-trafficking national action plan. However, the government did not meet the minimum standards in several key areas. The government identified the fewest victims since 2016 and continued to lack coordination among ministries. It did not effectively enforce labor recruitment regulations or monitor massage parlors where there was a higher incidence of trafficking indicators. The government also continued to delay the resolution of a 2004 case of a former police officer allegedly complicit in trafficking and did not report any new investigations of other officials or additional efforts to prevent complicity.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously and expeditiously investigate and prosecute trafficking offenses. • Increase efforts to convict traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Ensure relevant staff and officials proactively identify trafficking victims, including Maltese nationals, among vulnerable populations, particularly children, migrant workers, and individuals in commercial sex. • Improve effective leadership and prioritization of human trafficking, as well as streamline anti-trafficking coordination and communication efforts among ministries. Increase migrant worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting for fraudulent labor recruitment. • Implement license controls for massage parlors, including oversight and screening for trafficking victims. • Increase collaboration between police and other stakeholders during investigations to decrease the length of investigations and prosecutions, and enhance the likelihood of successful convictions. • Institutionalize victim-centered and trauma-informed anti-trafficking training for front-line officials, police officers, prosecutors, and judges. • Adopt a national victim identification mechanism available to all entities involved in victim identification.

### PROSECUTION

The government increased law enforcement efforts. Article 248A-G of the criminal code criminalized sex trafficking and labor trafficking, and it prescribed penalties of six to 12 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government did not have specialized anti-trafficking prosecutors or courts. In 2020, the police vice squad, which was responsible for trafficking and other crimes, initiated 16 investigations – eight for sex trafficking and eight for labor trafficking. This was a significant increase compared with five investigations in 2019 and 10 investigations in 2018. The government reported initiating new prosecutions of two suspected sex traffickers in 2020; this compared with zero in 2019 and 10 in 2018. Prosecutions of 16 suspects from prior reporting periods, most of whom were released on bail, remained ongoing. The government convicted three traffickers for sex trafficking in 2020, the same number as in 2019. Of the convicted traffickers, two were female Chinese nationals, sentenced to five and seven years' imprisonment, respectively, and one was a Maltese male sentenced to seven years' imprisonment. This compared with

three convictions with significant prison sentences in 2019. Courts re-sentenced two traffickers from an overturned court decision from 2019; while the courts upheld the original conviction, they lowered the traffickers' sentences from 12 to nine years' imprisonment. Perennial issues with rule of law, corruption, slow court proceedings, and an understaffed police force continued to hamper prosecutions and convictions. While there were no new investigations or prosecutions of government employees complicit in trafficking offenses, an investigation initiated in 2004 of a former police officer, who allegedly acted as an accomplice to a convicted sex trafficker through the falsification of visa documents and the procurement of a victim, remained ongoing during the reporting period. After a court hearing for the former police officer, originally scheduled for April 2019, was deferred, there was no further action taken; if guilty of complicity in trafficking, the prolonged court proceedings and lack of a court judgment contributed to impunity for the officer and inhibited justice for victims. The government significantly increased training to officials during the reporting period by providing anti-trafficking training, including on victim identification and referral, to 108 new police recruits. The government also provided anti-trafficking training to 163 police officers and 153 border authorities including civilian border control officers, officials from the Armed Forces of Malta, and Malta Customs officers. Additionally, the government reported training four police officers in understanding child sexual exploitation and 35 front-line officials on trafficking indicators and available services for victims. Unlike prior years, the government did not report cooperating in any joint international trafficking investigations or extraditing any trafficking suspects.

## PROTECTION

The government minimally decreased protection efforts. Police and social workers identified six trafficking victims in 2020 (compared with 11 in 2019, 24 in 2018, 30 in 2017, and 35 in 2016). While the government's identification of victims steadily decreased over several years, NGOs noted that pandemic-related restrictions in 2020 may have made it more difficult for the government to identify trafficking victims. Of the victims identified, five were victims of labor trafficking, including two victims of domestic servitude and three Maltese child victims of forced criminality, and one was a combination of both sex and labor trafficking. The foreign trafficking victims were all from the Philippines, and all six victims were female. Police continued to utilize standard operating procedures to systematically refer victims to Agenzija Appogg, a government office within the national Foundation for Social Welfare Services (FSWS) that provided national assistance to trafficking victims; police referred all three victims they identified to Agenzija Appogg. The other three victims were referred to care by an NGO, through self-referral, or by Agenzija Appogg itself. There was no victim identification screening mechanism, though Agenzija Appogg began drafting this tool during the reporting period. FSWS continued to coordinate effectively with the police, legal aid, and health services to provide quality care to victims. Government officials continued to work closely and collaboratively with NGOs during the reporting period. The national welfare agency continued to operate a 24-hour hotline for individuals in need of social services, including potential trafficking victims. Services to victims continued uninterrupted in 2020, though some services switched to a virtual platform due to pandemic-related restrictions. The government had dedicated services available to both foreign and domestic trafficking victims and once victims were referred to care, specialized social workers at FSWS assessed the long-term needs of each trafficking victim; assistance included shelter, food, psychological counseling, interpreters, and medical and legal aid appointments, as well as assistance with obtaining legal status and job searches. At least one trafficking victim received shelter in safe housing in 2020. Victims could receive protection services regardless of their agreement to cooperate with law enforcement but could only receive residence permits if they cooperated. While there was no time limit for victims to access some services, such as services from social workers, their stay in a shelter or safe housing could not exceed 180 days, with

some exceptions. Victims had freedom of movement in government shelters, and both men and women had access to two shelters.

Per a May 2020 memorandum of understanding, the government cooperated with the Government of Libya to reduce the number of irregular migrants entering Malta from Libya and reportedly prevented at least 7,000 irregular migrants from arriving at Maltese ports. NGOs criticized this coordinated effort, however, because it often resulted in the occupants of vessels rescued in the Libyan search and rescue area being returned to Libyan shores; NGOs cited severe security and human rights conditions inside Libya and Libyan detention centers and a heightened risk of trafficking for irregular migrants forced to remain in Libya. Despite government efforts to the contrary, approximately 2,300 irregular migrants arrived in Malta in 2020, a decrease compared to 3,100 in 2019, and were placed in one of four government-run detention centers. Though trained officials systematically screened for trafficking indicators, they did not report identifying any trafficking victims at detention centers; NGOs and officials had limited access to detention centers due to the pandemic, which may have resulted in some trafficking victims remaining unidentified within the law enforcement system. However, insufficient resources at migrant detention centers might have affected the quality of victim screening. During the reporting period, police continued to screen for sex trafficking indicators among individuals in commercial sex. In 2020, the government spent €120,088 (\$147,350) on victim care, including salaries for social workers and safe housing for victims; this amount was an increase compared with €83,400 (\$102,340) in 2019.

The government encouraged but did not require victims to assist in the investigation and prosecution of their alleged traffickers. The government provided victims with protective support, including the option to testify via video and accompaniment by a social worker, although courts did not consistently offer these protections. The government had a witness protection program but did not report whether any victims utilized this service during the reporting period. The law provided victims a two-month reflection period to recover and contemplate cooperation with law enforcement, but the government did not report whether it provided this to any victims during the reporting period. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a renewable six-month temporary residence permit free of charge, police protection, legal assistance, and the right to obtain flexible work permits; the government reported granting a residence permit to at least one trafficking victim during the reporting period. The government could grant refugee status to victims as an alternative to removal to countries where they may face hardship or persecution, but it did not report providing this status to any victims during the reporting period. The government could grant compensation to victims from state funding; however, the government did not report issuing compensation to any victims during the reporting period. Additionally, prosecutors could file for restitution from traffickers in criminal cases; however, the government did not award restitution to any victims during the reporting period. Victims could also file a civil suit to receive damages, for which the government could provide free legal assistance, but the government did not report any victims receiving damages during the reporting period.

## PREVENTION

The government maintained modest prevention efforts. In 2020, the Human Rights Directorate (HRD) assumed responsibilities for anti-trafficking efforts; the government maintained its inter-ministerial anti-trafficking monitoring committee, which was responsible for implementing the national action plan, coordinating data collection, functioning as the national rapporteur, and reviewing policy and practice. The government reported that the committee met at least once during the reporting period and worked to coordinate law enforcement trainings. The government also had an anti-trafficking stakeholder task force, which included civil society, but during the reporting period, it did not meet, and the government did not report

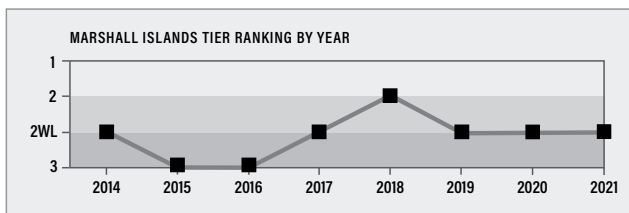
## MARSHALL ISLANDS: TIER 2 WATCH LIST

efforts the task force undertook. While the government adopted a new anti-trafficking national action plan for 2020-2023, the plan did not include any specific actions to be taken by relevant ministries or benchmarks. Authorities and NGOs continued to report a lack of effective leadership, corruption allegations, and insufficient prioritization of human trafficking, as well as a need to streamline anti-trafficking coordination and communication efforts among ministries, which hindered progress. The government allotted HRD €300,000 (\$368,100) in 2020 for anti-trafficking efforts, including efforts to improve coordination among relevant ministries. The government maintained its anti-trafficking training budget at €16,000 (\$19,630) in 2020, the same as in 2019. Compared with 2019, the government decreased efforts on public awareness campaigns, though pandemic-related complications may have hindered efforts. The government held an awareness-raising conference attended by 128 participants and continued a public awareness campaign that focused on reducing the occurrence of trafficking by educating the public on the use of goods and services provided by victims of exploitation, including trafficking victims. The government used social media, magazines, merchandise, and a beauty contest to promote the public awareness campaign. The government continued to use its anti-human trafficking website, available in six languages, to disseminate information on indicators and examples of victim profiles and experiences. The Employment Agencies Act (EIRA) regulated labor recruiters and required recruiters to have a license. The EIRA did not allow workers to be charged recruitment fees, but this still sometimes occurred. The national employment authority conducted 2,668 routine inspections of employers in 2020 (3,920 in 2019) but did not report identifying any trafficking victims or investigating or prosecuting fraudulent labor recruiters. Fraudulent labor recruitment remained a significant concern during the reporting period; traffickers would sometimes replace the originally signed contract with a less favorable one upon arrival or force victims to perform a different job than what was agreed upon. NGOs continued to report a lack of oversight and regulation on the licensing of massage parlors, which had a higher likelihood of indicators of sex trafficking. Traffickers would sometimes confiscate the passports of victims upon arrival. The government did not have any bilateral labor agreements with source countries. 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 during the reporting period.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malta. Sex traffickers exploit foreign and domestic women and children, and labor traffickers exploit foreign men and women. Labor trafficking victims originate from China, Eastern Europe, Central America, and Southeast Asia, with increasing numbers from the Philippines. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe, Russia, and Ukraine working in nightclubs represent populations vulnerable to trafficking. The approximately 9,000 refugees and 4,000 asylum seekers residing in Malta are vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic work sectors. Cooperation with the Government of Libya prevents thousands of irregular migrants and refugees from arriving at Maltese ports; however, occupants of vessels rescued in the Libyan search and rescue area are returned to Libya, where NGOs cite severe security and human rights conditions and a heightened risk of trafficking for irregular migrants. Fraudulent labor recruitment continues to occur; traffickers replace the originally signed contract with a less favorable one upon arrival in Malta or force victims to perform a completely different job than what was agreed upon. Traffickers often confiscate the passports of victims upon arrival. Co-nationals and Maltese citizens frequently work together to exploit trafficking victims.

The Government of the Marshall Islands does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included finalizing its national action plan; continuing an investigation into a government official; hiring an additional social worker; and continuing to fund some protection services available to victims, if identified. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. For the third consecutive year, the government did not identify any trafficking victims and continued to not utilize proactive procedures to identify trafficking victims. The government did not conduct trafficking awareness campaigns and the National Task Force on Human Trafficking (NTHT) was reportedly not as active as in previous years. The government has not convicted any traffickers since 2011. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Marshall Islands was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Marshall Islands remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

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

### PROSECUTION

The government maintained minimal law enforcement efforts. The Prohibition of Trafficking in Persons Act of 2017 criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment, a fine of up to \$10,000, or both if the victim was an adult, and up to 20 years' imprisonment, a fine of up to \$15,000, or both if the victim was under age 18. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape. The government reported opening a sex trafficking investigation involving one potential victim and one alleged perpetrator; the investigation was closed at the end of the reporting period due to the alleged victim's assertion that no crime was committed. The government reported three investigations into child sex trafficking initiated in prior reporting periods had concluded; one case was closed because the alleged trafficker fled the country,



one case was dismissed due to insufficient evidence, and one case was dismissed due to the alleged victim's assertion that no crime was committed. The government reported the conclusion of a sex trafficking prosecution initiated in 2019. The prosecution stemmed from a case identified during a prior reporting period, when local media uncovered alleged child sex trafficking of Marshallese girls at a brothel near the capitol building and alleged police inaction until after the newspaper published the story. The government charged a Chinese national with promoting commercial sex and child sex trafficking in the case; however, the individual fled the country prior to prosecution, and the case was closed. Separately, authorities conducted a raid on a suspected brothel and found it was not in operation; however, authorities did report a current investigation into a different suspected brothel. The government has not convicted any traffickers since 2011.

In the previous reporting period, the government stated it was investigating and had removed the Director of Immigration because of allegations of trafficking complicity; the investigation remained ongoing at the end of the reporting period. The government did not report any other investigations into official complicity or any prosecutions or convictions of allegedly complicit officials. Marshallese law enforcement officials cooperated with a foreign government on an ongoing international trafficking case. The NTHT reported conducting a one-day training workshop focused on trafficking investigations, victim services, and international obligations; an unspecified number of law enforcement, immigration, and labor officials attended the training. Stakeholders identified a need for a dedicated role in law enforcement focused primarily on anti-trafficking efforts, and the government acknowledged a lack of technical capacity for law enforcement on investigative and surveillance techniques and for prosecutors on case management and court filing procedures. Additionally, the government noted the absence of sufficient institutionalized law enforcement training, recruitment of officers, law enforcement facilities, and funding as obstacles to combating trafficking.

## PROTECTION

The government maintained minimal efforts to protect victims. While the government had standard operating procedures for the identification of victims, the government did not report employing such procedures. The government identified one potential sex trafficking victim during the reporting period, compared with identifying zero potential trafficking victims during the previous reporting period. However, the government later closed its investigation and determined the potential victim was not a victim of a crime when the alleged victim herself asserted so. The government, in partnership with nongovernmental, faith-based, and international organizations, could provide protective services to victims; but, it did not report providing any services during the reporting period. An NGO assisted the potential sex trafficking victim during the reporting period before the investigation was closed. Government-provided services could include counseling, legal assistance, testing for sexually transmitted diseases, and accessible services for victims with disabilities. The government maintained a memorandum of understanding with an NGO to assign female victims between ages 14 and 18 to survivor support services and place them in a network of approved safe houses. The Ministry of Internal Affairs continued to assume supervision of all other child victims and hired an additional social worker, increasing the number to three social workers, whose duties included coordinating assistance to trafficking victims, among others. NGOs were able to provide shelter for adult victims, and the victims were able to leave safe houses or shelters unchaperoned unless it was determined that doing so might put them in danger; the government did not report any victims receiving this assistance during the reporting period. The government reported providing \$100,000 of funding to an NGO to provide free legal advice and support to victims, including trafficking victims, the same amount provided in the previous reporting period for such services. The

government did not provide long-term alternatives to removal to countries where victims may face hardship or retribution.

## PREVENTION

The government decreased efforts to prevent trafficking. The NTHT encompassed a wide array of government, NGO, and international organization members and, while it continued to lead the government's anti-trafficking efforts, it was reportedly not as active as in prior years. In March 2021, the government finalized and approved an updated national action plan for 2021; implementation was ongoing at the end of the reporting period. Unlike in prior years, the government did not conduct awareness campaigns. The government reported conducting immigration and labor inspections during the reporting period. Authorities charged employers with 22 fines for illegal employment and visa violations and opened one investigation for passport withholding; the employee initiated a civil lawsuit against the employer, and the investigation was ongoing at the end of the reporting period. The government continued to take measures to prevent the commercial sexual exploitation of vulnerable populations by prohibiting unauthorized visitors on board licensed foreign fishing vessels docked in Majuro; unlike prior reporting periods, the government did not issue immigration day passes for crewmembers due to pandemic restrictions. In the previous reporting period, the government created a digital registry system to track the movement of passengers from the country's main ports increasing oversight of individuals entering and exiting the country. The government did not have an anti-trafficking hotline. The government did not take steps to reduce the demand for commercial sex acts. The Marshall Islands is not a party to the 2000 UN TIP Protocol.

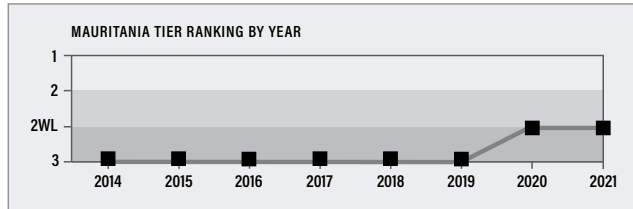
## TRAFFICKING PROFILE

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

## MAURITANIA: TIER 2 WATCH LIST

The Government of the Islamic Republic of Mauritania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting traffickers, including hereditary slaveholders, and allocating more

funding to the anti-slavery courts. The government enacted a new anti-trafficking law that increased penalties, extended legal protections for victims, and included hereditary slavery as a form of trafficking in persons. The government also enacted a new law allowing NGOs, including anti-slavery NGOs, to operate more freely following a simplified registration process. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. Government agencies charged with combating trafficking and hereditary slavery continued to lack resources, training, and personnel, and reports of officials refusing to investigate or prosecute perpetrators persisted. The government did not identify any potential victims of trafficking or hereditary slavery. Therefore Mauritania remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Direct law enforcement to investigate all allegations of slavery and trafficking and hold government officials accountable for failure to investigate alleged hereditary slavery offenses and for interference in ongoing investigations. • Increase efforts to investigate, prosecute, and convict traffickers and slaveholders with appropriate prison terms in accordance with the 2015 anti-slavery and 2020 anti-trafficking laws, and ensure all human trafficking cases tried under the 2020 anti-trafficking law are automatically referred to the anti-slavery courts. • Ensure each of the anti-slavery courts is adequately funded and staffed with a dedicated prosecutor (*procureur*), judge of inquiry, and trial judge. • Significantly increase training for law enforcement, prosecutors, and judicial officials on both the 2015 anti-slavery and 2020 anti-trafficking laws. • Develop standard procedures to identify and refer trafficking and hereditary slavery victims to care, and train authorities on the procedures' implementation. • Implement measures to support trafficking and hereditary slavery victims during investigations, including providing easier access to legal assistance and protection from intimidation and threats from their alleged traffickers. • Partner with NGOs to provide shelter and services to all trafficking victims, including adults. • Proactively screen for trafficking indicators among vulnerable populations, including irregular migrants, sexual abuse victims, women in commercial sex, and child beggars. • Cease detaining, deporting, or otherwise penalizing potential trafficking victims. • Investigate and prosecute individuals accused of fraudulently recruiting Mauritians abroad for exploitation in forced labor and sex trafficking. • Implement the anti-trafficking national action plan to address all forms of trafficking, including hereditary slavery and forced labor, with input from civil society and all relevant ministries in the government. • Continue to enhance dialogue with civil society working on anti-slavery issues and, with input from civil society, develop and implement a plan to continue providing assistance to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement. • Increase public awareness campaigns against trafficking, including hereditary slavery and child forced begging in *mahadras*.

### PROSECUTION

The government moderately increased anti-trafficking law enforcement efforts. During the reporting period, the government enacted the 2020 Law on the Prevention and Punishment of Trafficking in Persons, which criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 20 years' imprisonment and a

fine of 250,000 to 500,000 Mauritanian ouguiya (MRU) (\$6,760-\$13,510). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalized hereditary slavery and prescribed sufficiently stringent penalties of five to 20 years' imprisonment and a fine of 250,000 to 500,000 MRU (\$6,760-\$13,510).

As in previous years, the government did not report comprehensive law enforcement data. Although courts were shut down nationwide for over six months of the reporting period due to the pandemic, the government initiated prosecutions against four alleged traffickers and convicted three traffickers; the government did not initiate any new investigations. This compared with one investigation, prosecution of three alleged traffickers, and conviction of five traffickers during the previous reporting period. The Nouadhibou anti-slavery court convicted three traffickers in three hereditary slavery cases that had been pending since 2013, 2014, and 2015; one defendant was acquitted for lack of evidence. All three convicted traffickers were sentenced to 20 years' imprisonment and a fine of 500,000 MRU (\$13,510), the maximum fine possible under the law, as victim compensation. One of the convicted traffickers is serving his sentence. Authorities issued arrest warrants for the remaining two convicted traffickers. A total of five cases remained pending before the three anti-slavery courts: one before the Nema court and four before the Nouakchott court. The government did not report initiating any new investigations into fraudulent recruitment.

Three regional anti-slavery courts had exclusive jurisdiction over slavery cases; however, the courts lacked the staff, funding, and resources to investigate and prosecute hereditary slavery crimes throughout their regions. In practice, authorities did not automatically refer slavery cases to the anti-slavery courts. The three courts received a total of 1.8 million MRU (\$48,650) during the reporting period, a significant increase from a total of 900,000 MRU (\$24,320) during the previous reporting period. While the appointed judges received specialized training on the 2015 anti-slavery law, they were not trained in its enforcement or the unique challenges of investigating hereditary slavery cases, including preventing slaveholders from intimidating victims to withdraw their cases. An international organization reported the government did not adequately disseminate information or train judges, police, social services personnel, or NGO stakeholders on the new 2020 anti-trafficking law. Moreover, while other topical courts had specialized prosecutors, the anti-slavery courts did not have such specialized prosecutors. During the annual meeting of the government's judicial council in December 2020, the government opted not to rotate any of the existing anti-slavery court judges for the second year in a row. Officials reported the judicial council reassigned five advisors from the anti-slavery courts who were routinely impeding and slowing the courts' work. Officials reported no hereditary slavery cases remained with local courts.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking and hereditary slavery offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Some police, prosecutors, and investigative judges reportedly refused to investigate and try cases of hereditary slavery or to acknowledge hereditary slavery continued to occur. The government at times relied on lesser statutes to punish potential slavery offenses due to a lack of adequate training for government officials and a lack of political will to prosecute such offenses. NGOs reported some local authorities encouraged victims and their families to resolve trafficking and hereditary slavery cases through social mediation rather than through the criminal justice system. Although prosecutors had a legal obligation to transfer slavery cases to the anti-slavery courts, some prosecutors encouraged victims to withdraw their complaints in exchange for a small amount of financial compensation. Corrupt *marabouts* (Quranic teachers) suspected of exploiting *talibés* (Quranic students) in forced begging were rarely prosecuted and usually entered agreements with

prosecutors to drop cases. The government, in partnership with an international organization and foreign donor, trained police and gendarmerie academy instructors on human rights issues, including human trafficking. However, law enforcement officials continued to lack understanding of human trafficking and hereditary slavery. Due to the pandemic, the government reassigned several police and gendarmerie units that previously monitored the border and worked with vulnerable populations. Although not explicitly reported as human trafficking, there were five open cases of alleged sexual exploitation with trafficking indicators by Mauritanian peacekeepers deployed to the UN peacekeeping mission in the Central African Republic (CAR); this includes two cases reported in 2020, one in 2019, one in 2018, and one in 2017. The government had not yet provided the accountability measures taken, if any, for all five open cases at the end of the reporting period.

## PROTECTION

The government maintained insufficient efforts to identify and protect trafficking victims. The government did not report identifying any trafficking victims for the third consecutive year. An NGO reported identifying and providing care to 1,130 vulnerable children, including potential trafficking victims, and 1,064 adult victims in 2020. Of the 1,064 adult victims, 646 were victims of forced labor and 418 were victims of sex trafficking, although this may have included victims of sexual violence. The government did not have formal measures to identify trafficking victims or refer them to care, but the Ministry of Social Affairs (MASEF) continued using existing referral procedures for child victims of crime. In a previous reporting period, an international organization produced a manual for border agents that included victim identification guidance; however, the border agents did not consistently use the manual during the reporting period. NGOs noted government-employed social workers lacked training to identify trafficking victims, including in domestic work and commercial sex, and did not know where to refer identified victims for care.

MASEF managed seven centers nationwide for the short-term protection and social integration of vulnerable children, including potential trafficking victims, with financial support from an NGO; one of the centers in Nouakchott provided overnight care for child victims of crime. Child victims with disabilities were referred to MASEF's Training and Social Promotion Center for Handicapped Children. The centers supported 120 vulnerable children, including potential trafficking victims, compared with 350 children during the previous reporting period. The centers could accommodate both domestic and foreign child victims. After short-term care, MASEF generally referred victims to NGOs for long-term care. In previous reporting periods, MASEF centers offered daytime services to vulnerable families, including psycho-social, food, and vocational assistance; however, due to the pandemic, MASEF suspended these services. NGOs continued to provide the majority of protective services to trafficking victims, including shelter, medical, legal, social, and educational assistance, without government financial or in-kind support. There was limited psychological support for trafficking victims. The government operated one day center in Nouadhibou for adult female victims of sexual violence, including potential trafficking victims, and placed them with host families at night; the center also accommodated migrant and refugee women and girls. However, shelter and services for adult victims remained severely inadequate, rendering them vulnerable to re-trafficking. During the reporting period, the Mauritanian embassy in Saudi Arabia repatriated one female trafficking victim exploited in domestic servitude.

The government did not have a formal policy to encourage victims to assist in investigations and prosecutions against their alleged traffickers, nor did it report providing any services to protect them from threats or intimidation from their traffickers in doing so, including legal assistance, witness protection, or confidentiality protocols. NGOs reported the government often brought victims and accused traffickers together when interviewing, which placed

enormous pressure on victims to change their testimony. The 2015 anti-slavery law provided for comprehensive legal assistance for victims of hereditary slavery and the creation of support centers in each province. In 2021, the government established legal aid offices in all regions and allocated 10 million MRU (\$270,270); however, they were not yet operational by the end of the reporting period. The government allocated an additional 3.6 million MRU (\$97,300) in the 2021 budget for legal assistance to victims of human trafficking but did not report on victims receiving such support during the reporting period. The law allowed victims to obtain restitution, although the complex and opaque legal system made such efforts extremely difficult; the Nouadhibou anti-slavery court awarded 500,000 MRU (\$13,510) in restitution to four victims. The government did not report whether the restitution was paid. Victims could also file civil suits against their traffickers, although victims lacked awareness of this option; according to an NGO, victims filed two civil suits against their traffickers but have not yet received compensation. Mauritanian law allowed potential victims to file for asylum or refugee status; the government did not report granting trafficking victims asylum or refugee status, although an international organization registered more than 4,000 refugees and asylum seekers eligible for these protections, including potential trafficking victims. The 2020 anti-trafficking law included provisions to protect trafficking victims from legal proceedings related to unlawful acts their traffickers compelled them to commit; however, victims of domestic servitude and sex trafficking remained vulnerable to penalization and imprisonment under fornication and adultery charges. Law enforcement officials jailed women suspected of engaging in commercial sex and held irregular migrants in detention until their refugee status was resolved without screening for trafficking. Under a 2003 agreement with Spain, Mauritania received deported migrants, including its citizens and third-country nationals presumed to have transited Mauritania en route to Spain. According to international organizations, the government processed and transported the migrants to the Senegal and Mali borders within hours of arriving in Nouadhibou without systematically screening for trafficking or allowing international organizations to offer protective services.

## PREVENTION

The government increased efforts to prevent human trafficking. In November 2020, the government created a human rights inter-ministerial committee responsible for implementing the national action plan (NAP) to combat trafficking in persons. The prime minister's office coordinated the inter-ministerial committee, comprised of the Commissariat, Ministry of Justice, Ministry of Interior, Ministry of Economy, Ministry of Finance, Ministry of Health, Ministry of Education, MASEF, Ministry of Public Function, and Ministry of Foreign Affairs; the committee met once during the reporting period. The government allocated 5.4 million MRU (\$145,950) to implement the NAP, although officials acknowledged this amount was inadequate for full implementation. The government increased awareness-raising efforts during the reporting period. It organized, in collaboration with an NGO, a series of workshops to sensitize government authorities, local and international NGOs, and citizens in Nema and surrounding villages on the new anti-trafficking law. The National Commission for Human Rights led an awareness campaign through the eastern region of the country to sensitize the public on the new anti-trafficking law; the commission also conducted awareness campaigns to promote the anti-trafficking law and NAP targeting administrative, security, and judicial officials in Nouakchott, Zouerat, Atar, Rosso, Kaedi, and Selibaby. Through a grant program that provided more than 10 million MRU (\$270,270) to NGOs, including organizations combating human trafficking, the government supported an NGO conducting workshops on the new anti-trafficking law targeting civil society, law enforcement, and government officials.

During the reporting period, the Ministry of Islamic Affairs and Original Education granted 1.2 million MRU (\$32,430) to 995 *mahadras* (Quranic schools) in the Trarza region, supporting 34,640



students; the government conducted quarterly visits to some, but not all, *mahadras* that received assistance to verify they met certain standards, including not subjecting students to forced begging. The ministry continued implementing a program, which began in 2016, to modernize *mahadras* in poor areas to reduce students' vulnerability to forced begging by creating and financially supporting 150 new *mahadras*, creating four new regional institutes in Bourat, Boghé, Sélibabi and Kiffa, and providing scholarships to students. The ministry partnered with imams to provide literacy classes that addressed child rights issues, including child labor and child trafficking, for over 3,000 people. In previous reporting periods, the Agency for National Solidarity and the Fight against Exclusion (Taazour) provided education, economic opportunity, and health services to vulnerable communities, including communities traditionally subjected to hereditary slavery. The government allocated 4 billion MRU (\$108.1 million) over five years to Taazour in fiscal year 2020. Taazour provided direct cash assistance to more than 200,000 impoverished families in the largest cash transfer program in Mauritania's history during the reporting period. The Ministry of Youth launched a job creation program targeting vulnerable young people, largely from communities affected by hereditary slavery. For the second consecutive year, there were no reports the government harassed or prevented anti-slavery activists from operating in Mauritania during the reporting period. In February 2021, the government enacted the Law on Associations ("NGO Law"), allowing all NGOs, including anti-slavery NGOs, to legally operate in the country following a simplified registration process. Some critics reported the law contained administrative barriers that may burden smaller NGOs and permitted the government to retain the authority to suspend NGOs engaged in activities that threaten the country's morals. During the reporting period, the government provided financial support to an NGO to create a hotline for victims of crime, including trafficking; the hotline received over 6,300 calls, with operators speaking four local languages and French. The government made efforts to reduce the demand for commercial sex acts by arresting and convicting buyers of commercial sex; however, officials also arrested potential trafficking victims during these operations.

The Ministry of Labor trained 15 labor inspectors to monitor the labor market for violations, including child trafficking. However, the government struggled to regulate the large informal sector; it did not implement efforts to prevent abuse and screen for trafficking in this sector. Despite reports of labor abuses, including potential indicators of trafficking, the government rarely inspected fishing vessels, processing plants, and boat factories. In 2017, the government signed a memorandum of understanding with Saudi Arabia to increase protections for prospective domestic workers; according to NGOs, the government did not report on the effectiveness of the agreement to prevent trafficking. The government continued working with an international organization to study the scope of forced labor in Mauritania; the government did not release the report during the reporting period. The government continued partnering with an international organization to issue identification cards to Malian refugees—as well as birth certificates to Malian refugee children born in Mauritania—in Mbera camp to reduce vulnerability to trafficking. An international organization reported some hospitals refused migrants birth registrations; as a result, the government cooperated with the international organization to raise awareness and combat misconceptions related to birth registrations among hospital personnel. The government did not provide anti-trafficking training to its diplomatic personnel; however, all Mauritanian diplomats received internal anti-trafficking policy guidelines prior to their departure. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers; however, troops received pre-deployment briefings on human rights. Although not explicitly reported as human trafficking, there were five open cases of alleged sexual exploitation with trafficking indicators by Mauritanian peacekeepers deployed to the UN peacekeeping mission in CAR.

## TRAFFICKING PROFILE

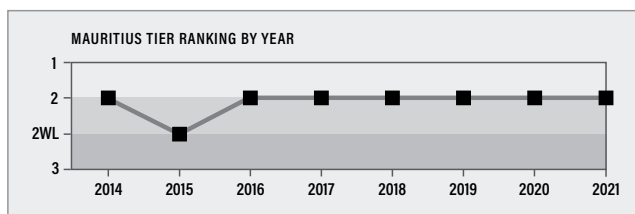
As reported over the past five years, human traffickers exploit domestic

and foreign victims in Mauritania, and traffickers exploit victims from Mauritania abroad. Adults and children from traditional slave castes in the Haratine (Black Moor) and Afro-Mauritanian (Halpulaar, Soninke, and Wolof) communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on forced labor and hereditary slavery do not exist, local and international experts state hereditary slavery continues to affect a small, but not insignificant, portion of the country's population in both rural and urban settings. Many former slaves and their descendants remain in dependent relationships with the family of their former slaveholders due in part to cultural traditions as well as a lack of skills and alternate economic opportunities. Some former slaves reportedly continue to work for their former masters or others under exploitative conditions to retain access to land they had traditionally farmed. Corrupt *marabouts* force boys from Mauritania and other West African countries who study at *mahadras* to beg for food and money; boys from low-income families in the Halpulaar community and, increasingly, children with disabilities are particularly vulnerable. According to a 2018 survey, more than 50 percent of Mauritanian children under the age of five lack birth certificates. It is especially difficult for children of Haratine and Afro-Mauritanian descent to obtain birth certificates. Because secondary schools require birth certificates for enrollment, many children as young as age 12 cannot access education, increasing their vulnerability to trafficking. Fraudulent recruiters promise Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities—shelter and education, but force them into domestic servitude, especially in larger cities such as Nouakchott, Nouadhibou, and Rosso. Children of Haratine and Afro-Mauritanian descent working in the fisheries sector are vulnerable to forced labor. An NGO reported traffickers coerce women and children to smuggle illicit drugs. West African women and girls, especially Senegalese and Ivoirians, are vulnerable to domestic servitude and sex trafficking in Mauritania. Traffickers also exploit Senegalese children in fishing and drug production. Refugees in Nouadhibou reportedly engage in commercial sex due to their dire financial situations, increasing their vulnerability to sex trafficking. Mauritanian, Nigerian, and Senegalese traffickers in the port city of Nouadhibou exploited Sub-Saharan African migrants transiting Mauritania en route to Morocco and Europe in forced labor and sex trafficking. Foreign agencies and Mauritanian intermediaries fraudulently recruit Mauritanian women for nursing and teaching jobs abroad and subsequently exploit them in domestic servitude and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East promising substantial payment, and are exploited as sex slaves and in sex trafficking in Saudi Arabia and other Gulf countries. Cuban nationals working in Mauritania on medical missions may have been forced to work by the Cuban government; the Mauritanian government ended its agreement with the Cuban government, and the doctors left the country in February 2021. In 2016, an international organization identified and removed from a refugee camp in southeastern Mauritania 16 Malian child soldiers aged 15-17 associated with Malian rebel groups; some of the victims had been recruited in Mali, and others allegedly had been recruited from the camp in Mauritania.

## MAURITIUS: TIER 2

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity;

therefore Mauritius remained on Tier 2. These efforts included identifying more trafficking victims; providing protective services to all identified child victims; and conducting nationwide campaigns to raise awareness of trafficking. The government also increased efforts to screen vulnerable populations, including migrants traveling alone and victims of crimes, for trafficking indicators and initiated two investigations involving adult sex trafficking of foreign nationals; in previous years, the government regularly deported potential victims without screening for trafficking indicators. However, the government did not meet the minimum standards in several key areas. The government continued to lack standard operating procedures to identify and refer adult victims to comprehensive protection services and did not designate a leading agency to address adult sex trafficking, hindering overall coordination and provision of adequate protection services to adult victims. The absence of a victim care policy for adult trafficking victims led to ad hoc assistance, a lack of victim-centered approaches, and potential re-traumatization of victims, such as the government denying foreign victims' request for repatriation and requiring them to remain in the country until it completed ongoing investigations. The Inter-Ministerial Committee on Trafficking in Persons remained inactive for the second consecutive year, and the government did not adopt a national action plan for the seventh consecutive year, hampering government-wide efforts to combat trafficking.



### PRIORITIZED RECOMMENDATIONS:

Vigorously increase efforts to investigate and prosecute trafficking offenses, and sentence convicted traffickers penalties as prescribed by the 2009 anti-trafficking law. • Improve comprehensive protection services for adult trafficking victims by developing and implementing standardized procedures for proactive victim identification and referral to protective services—especially among vulnerable populations, including individuals in commercial sex and migrant workers, such as Bangladeshi, Indian, and North Korean workers—and by ensuring provision of adequate assistance once identified regardless of their immigration status or willingness to participate in investigations and court proceedings of their traffickers. • Finalize, adopt, and allocate funding to implement the national action plan to combat trafficking. • Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. • Strengthen the partnership between police and prosecutors to more efficiently and effectively prosecute trafficking cases, including training on strong evidence gathering and victim-centered investigations. • Implement a witness protection program to increase protection for victims participating in criminal proceedings and prevent re-traumatization, including receiving victims' consent to willingly participate in law enforcement procedures. • Vigilantly monitor employers of migrant workers to identify indicators of trafficking and investigate potential trafficking situations. • Increase anti-trafficking coordination efforts among government agencies to prioritize the inter-ministerial committee's role in driving national efforts and designate a lead agency responsible for the protection of adult sex trafficking victims. • Provide specific anti-trafficking training to law enforcement officials, labor inspectors, social workers, prosecutors, and magistrates to improve case investigation and victim identification and referral to appropriate care. • Utilize the national centralized anti-trafficking data collection and reporting tool.

### PROSECUTION

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

In 2020, the government reported initiating four investigations into 11 suspects, compared with six investigations into nine suspects in 2019. Specifically, authorities conducted two adult sex trafficking investigations, one child sex trafficking investigation and one child labor trafficking investigation. All four investigations remained ongoing at the end of the reporting period. The government initiated two new prosecutions in 2020, compared with one new prosecution in 2019 and 15 prosecutions in 2018. The government reported convicting one trafficker, compared with two convictions in 2019. This conviction was of a Mauritian adult female involved in a 2014 child sex trafficking case; courts initially sentenced the trafficker to 18 months' imprisonment but later reduced the sentence to 240 hours of community service, a common occurrence for first-time offenders of many crimes. The government did not provide updates on cases ongoing from previous reporting periods. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. In response to the pandemic, the government issued stay-at-home orders from March 2020 to June 2020 and from March 2021 to May 2021; during this time, all police officers, including those mandated to investigate trafficking crimes, were assigned to oversee pandemic-related guidelines and procedures, such as mask wearing, curfews, social distancing, and mandatory quarantines. The government also pulled officers from their regular duties to assist in contact tracing, transporting individuals to hospitals, and providing security at quarantine locations. Due to pandemic-related restrictions on social gatherings, courts were closed for a portion of the reporting period, which exacerbated previous case backlogs prior to the pandemic. With training and support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool; although it was operationalized in 2019, government use of the tool remained limited in 2020.

The Mauritius Police Force (MPF) maintained an ad hoc internal coordination committee to combat trafficking, as well as a "human rights desk," which employed two police officers trained on trafficking crimes that served as a resource for other police units. In 2020, the Mauritius Police Training School provided anti-trafficking courses to 309 new law enforcement officers, compared with 400 officers trained in 2019. The police school also reported training 66 mid-level officers on trafficking during the reporting period. Despite these training efforts, some law enforcement officers continued to lack an understanding of the anti-trafficking law. Similar to previous years, proper investigations, including collection of evidence and adequate witness testimony, remained difficult for law enforcement to conduct, often leading to lengthy and poor investigations and prosecutions. While law enforcement and prosecutors reported continued case conferencing, coordination required further improvement; additionally, the judicial process continued to be prohibitively long—frequently many years—which at times dissuaded victims from seeking legal redress through civil suits.

### PROTECTION

The government increased efforts to identify trafficking victims, while protection services remained inadequate, especially for adult trafficking victims. In 2020, the government identified 18 trafficking

victims, compared with six victims identified in 2019. The 18 victims included 15 adult female Malagasy victims and one adult female Mauritian victim of sex trafficking, one Mauritian girl exploited in sex trafficking, and one Mauritian boy exploited in forced labor. The government did not report identifying any adult victims of labor trafficking during the reporting period, despite migrant workers' continued vulnerability to trafficking. The government continued to lack standard identification and referral procedures for adult trafficking victims; however, the Ministry of Gender Equality, Child Development, and Family Welfare (MFWFCD's) Child Development Unit (CDU) systematically employed standard referral procedures after identifying child trafficking victims. The government provided medical assistance and counseling to the two child victims and short-term shelter to one child victim. The absence of a victim care policy for adult trafficking victims led to ad hoc assistance, a lack of victim-centered approaches, and potential re-traumatization of victims. The government referred all 16 adult victims to NGO-run shelters for women in distress, victims of domestic violence, or adults involved in commercial sex with drug addictions, where the NGOs provided shelter, medical assistance, and psychosocial services. The government did not allow some victims to leave the NGO shelters unchaperoned or seek work opportunities due to ongoing investigations. Additionally, the government did not initially approve the Malagasy victims' request for repatriation, requiring them to participate in investigations before returning home; police requested a court to require the victims to stay in the country while their cases were under investigation, which the court approved. The government reported supporting the repatriation of one trafficking victim, the same number as the previous reporting period. A program existed to repatriate Mauritian citizens in distress abroad, but the government has never reported any cases of repatriated Mauritian human trafficking victims.

The government determined that its first shelter for adult trafficking victims, established in 2019, would only accommodate male victims; however, it did not identify any adult male victims during the reporting period and did not provide services to any other victims at the shelter, although it was reportedly operational. The government continued to operate a shelter for female child sex trafficking victims that could host up to 32 children. Officials reported providing services to 34 children at the shelter during the reporting period, compared with an unreported number for the last four years. Child victims could leave the shelter to attend school and received medical and psychological assistance. The government allocated 11 million Mauritian rupees (\$278,130) to the shelter in 2020; it did not report providing funding to shelters in 2019. There were no reports the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit, and the government reportedly began screening all victims of crime for trafficking indicators during the reporting period; however, due to a lack of identification measures and gaps in understanding of human trafficking among some law enforcement officers, authorities may have penalized some unidentified adult victims of sex trafficking and forced labor. In previous years, immigration officials often refused entry to single, Malagasy women traveling alone with small amounts of money and attempting to enter the country on tourist visas on the suspicion they were coming to Mauritius to engage in commercial sex.

The 2009 anti-trafficking law provided victims limited legal alternatives to removal to countries in which they would face hardship. The law authorized the Minister of Home Affairs to allow a foreign trafficking victim to remain in the country for up to 42 days before deportation and to issue a temporary residence permit if the victim agreed to cooperate with the investigation and prosecution of the trafficking case. The law also separately allowed the Minister of Home Affairs to extend the trafficking victim's permit on humanitarian grounds, but the government did not report providing these services during the reporting period. The government lacked formal policies and procedures to provide protective services for and encourage trafficking victims' participation in investigations and prosecutions. There was no witness protection program for victims, but authorities kept victims' identities confidential during court proceedings. Courts allowed victims to provide testimony via video or written statement, and if a

victim was a witness in a court case against a former employer, they could obtain employment, move freely within the country, or leave the country pending trial proceedings; however, the government did not report providing these protective measures during the reporting period. The anti-trafficking law allowed the courts to award a victim up to 500,000 Mauritian rupees (\$12,640) in restitution from the convicted trafficker; however, courts did not award restitution to victims during the reporting period. The law also allowed victims to file civil suits against their alleged traffickers for compensation for damages exceeding the amount of restitution awarded during criminal proceedings; however, civil suits could be prohibitively expensive and lengthy, and no victims filed such suits.

## PREVENTION

The government maintained efforts to prevent trafficking. The Prime Minister's Office led government anti-trafficking efforts. The Inter-Ministerial Committee on Trafficking in Persons, chaired by the attorney general's office and designed to coordinate interagency policies to combat trafficking, remained inactive since 2019, hampering government-wide efforts to combat trafficking. The National Steering Committee on Trafficking in Persons, a working-level technical committee under the high-level inter-ministerial committee, was designated to drive daily operations on anti-trafficking efforts and met twice during the reporting period, compared with being inactive the prior reporting period. The MFWFCD, including the National Children's Council and the CDU, led government efforts to combat child trafficking; there continued to be confusion within the government on which department was responsible for addressing adult sex trafficking. The government has not had a national action plan since 2013, which continued to hinder progress among various agencies mandated to work on anti-trafficking efforts. The MFWFCD continued to operate a 24-hour hotline to report child and sexual abuse cases, but it did not report call data related to trafficking during the reporting period. Police and the MFWFCD continued to conduct awareness-raising campaigns targeting elementary and high school students, parents, teachers, senior citizens, and tourism stakeholders through seminars, posters, and radio and television talk shows. The CPU reported conducting 345 awareness programs in schools and community centers for approximately 27,000 people, compared with 14,000 individuals reached in 2019.

In partnership with foreign governments, the government continued to produce and distribute migrant worker rights brochures, translated into seven languages, to all foreign workers upon arrival to Mauritius. In response to the pandemic, the government closed the country's borders from March to June 2020 and from March to May 2021; during these lockdowns, the Ministry of Labor (MOL) extended the work visas of migrant workers who had reached the end of their stay and allowed migrant workers employed by companies that permanently closed to transition to other jobs. The MOL conducted 15,368 individual sessions to sensitize migrant workers of their rights, including producing relevant documents in the native language of the migrant workers, an increase compared with conducting 1,198 sessions in 2019. The MOL's Special Migrant Workers Unit, responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites, responded to 375 complaints from migrant workers, compared with 457 in the previous reporting period; however, the MOL did not report identifying any trafficking victims during these inspections or reporting any potential violations for further investigation. Although the MOL was required to approve all employment contracts before migrant workers entered the country, some migrant workers reportedly continued to enter the country with contracts that were incomplete or had not been translated into languages the workers could read. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

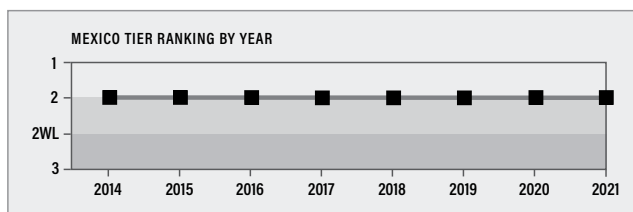
As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritius. Peers, significant others, family members, or businessmen offering other forms of employment



exploit girls from across the country in child sex trafficking. Taxi drivers transport child sex traffickers to their victims with whom they engage in commercial sex acts; taxi drivers also transport victims to traffickers. Traffickers exploit girls from poor neighborhoods, an especially vulnerable population, in sex trafficking. Increasingly, guesthouse owners exploit Malagasy women, recruited under false pretenses of employment or tourism, in sex trafficking. Traffickers may also exploit children in sex trafficking on Rodrigues Island, an autonomous territory of Mauritius. An international organization reported that Russian traffickers or other criminal networks in Mauritius may recruit Ukrainian women to move to Mauritius, under the guise of a marriage agency, then subsequently exploit them in sex trafficking. Traffickers exploit Malagasy women who transit Mauritius in forced labor, primarily in domestic servitude, and sex trafficking in the Middle East. Mauritius' manufacturing and construction sectors employ approximately 45,000 foreign migrant workers from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar, some of whom traffickers subject to forced labor. North Korean nationals working in Mauritius may have been forced to work by the North Korean government. Employers operating small- and medium-sized businesses employ migrant workers, primarily from Bangladesh, who have been recruited through private recruitment intermediaries, usually former migrant workers now operating as recruiting agents in their country of origin; labor trafficking cases are more common in these enterprises than in larger businesses, which recruit directly without the use of intermediaries. Despite Mauritian law prohibiting the practice, employers routinely retain migrant workers' passports to prevent them from changing jobs, enhancing the vulnerability to forced labor.

## MEXICO: TIER 2

The Government of Mexico does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Mexico remained on Tier 2. These efforts included convicting more traffickers; providing funding to three NGOs that operate trafficking shelters; and increasing efforts of the Secretariat of Finance's Financial Intelligence Unit (UIF) to collect intelligence in support of trafficking investigations and prosecutions. The government arrested two current or former public officials for suspected complicity in two trafficking cases authorities failed to address for numerous years. However, the government did not meet the minimum standards in several key areas. The government did not prosecute or convict any public officials for complicity in trafficking crimes; took limited action to investigate and prosecute forced labor crimes; and failed to allocate funds to a legally-required victim assistance fund. Authorities did not consistently employ a victim-centered approach and overall services for victims were inadequate. Fraudulent recruitment practices continued to be widespread, but the government did not take steps to hold recruiters or labor agents accountable.



### PRIORITIZED RECOMMENDATIONS:

Develop, implement, and fund a national strategic action plan on victim services, in consultation with international organizations and NGOs, to include shelters, comprehensive services, and reintegration

support for all victims, including men and boys, LGBTQI+ individuals, and indigenous persons. • Develop and implement standardized procedures for front-line officials to proactively identify victims among vulnerable groups in Mexico and overseas—including individuals in commercial sex, children apprehended for illicit gang-related activities, Cuban medical professionals, and migrants, including migrant workers—and refer them to service providers for assistance. • Increase efforts to investigate and prosecute trafficking crimes, including forced labor and those involving complicit officials, at both the federal and state levels. • Increase and institutionalize anti-trafficking training for police, prosecutors, judges, immigration authorities, and service providers, with a focus on applying trauma-informed, victim-centered procedures. • Provide improved security to victims and witnesses testifying against traffickers and ensure victims are not unlawfully detained, coerced into testifying, or otherwise re-traumatized. • Allocate funds to a legally required victim assistance fund to cover restitution payments convicted traffickers are unable to pay and develop a mechanism to ensure victims receive court-ordered payments. • Strengthen the labor law to adequately criminalize and establish stringent penalties for recruitment practices that facilitate trafficking, and increase enforcement to punish employers and labor recruiters for violations. • Enact anti-trafficking legislation and establish specialized anti-trafficking prosecution units in all states. • Enact, implement, and allocate sufficient resources toward a new national action plan that is coordinated across federal, state, and local authorities. • Conduct culturally relevant awareness campaigns in local languages targeted for rural and indigenous communities. • Strengthen data collection efforts.

### PROSECUTION

The government maintained law enforcement efforts; while authorities obtained more convictions, the government did not provide complete data on prosecution efforts. The 2012 anti-trafficking law criminalized sex trafficking and labor trafficking, prescribing penalties of five to 30 years' imprisonment and fines for sex trafficking offenses and five to 20 years' imprisonment and fines for labor trafficking; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. Federal officials had jurisdiction over all international trafficking cases, all cases that took place on federally administered territory involving organized crime, and all cases involving allegations against government officials. States investigated other internal trafficking cases. Twenty-eight states had enacted trafficking laws. The 2012 law obligated states to have a dedicated human trafficking prosecutor; 30 of 32 states had established specialized anti-trafficking prosecutors or units. Local experts reported prosecutors sometimes charged suspects with crimes they believed were easier to prove, such as homicide or kidnapping, particularly in states where prosecutors' offices were underfunded. The 2019 Asset Forfeiture Law allowed authorities to seize a trafficker's assets.

Authorities initiated 55 federal investigations and 550 state investigations in 2020, compared with 133 federal investigations and at least 545 state investigations in 2019, and 112 federal and 304 state investigations in 2018. State-level investigations included 332 suspected sex trafficking cases, 12 suspected forced labor cases, and 206 cases in which the type of exploitation was not specified. Federal authorities initiated prosecution of 40 suspected traffickers and continued 35 prosecutions opened in previous years for a total of 75 federal prosecutions in 2020, approximately half as many as in 2019. The government reported state-level prosecutions in 14 states for a total of 51 cases. In comparison, authorities prosecuted at least 522 individuals in federal and state cases in 2019 and at least 510 in 2018. In response to the pandemic, federal and state courts suspended all legal proceedings between March and May 2020. Prosecutors reported temporary closures of government offices and the judicial system hampered efforts to investigate new cases and prosecute pending cases, as reduced staff in most offices slowed or

halted requests for information, intergovernmental collaboration, and other routine investigative activities. Authorities convicted 59 traffickers in federal and state cases in 2020, compared with 29 traffickers convicted in 2019 and 60 convicted in 2018. Federal authorities convicted 13 sex traffickers while state authorities convicted 40 sex traffickers, four labor traffickers, and two traffickers whose type of exploitation was not specified. In June 2020, the State of Mexico issued the government's first trafficking conviction through a virtual platform. The government issued sentences for convicted traffickers ranging from three years' to 195 years' imprisonment, and the average term of imprisonment was 21 years. UIF investigated suspicious financial transactions and its intelligence led to the issuance of arrest warrants for suspected traffickers in several states; in one case, UIF froze bank accounts belonging to seven suspects in a child sex trafficking network and police issued five arrest warrants for suspects in this case. In 2020, UIF received 230 reports of suspicious financial transactions allegedly related to human trafficking, primarily from Jalisco, Tabasco, Quintana Roo, the State of Mexico, and Mexico City. In July 2020, UIF signed a cooperation agreement with the NGO operating the national anti-trafficking hotline to collect data from calls that could be used to trace illicit financial activity potentially linked to trafficking crimes.

Mexican authorities continued law enforcement cooperation with the United States, including the apprehension and extradition to the United States of a trafficking suspect, prosecution training that led to successful convictions in three states, and ongoing information assistance on three transnational trafficking cases. The government also extradited one trafficking suspect to Spain and began arrangements with the governments of Argentina and Peru to extradite one suspect to each country.

State-level specialized prosecution units, whose capacity levels, staffing, and funding varied widely, had the primary responsibility for enforcing anti-trafficking laws throughout the country. Prosecutor offices in rural and indigenous communities were particularly understaffed and lacked sufficient resources to effectively prosecute trafficking crimes. Coordination across state and federal levels continued to be slow. Authorities from the four states of Mexico City, State of Mexico, Baja California, and Nuevo Leon conducted more than half of all investigations in 2020, while authorities in Campeche and Colima did not investigate any suspected cases. The government identified the states of Veracruz, Tlaxcala, and Guerrero as having high trafficking prevalence, but authorities in these states did not convict any traffickers in 2020. Local experts cited insufficient funding for prosecutors in these states led them to charge suspects with crimes they believed easier to prove. State-level authorities in Tlaxcala signed an agreement with UIF to enhance collaboration in combating trafficking and corruption and formalized a partnership with U.S. law enforcement to provide assistance in apprehending trafficking suspects. Authorities reported pandemic mitigation efforts, including temporary closures of bars and hotels, impeded investigations and evidence collection in possible sex trafficking cases occurring in these venues. A public university conducted a 30-hour training course on gender-sensitive victim interview techniques for 30 employees of the federal prosecutor's office, and several federal agencies conducted anti-trafficking training sessions for law enforcement or criminal justice officials during the year.

Trafficking-related corruption remained a concern. Some government officials colluded with traffickers or participated in trafficking crimes. In September 2020, the government established a hotline and website open to the public for the anonymous reporting of suspected corruption involving public officials, but it did not report receiving any trafficking-related tips. In November 2020, the National Human Rights Commission (CNDH) received six claims of trafficking-related human rights abuses by public officials. As a result, CNDH opened new investigations into two claims and ultimately referred one to the Attorney General's Office for criminal investigation. CNDH added two claims to ongoing investigations and dismissed the other two for lack of sufficient information. In February 2021, authorities arrested the

former governor of Puebla for ordering the 2005 torture and illegal arrest of a journalist who exposed the official's alleged involvement in a child sex trafficking ring. In March 2021, in a case first exposed by a journalist in 2014, authorities issued arrest warrants for five current or former employees of a national political party—one of whom was a state representative—for allegedly running a sex trafficking operation with party resources. Authorities apprehended one suspect and UIF froze financial accounts linked to the alleged ringleader and 43 others allegedly involved in money laundering, corruption, or human trafficking crimes related to this case; remaining suspects were not apprehended during the reporting period. The government did not provide updates on investigations of four immigration officials alleged to have received payments for facilitating the entry and residency of foreign trafficking victims in Mexico in a previous reporting period. Unlike last year, the government did not prosecute or convict any officials for complicity in trafficking crimes.

## PROTECTION

The government maintained protection efforts, identifying more victims; however, it did not provide adequate services to victims. The government reported identifying 673 victims in 2020, compared with 658 victims in 2019 and 706 victims in 2018. An NGO that operated the national trafficking hotline reported receiving 1,931 trafficking-related calls—originating from throughout the country—and identifying 245 victims from these calls; 45 investigations resulted from calls to the hotline. These victims included 196 women and girls, 39 men and boys, and 10 with gender unspecified; and 140 Mexican citizens, 49 foreigners, and 56 with nationality unspecified. The NGO reported identifying more male victims than the previous year, the majority of whom were exploited in forced labor. Hotline staff referred 181 victims to government and NGO service providers for medical, psychological, and legal assistance and 64 for psychological and legal counseling. This organization trained 600 police officers in Mexico City to respond to referrals from the hotline. The government identified and assisted 313 Mexican victims of human trafficking exploited abroad during the first half of 2020, including 301 in the United States, and 12 in other countries. Among these victims were 33 men, 39 women, 155 boys, and 86 girls. The government did not provide data on victims identified abroad during the second half of 2020. In comparison, authorities identified and assisted 933 victims abroad in 2019 and 860 in 2018.

Immigration officials implemented a formal screening, identification, and care protocol to identify and refer potential trafficking victims during initial immigration verification and regularization. In January 2021, authorities agreed to modify this protocol to require screening among migrants in detention centers and requested assistance from an international organization in drafting updated guidance; authorities did not complete these revisions by the close of the reporting period. Consular officials followed a protocol for identifying and providing assistance to Mexican victims abroad, and some other agencies followed informal victim referral procedures. Labor inspectors had a protocol for identifying suspected forced labor victims during routine inspections of formally-registered businesses and farms, but local observers reported a lack of coordination with other secretariats to facilitate criminal investigations and victim assistance. Across the government, victim referral from first responders was largely *ad hoc* and procedures varied from state to state, with most shelters relying on prosecutors to identify and refer victims. Most government officials lacked standardized procedures to proactively identify potential victims of trafficking within vulnerable groups and systematically refer them to service providers. NGOs reported authorities at all levels of government lacked sufficient understanding of trafficking laws and failed to effectively identify and refer potential victims.

Federal and state agencies generally offered victims emergency assistance, such as medical care, food, and housing in temporary or transitional homes, and other services, such as psychological, and legal services, often in partnership with NGOs. However, victim services varied throughout the country; were unavailable in some

regions; and were particularly inadequate for male victims, forced labor victims, and victims in rural areas. Shelters at both the state and local levels typically housed victims only for the duration of a criminal trial and long-term reintegration services were very limited, leaving victims highly vulnerable to re-exploitation.

The government did not provide complete data for victims receiving services. As of October 2020, 82 adult and child victims resided in specialized government and NGO trafficking shelters across the country. The Special Prosecutor for Violence Against Women and Trafficking in Persons (FEVIMTRA) continued to operate a high-security shelter in Mexico City that could accommodate 50 female victims and their children for up to three months while victims participated in legal processes; the shelter served 11 trafficking victims during the year. NGOs expressed concerns that the high-security measures, including victims' inability to leave the shelter unaccompanied, may have re-traumatized some victims. The states of Mexico, Chiapas, and Mexico City continued operating six government-funded trafficking shelters. In total, seven states had specialized government or NGO shelters for trafficking victims, and four states had agreements in place that allowed them to refer trafficking victims to shelters in another state. The government and NGOs operated additional shelters that served other populations and could accept trafficking victims but did not provide specialized services. There were no government or NGO trafficking shelters available for male victims older than 13, and 12 states lacked any shelters that accepted trafficking victims. NGOs operated the majority of shelters that served trafficking victims. Most shelters offered medical, psychological, and legal assistance for victims, but the level of care and quality of services varied widely. Government centers for crime victims provided some trafficking victims with emergency services, as did state-level prosecutorial, social service, and human rights offices. Many NGOs altered or limited their operations in response to severe funding cuts from donors during the pandemic. Some newly identified child victims were placed into facilities already operating at capacity due to organizations' lack of funds. The National Institute of Social Development launched a program to provide funding to women's shelters; in 2020, three NGOs operating trafficking shelters submitted requests for funding and received approximately 11.3 million pesos (\$65,000) through this program.

FEVIMTRA coordinated with local embassies to provide legal, administrative, and consular assistance to victims from Brazil, Colombia, Honduras, Paraguay, and Venezuela and repatriated six victims to their home countries. The government did not report providing temporary immigration relief through humanitarian visas to any victims in 2020; in comparison, the government provided visas to 60 victims of human trafficking in 2019. Humanitarian visas enabled foreign trafficking victims to legally remain and work in the country up to one year and could be extended; this benefit was not dependent on a victims' willingness to participate in a criminal trial. Government officials and NGOs acknowledged barriers to victims receiving humanitarian visas, including authorities' failure to identify eligible foreign trafficking victims, insufficient efforts to make victims aware of the process for obtaining such relief, and the lengthy wait times for processing requests.

The law provided victims with protection from punishment for unlawful acts their traffickers compelled them to commit. However, due to a lack of formal identification procedures, including among children apprehended for gang-related criminal activity or migrants in detention facilities, authorities may have detained or jailed some unidentified victims for crimes their traffickers compelled them to commit. NGOs reported authorities sometimes unlawfully detained victims on trafficking charges and some officials utilized shelters as detention facilities for victims until their cases were completed. In January 2021, CNDH issued a recommendation to the government to provide compensation to a sex trafficking victim following its determination that authorities violated the victim's human rights by detaining her in a migrant detention center in 2018 and failing to properly provide assistance.

The anti-trafficking law stipulated authorities must apply the principle of "maximum protection" to victims and witnesses, including protecting individuals' identities and providing name and residence changes to victims affected by organized crime. Nonetheless, identifying information sometimes became publicly available in high-profile cases, and many victims feared identifying themselves or testifying against traffickers in court under the accusatorial system. NGOs reported officials often re-traumatized victims through a lack of sensitivity and the lack of adequate protection for victims during criminal proceedings. Experts expressed concern that prosecutors coerced some victims to testify during judicial proceedings. Authorities' failure to employ victim-centered procedures, combined with an overall lack of specialized services and security, disincentivized victims from filing complaints or participating in investigations and prosecutions. Women, indigenous persons, LGBTQI+ individuals, and migrants experienced discrimination within the judicial system that limited their access to justice.

The Secretariat of the Interior (SEGOB) had a unit responsible for supporting access to justice and compensation for victims of federal crimes, but the government did not provide it with sufficient funding and trained personnel, limiting its ability to provide this support to trafficking victims. A public university conducted training on providing assistance to trafficking victims for 35 employees in this unit. The national anti-trafficking law required judges in criminal cases at both the state and federal levels to order traffickers to pay restitution to victims and required the government to create a fund to cover restitution payments perpetrators could not pay. However, the government did not create this fund, and no victims received restitution despite judges ordering these payments in all cases that resulted in convictions at both state and federal levels. The government anti-trafficking commission continued funding an international organization to develop a national information system to track the number of victims identified, referred, and assisted across the country, but the pandemic delayed the system's implementation.

## PREVENTION

The government maintained prevention efforts. The anti-trafficking commission, led by SEGOB, coordinated efforts among government agencies and civil society organizations. Local experts reported the commission was effective in promoting participation of stakeholders from academia, NGOs, and international organizations, and it encouraged transparency at its regular meetings and in its five permanent working groups. The government lacked a national anti-trafficking action plan for a second year, following the previous plan's expiration in 2018. In December 2020, the government launched its National Program for Human Rights 2020-2024, which included a chapter on prosecution, protection, and prevention efforts to combat trafficking. In November 2020, following the murders of two children who may have been victims of forced criminality, authorities in Mexico City launched a multisectoral strategy to provide opportunities and support for vulnerable children, aimed at preventing their exploitation in criminal activity.

The government conducted a variety of anti-trafficking training and awareness programs for government officials and members of the public. CNDH adapted its public outreach efforts to digital platforms in response to the pandemic, allowing it to reach a greater number of participants than the previous year; these events, which focused on strengthening government-civil society cooperation in preventing and responding to trafficking, reached more than 20,000 individuals, including government officials, teachers, and parents. The Secretariat of Welfare conducted seminars, presentations, plays, and film showings to raise awareness of trafficking through both virtual and in-person events, and it trained 1,066 public officials on trafficking prevention and victim protection. A public university held four interactive conferences on combating trafficking attended by 70,000 members of the public. Nonetheless, awareness and understanding of trafficking, particularly forced labor, remained low among the public. Experts noted prevention campaigns insufficiently



reached high-risk groups such as children, rural and indigenous communities, and non-Spanish speakers.

The government did not allocate sufficient resources or personnel to the Secretariat of Labor and Social Welfare to effectively enforce labor laws. Furthermore, labor inspectors had a limited mandate for conducting oversight of working conditions in informal businesses and farms—which employed more than half of Mexican workers—and a 24-hour advance notice requirement for routine inspections hampered their effectiveness when they did occur. Authorities conducted very few inspections in major farming states where abuses allegedly were rife, investigated few complaints, and did not report successful prosecutions for the crimes. The labor law lacked provisions criminalizing fraudulent recruitment and contract practices that made many workers vulnerable to trafficking. The law prohibited recruiters and labor agents from charging fees to workers and employers from passing agency fees to workers in the form of wage deductions; however, the law did not establish penalties for these practices and recruiters and employers continued to commit them with impunity. Civil contract law covered some fraudulent recruitment practices, but there was no evidence the government used these or other statutes to hold recruiters or employers accountable.

The government continued implementation of a pilot program to enroll domestic workers in the government's social security system, requiring the worker's employer to formalize their status through a contract. Between April 2019 and November 2020, 27,600 domestic workers enrolled in the pilot program, a significant increase from 3,800 domestic workers enrolled in social security prior to the launch of this initiative. However, the government estimated this program should have reached approximately 2.4 million individuals working informally in this sector, and the vast majority of these workers remained in informal status without access to social security or other legal protections. In the previous reporting period, the Mexican legislature ratified a trade agreement that requires the parties to prohibit the importation of goods produced by forced labor; the agreement entered into force in July 2020. The government's anti-trafficking commission, with support from international organizations, established a working group to advance government compliance with these obligations but did not report any outcomes during the reporting period.

The Secretariat of Tourism organized 10 virtual conferences for 560 public officials on preventing and responding to trafficking and conducted awareness training for 4,150 employees of businesses that were party to a public-private code of conduct on the protection of children in the tourism sector. NGOs reported the government's lack of follow-up and enforcement efforts limited the effectiveness of the code of conduct. The government did not investigate or prosecute any suspected child sex tourists. The government made efforts to reduce the demand for commercial sex acts by prosecuting and convicting individuals who purchased commercial sex acts from children.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mexico, and traffickers exploit victims from Mexico abroad. Groups considered most at risk for trafficking in Mexico include unaccompanied children, indigenous persons, persons with mental and physical disabilities, asylum seekers and migrants, IDPs, LGBTQI+ individuals, informal sector workers, and children in gang-controlled territories. Traffickers recruit and exploit Mexican women and children, and to a lesser extent men, in sex trafficking in Mexico and the United States through false promises of employment, deceptive romantic relationships, or extortion. The majority of trafficking cases occur among family, intimate partners, acquaintances on social media, or through employment-related traps. Transgender persons are particularly vulnerable to sex trafficking. Traffickers increasingly use the internet, particularly social media, to target and recruit potential victims. Traffickers exploit Mexican adults and children in forced labor in agriculture, domestic service,

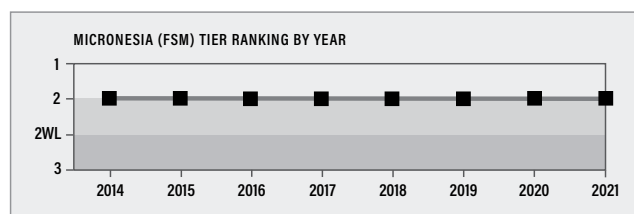
child care, manufacturing, mining, food processing, construction, tourism, begging, and street vending in Mexico and the United States. Traffickers commonly exploit day laborers and their children in forced labor in Mexico's agricultural sector; these individuals migrate from the poorest states to the agricultural regions to harvest vegetables, coffee, sugar, and tobacco; receive little or no pay, health care, or time off; may live in substandard housing; receive insufficient food; and in the case of children, are denied education. Recruitment agencies frequently employ deceptive recruitment practices and charge unlawful fees to hire agricultural workers in Mexico and the United States; many workers are compelled into forced labor through debt bondage, threats of violence, and non-payment of wages. NGOs estimated traffickers increasingly exploited individuals in forced labor in Mexico. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America, particularly El Salvador, Guatemala, Honduras, and Venezuela—with Venezuelan victims increasing in recent years; traffickers exploited some of these victims along Mexico's southern border. NGOs and the media report victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States. Among the 1,285 Cuban medical professionals the government contracted to assist during the pandemic, some may have been forced to work by the Cuban government.

Organized criminal groups profit from sex trafficking and force Mexican and foreign adults and children to engage in illicit activities, including as assassins, lookouts, and in the production, transportation, and sale of drugs. Experts expressed particular concern over the forced recruitment of indigenous children by organized criminal groups, who use torture and credible threats of murder to exploit these children in forced criminality. Criminal groups exploit thousands of children in Mexico to serve as lookouts, carry out attacks on authorities and rival groups, or work in poppy fields. Observers also expressed concern over recruitment of recently deported Mexican nationals and foreign migrants by organized criminal groups for the purpose of forced criminality. Increasingly, organized crime groups—both large and small—participate in trafficking of migrants, who are highly vulnerable to exploitation due to their transient nature, frequent reliance on smugglers, and fear of reporting abuses to authorities. Observers, including Mexican legislators, noted links between violence against women and girls and between women's disappearances, murders, and trafficking by organized criminal groups. Observers reported potential trafficking cases in substance abuse rehabilitation centers, women's shelters, and government institutions for people with disabilities, including by organized criminal groups and facility employees. Trafficking-related corruption remains a concern. Some government officials collude with traffickers or participate in trafficking crimes. Corrupt officials reportedly participate in sex trafficking, including running sex trafficking operations. Some immigration officials allegedly accept payment from traffickers to facilitate the irregular entry of foreign trafficking victims into Mexico.

NGOs reported child sex tourism remains a problem and continues to expand, especially in tourist areas and in northern border cities. Parents are sometimes complicit in exploiting their children in child sex tourism, and homeless children are believed to be at high risk. Many child sex tourists are from the United States, Canada, and Western Europe; Mexicans also purchase sex from child trafficking victims. Authorities reported a decrease in the use of the financial system by traffickers in 2020, likely due to pandemic-related restrictions on movement that made it difficult for the more profitable international sex trafficking networks to operate. Authorities reported trafficking networks increasingly used cryptocurrencies to launder proceeds from their crimes. The pandemic caused economic hardship, food insecurity, and mandated confinement that exacerbated many individuals' existing vulnerabilities to trafficking and increased the number of individuals vulnerable to exploitation, particularly among migrants. Some workers accepted loans from their employers that left them highly vulnerable to debt bondage. There were reports that traffickers in Tlaxcala took sex trafficking victims to individuals' homes to be exploited when commercial venues closed due to the pandemic.

## MICRONESIA, FEDERATED STATES OF: TIER 2

The Government of the Federated States of Micronesia (FSM) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore FSM remained on Tier 2. These efforts included securing a facility for its second trafficking victim shelter, increasing trafficking awareness activities for the public, and continuing to identify victims and convict traffickers. However, the government did not meet the minimum standards in several key areas. The government remained without comprehensive standard operating procedures (SOPs) for proactive victim identification and referral to protection services. Courts continued to issue lenient sentences to convicted traffickers, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting nationwide efforts to fight trafficking. Overall protection services and training for law enforcement and judicial officials continued to be insufficient. Unlike the previous year, the government did not report allocating funding to victim services.



### PRIORITIZED RECOMMENDATIONS:

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

### PROSECUTION

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

The government did not report any new trafficking investigations, compared with one in 2019, and prosecuted four alleged traffickers, compared with eight in 2019. Courts convicted four traffickers during the reporting period, compared with six in 2019. Courts sentenced one trafficker to three months' imprisonment and a \$100 fine, one to 12 months' imprisonment and a \$250 fine, one to seven years' imprisonment and seven years' probation, and one to 10 years' imprisonment (served only on the weekends during the 10 years) and a \$5,000 fine. Lenient sentences of a year or less or those that were not served on consecutive days created potential safety problems for trafficking victims and weakened deterrence. The government continued to prosecute a child sex trafficking case involving one child victim and three alleged traffickers during the reporting period. In the previous reporting period, the acting attorney general of Yap was murdered, and some media reports stated the motive, which remained unclear, may have been related to her prosecution work, including on human trafficking. The government charged two perpetrators with 19 counts ranging from murder and manslaughter to firearms possession; the trial was ongoing at the end of the reporting period. Law enforcement officials cooperated with a foreign government on an ongoing international trafficking case.

During a prior reporting period, the Department of Justice (DOJ) assigned a full-time assistant attorney general to prosecute all human trafficking cases and hired four investigators who specialized in human trafficking. The placement of the investigators changed during the reporting period; one was placed at the national government, one in Chuuk, one in Pohnpei, and one in Kosrae compared to two in Chuuk and two in Kosrae in prior reporting periods. In September 2020, the government funded its second annual three-day anti-trafficking conference that included victim-centered approach training for law enforcement officials and service providers from the national and Pohnpei State governments; FSM and foreign government officials, international organizations, and civil society stakeholders conducted the training. Unlike in prior years, the government did not report providing DOJ with funding for investigations and awareness activities. DOJ continued to provide state and national level anti-trafficking training for law enforcement, judges, lawyers, health providers, faith-based organizations, and youth and women's groups. Despite these trainings, judges overall continued to lack specialized training and, consequently, some judges lacked sensitivity to trafficking issues and the trauma victims experienced at times, resulting in judges sentencing traffickers to penalties that were disproportionately low to the severity of the crime. The government's police academy training for new cadets included mandatory training on investigating trafficking cases and how to interview potential victims. Observers stated police still required additional training on sex trafficking and sophisticated investigation techniques. Police did not frequently investigate or charge traffickers who facilitate rather than impose exploitation, such as hotel owners, taxi drivers, and family members. The insular nature of the small island communities at times protected traffickers and impeded investigations. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes.

### PROTECTION

The government demonstrated mixed efforts to protect victims. In the previous reporting period, the government finalized and approved SOPs for victim assistance and referral to state law enforcement; however, the government remained without comprehensive SOPs to proactively identify trafficking victims and refer them to services. In addition, the current SOPs did not contain measures to screen for trafficking indicators among LGBTQI+ individuals, who were disproportionately vulnerable to trafficking. The government identified four victims during the reporting period, compared with five victims who self-identified as victims to the government during the previous reporting period. The government reported providing food, clothing, medical services, psychological evaluation, counseling services, and academic and social reintegration support, in partnership with an international organization, to two trafficking victims. This was

compared with the government providing limited protection services to four victims during the previous reporting period. Authorities may have penalized unidentified victims through law enforcement actions against them, such as deportation, due to insufficient identification efforts

An international organization facilitated a port security project that included a component on gender based violence and trafficking victim identification and protection procedures; DOJ helped facilitate the project and is the lead agency for implementing victim-centered processes. In January 2021, DOJ, with assistance from an international organization, finalized a needs assessment and action plan for the implementation of the project. The government identified and secured a building to serve as its second shelter, available to trafficking victims, in Pohnpei; its first shelter, available to all victims of crimes, in Chuuk continued to provide services throughout the reporting period. The government did not report providing funding to victim services, a decrease from \$120,000 in 2019; additionally, unlike in prior reporting periods, the government did not report providing any funding for a trafficking victim psychologist and the trafficking hotline. Despite this, the trafficking hotline continued to operate 24 hours a day in English and local languages, and while it received calls during the reporting period, none of the calls resulted in trafficking investigations. Since 2018, the government has not reported if the DOJ national anti-human trafficking coordinator and three assistant state coordinators continued to provide support to victims through the trial and for several years after the disposition of the victim's case. Courts ordered convicted traffickers to pay restitution to one victim during the reporting period. The government did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

## PREVENTION

The government modestly increased efforts to prevent trafficking. DOJ coordinated the government's anti-trafficking efforts. During the previous reporting period, an executive order created the Division of Anti-Human Trafficking within the DOJ; the division was tasked with conducting public awareness campaigns, developing anti-trafficking training programs, providing victim protection services, and assisting in investigations. Each of the four states had an anti trafficking task force composed of members of state and national law enforcement, the legal community, medical and mental health professionals, immigration officials, and women's empowerment and faith-based groups; only Chuuk's task force was active during the reporting period. The government reported it continued to implement its 2014 NAP and three of the four states had action plans linked to the NAP. DOJ conducted a series of awareness activities, both in-person and virtual, throughout the four states for a variety of groups including government officials, school stakeholders, and church members. Public awareness campaigns included radio question and answer programs, installation of anti-trafficking billboards and banners in communities, a walk organized in conjunction with a trafficking awareness program, community distribution of anti-trafficking bumper stickers and t-shirts, and a trafficking awareness text message sent to more than 20,000 cell phone subscribers throughout the FSM. The government did not report any efforts to monitor foreign labor recruitment or provide information on safe migration and human trafficking indicators to Micronesian nationals leaving to work in other countries. While the government continued to report conducting awareness campaigns focused on destigmatizing individuals in commercial sex and closing known brothels, it did not report efforts to reduce the demand for commercial sex.

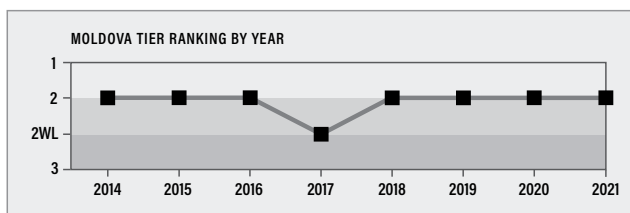
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the FSM, and traffickers exploit victims from FSM abroad. Sex traffickers exploit Micronesian women and girls through commercial sex with the crewmembers of docked Asian fishing vessels, crewmembers on vessels in FSM territorial waters, or with foreign construction workers. Some family members exploit

Micronesian girls in sex trafficking. There are reports of children exploited in commercial sex facilitated by taxi drivers. Local authorities claim many sex trafficking cases are unreported due to social stigma and victims' fear of possible repercussions in their home communities. LGBTQI+ individuals are disproportionately vulnerable to trafficking. Foreign and domestic employers in FSM exploit low-skilled foreign migrant workers in forced labor, including in restaurants. Foreign migrants from Southeast Asian countries report working in conditions indicative of human trafficking on Asian fishing vessels in FSM or its territorial waters. Traffickers recruit FSM women and men with promises of well-paying jobs in the United States and its territories but upon their arrival they are subsequently forced into commercial sex, domestic servitude, or forced labor.

## MOLDOVA: TIER 2

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Moldova remained on Tier 2. These efforts included prosecuting more suspected traffickers, developing a new national referral mechanism (NRM), opening a center for male trafficking victims, and commencing construction of a center for child victims and witnesses of crime, including trafficking. The Prosecutors General Office (PGO) approved guidelines for identifying, investigating, and prosecuting child exploitation cases involving information and communication technologies, and the Superior Counsel of Magistrates extended the mandates of trafficking-specialized judges from one year to five years, increasing judges' experience and understanding of trafficking and creating a more victim-centered judicial environment. Additionally, the government passed an amendment to include trafficking victims as beneficiaries of state-guaranteed legal aid and to return responsibility to the State Labor Inspectorate (SLI) to conduct labor inspections as well as regulate employment agencies, recruiters, and unlicensed labor agents. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking cases, convicted fewer traffickers, and identified fewer trafficking victims. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. The government did not report investigating or prosecuting any complicit officials involved in trafficking crimes, despite a long history of alleged complicity by government employees. Traffickers continued to intimidate victims, and authorities provided uneven levels of protection during court proceedings. Protection and assistance for child victims remained inadequate, and authorities charged children with unlawful acts traffickers compelled them to commit. Finally, the lack of long-term reintegration support left victims susceptible to re-victimization.



## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials. • Implement measures to address corruption in the judicial sector and law enforcement community, including taking steps to shield trafficking investigators and prosecutors from external influence and internal corruption. • Proactively identify trafficking victims, particularly children, including by screening for trafficking



indicators among vulnerable populations and citizens returning to Moldova, and refer victims to care facilities for assistance. • Ensure trafficking victims, including children, are not inappropriately penalized for unlawful acts traffickers compelled them to commit. • Exempt all victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin and ensure all child victims receive special protection measures during trials. • Ensure consistent use of laws and regulations designed to protect victims during trial and prosecute perpetrators of witness tampering and intimidation to the full extent of the law. • Empower authorities to conduct onsite unannounced labor inspections and announced inspections regardless of whether authorities receive written complaints. • Amend the law to allow authorities to inspect facilities when they have suspicions or visual evidence of businesses' involvement in child labor, including forced child labor. • Adopt and implement the new NRM. • Increase efforts to identify and investigate online sex trafficking and child exploitation. • Train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions. • Formalize government oversight of private employment agencies, including monitoring for and penalizing any recruitment fees charged to applicants. • Develop and implement a national action plan for 2021.

## PROSECUTION

The government maintained law enforcement efforts. Articles 165 and 206 of the criminal code criminalized sex trafficking and labor trafficking. The law prescribed penalties of six to 12 years' imprisonment for trafficking offenses involving an adult victim and 10 to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code also criminalized forced labor and imposed penalties of up to three years' imprisonment.

The pandemic severely impeded anti-trafficking efforts, challenging police, prosecutors, judges, government coordinating bodies, social workers, and civil society organizations. The government implemented movement-restriction lockdowns and other social distancing measures that limited the activity of all elements of law enforcement. At various points throughout the year, state employees, including police and prosecutors, worked remotely or on limited schedules. In March 2020, the government closed courts and did not reopen them until June 2020; while closed, courts did not have the capacity to conduct trials or hearings online, delaying all proceedings. When trials resumed, the need to maintain social distancing reduced the caseload of many courts, creating a significant backlog. According to prosecutors, the closure of courts affected negatively and significantly the progress of all criminal cases, including trafficking cases. Consequently, in 2020, authorities conducted 65 investigations (35 sex trafficking, 30 labor trafficking), compared with 153 in 2019 and 223 in 2018. The government initiated 96 prosecutions (60 sex trafficking, 36 labor trafficking), a slight increase from 90 in 2019 and 83 in 2018. Courts convicted 32 traffickers (22 sex trafficking, 10 labor trafficking), compared with 63 in 2019 and 59 in 2018. The majority of convicted traffickers received prison sentences ranging from seven years to 16 years. Additionally, a district court convicted one trafficker for knowingly patronizing or soliciting a trafficking victim for commercial sex acts and issued a suspended sentence. During the reporting period, authorities cooperated with foreign counterparts on trafficking investigations. In one case, Moldovan, Romanian, and French authorities set up a joint investigation team to pursue a labor trafficking case involving Moldovan nationals in France. Authorities arrested 38 traffickers (seven in Moldova); seized 19 vehicles, weapons, phones, and approximately €100,000 (\$122,700) in cash; and froze 11 bank accounts. The investigation began in 2018 when French authorities intercepted a van transporting Moldovan migrants, who were carrying counterfeit Romanian documents. The transnational trafficking ring, set up by a Romanian national living in France, smuggled at least 40 Moldovan citizens to France

to exploit them in the construction sector. The illegal profits from the trafficking scheme totaled nearly €14 million (\$17.18 million).

Perennial problems, including high turnover within the police and prosecutor's office, corruption in law enforcement and the judiciary, and lengthy trials, undermined government efforts. In 2020, the government appointed a new commander who had no background in trafficking investigations to the Center for Combating Trafficking in Persons (CCTIP), the lead anti-trafficking investigative and police agency, and reduced the role of the deputy commander. Furthermore, CCTIP and the Organized Crime Prosecution Office (PCCOCS) continued to suffer from high turnover of experienced staff, limiting the agencies' ability to investigate complex cases, including transnational criminal organizations or complicit government employees. In 2020, a labor trafficking case involving a border police officer from the previous reporting period remained under investigation. Apart from that case and despite a long history of alleged complicity by government employees, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. Furthermore, corruption in the judicial system remained an acute impediment to bringing traffickers to justice with prosecutors, members of the judiciary, and members of law enforcement implicated in corrupt practices. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds. Judges tended to re-qualify cases from trafficking crimes to crimes with lesser penalties, such as pimping, and issue varying sentences to different traffickers for the same crimes committed under the same circumstances. Observers noted prosecutors sent trafficking cases to court without sufficient evidence collection and withheld case files from lawyers representing victims. Moreover, lengthy trials impeded justice and often led to the acquittal of traffickers. Since final verdicts could take years, and by law, authorities could only detain suspects for 12 months, authorities released suspected traffickers before trials concluded, enabling them to flee the country or retaliate against witnesses.

Prosecutors at every level, from the PGO to regional territorial prosecution offices, were responsible for prosecuting trafficking crimes. The PGO maintained a unit with specialized prosecutors, who coordinated anti-trafficking prosecution policies and supervised the work of regional territorial prosecutors when working on trafficking cases. The PGO expanded its mandate to investigate child sexual exploitation cases involving information and communication technologies and approved guidelines for identifying, investigating, and prosecuting such cases. Additionally, the PGO worked with an international organization to develop a methodology for recovering criminal assets and best practices in conducting parallel financial investigations. In 2020, prosecutors seized approximately 21 million Moldovan lei (\$1.23 million) in property, including money, real estate, and movable assets, from traffickers, a significant increase from 1.55 million lei (\$90,750) in 2019. PCCOCS also had a specialized unit for prosecuting trafficking cases initiated by CCTIP as well as cases involving criminal organizations. However, prosecutors assigned to PCCOCS lacked experience handling trafficking cases, and PCCOCS did not require them to meet any specific qualifications for investigating and prosecuting trafficking crimes. The Chisinau Prosecutor's Office maintained an Anti-Trafficking Bureau and conducted the prosecution of trafficking cases from Chisinau municipality; at the district level, specialized prosecutors conducted the prosecution of trafficking cases. Within the judiciary, there were specialized judges trained specifically to handle trafficking cases. In 2020, the Superior Counsel of Magistrates extended the mandates of trafficking-specialized judges from one year to five years, increasing these judges' experience and understanding of trafficking and creating a judicial environment more sensitive to the needs of victims. In 2020, the government provided more than 354 law enforcement officers, prosecutors, judges; and judiciary staff specialized training on investigating, prosecuting, and trying trafficking cases. An additional 225 specialists from the Ministry of Health, Labor, and Social Protection and other state agencies

received training on identifying and assisting victims of trafficking. The National Institute of Justice partnered with an NGO to organize two training courses on identifying, investigating, and prosecuting crimes committed against children using information technology, attended by 28 judges and prosecutors and 36 judicial clerks and prosecutors' assistants. Overall, the government's ability to fund key law enforcement and social protection institutes remained limited. As a result, the government relied heavily on donor funding to train police, border guards, prosecutors, and judges.

## PROTECTION

The government maintained victim protection efforts. According to authorities, pandemic-related challenges, including authorities' prioritization of screening for signs of the virus over trafficking indicators—particularly between February and April 2020 when a wave of Moldovans returned home from Western Europe—severely inhibited identification of trafficking victims. Consequently, in 2020 the government identified 138 trafficking victims (44 sex trafficking, 94 labor trafficking), a significant decrease from 341 in 2019 and 364 in 2018. Of the 139 identified victims, 23 were children (20 sex trafficking, three labor trafficking), a decrease from 109 in 2019 and the lowest number of reported identified child victims since 2011. The National Referral Strategy (NRS) governed identification and referral procedures but expired in 2016. Thus, in cooperation with civil society, the Ministry of Health, Labor, and Social Protection developed a new NRM to be implemented in 2021. During the reporting period, authorities utilized the current NRS, which observers reported lacked policy guidance and hindered efficient identification and referral. Under the terms of the NRS, teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance. While the law permitted the local teams to identify victims, in practice, victims required law enforcement confirmation of identification to access state-funded assistance. Similar to the previous reporting period, a limited number of identified victims received assistance—51 in 2020, compared with 71 in 2019 and 110 in 2018. In 2020, law enforcement referred nearly 50 percent of victims who received assistance to shelters or NGOs, a rise from 30 percent in 2019, indicating increased cooperation with civil society.

The government provided short-term shelters and limited financial assistance for reintegration, including housing and living allowances. Adult victims received assistance in seven government-funded centers and shelters across the country, offering medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. During the reporting period, the government, in collaboration with an international organization, opened the first center to support male trafficking victims with specialized services, including social and rehabilitation services and accommodation for up to 10 men. Civil society psychologists and attorneys remained the most qualified to assist victims, especially in the regions outside of the capital where government social workers frequently lacked trafficking-specific training. Observers reported long-term assistance for victims, particularly long-term reintegration support such as education, counseling, and job-placement, remained a challenge, leaving victims at risk of re-victimization. Observers also reported overall inadequate resources, including insufficient funding, hampered government efforts. In 2020, the government allocated approximately 12.7 million lei (\$743,560) for victim assistance, compared with 11 million lei (\$644,030) in 2019. The government often relied on NGOs and international organizations to supplement government funding. In contrast to previous years, the government financed transportation and escorts for repatriated victims; the government also helped repatriated victims access social support services and facilitated identity documents for unaccompanied children. In 2020, the Ministry of Health, Labor and Social Protection facilitated the repatriation of eight adult victims from France and Portugal using funds from the state budget. Foreign victims received the same access to care as citizens; however, refugees and asylum-seekers received assistance in specialized centers under the Migration and Asylum Bureau. Observers noted a lack of adequate and immediate social

support, including, shelter, medical care, and counseling, for foreign victims before determination of their legal status. Moldovan law permitted foreign victims a 30-day reflection period, during which they could receive assistance and protection while determining whether to cooperate with law enforcement. Foreign victims who chose to cooperate with law enforcement received temporary residency. Victims in Transnistria could not access or benefit from Moldovan services or legal protections.

There were two referral mechanisms to support child victims: the NRS and the Inter-sectorial Collaboration Mechanism for the Protection of Children. The latter enabled social services to refer children presumed to be at risk of violence, neglect, exploitation, or trafficking to law enforcement. Additionally, the Ministry of Education, Culture, and Research established a mechanism for identifying and reporting child abuse, including trafficking, in state institutions. Nonetheless, reports persisted of management in state institutions participating in the exploitation of children. The Center for Assistance and Protection of Victims of Human Trafficking (CAP) assisted child trafficking victims. CAP offered legal, social, and psychological assistance, as well as accommodation to child victims. In 2020, CAP assisted 10 child victims in the shelter in Chisinau. The CAP shelter in Chisinau remained the only facility for child victims and provided limited social services for 30 days followed by placement into permanent housing and continued counseling and assistance. Authorities also placed child victims in foster care, orphanages, state residential schools, group homes, or other types of temporary residential facilities due to the lack of dedicated facilities. However, in 2020, the government began construction of one of three new regional centers for integrated assistance for child victims and witnesses of crime, including trafficking, designed to provide specialized medical, psychological, and social care and allow for forensic medical examinations and interviews with trained specialists in a safe environment. The government envisioned the first center, located in Balti, to serve children from 12 cities and districts across northern Moldova and operate under the management of the National Center for Prevention of Child Abuse. The government projected the remaining two centers in Chisinau and Cahul to serve the center and southern part of the country. Civil society reported the lack of services for resocialization and reintegration for child victims of sexual exploitation put them at a higher risk for institutionalization and further trauma. The government financed a 24-hour, NGO-run hotline for children, which provided psychological counseling and information to parents and children experiencing exploitation.

Overall, the government did not adequately protect victims participating in investigations and prosecutions. Law enforcement seldom fully informed victims of their rights, and victims did not understand court proceedings. The law required adult victims to confront their alleged traffickers in person, putting victims at risk for re-traumatization and likely deterring victims from reporting crimes. In cases involving child victims ages 14 to 18, judges permitted traffickers to be present during child interviews and often refused to apply special interviewing measures, such as conducting interviews in specially equipped rooms and with a psychologist present. Judges frequently disregarded laws and regulations designed to protect victims during trial proceedings thereby violating victims' rights and allowing traffickers to intimidate some victims in the courtroom such that the victims felt pressured to change their testimony. Authorities could fine or imprison victims for making false statements if they changed their testimony, whether unintentionally due to the trauma experienced or deliberately due to bribes or intimidation. In 2020, law enforcement opened one investigation for threatening murder or grave bodily harm related to witness intimidation and 14 criminal investigations for inducing false statements in trafficking cases. In the former case, authorities arrested and imprisoned the suspects. A 2020 amendment to the law on state-guaranteed legal aid added trafficking victims to the list of eligible beneficiaries, granting them access to free legal assistance without providing proof of indigence; two victims benefited from public legal representation in 2020. However, victims

continued to rely mostly on NGOs for legal assistance, and NGOs relied on donors to fund the services. The State Guaranteed Legal Aid Council, in partnership with an international organization, developed a trafficking guide with recommendations for legal aid lawyers on how to better assist victims. The law allowed victims to file for compensation but only if prosecutors filed charges against traffickers or cases ended in convictions. In 2020, victims filed 73 civil suits. The criminal code exempted trafficking victims from criminal liability for committing offenses because of their exploitation. However, when authorities classified cases under related statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. Similarly, when authorities reclassified sex trafficking cases to pimping cases, victims were no longer exempt from punishment and could be charged with commercial sex offenses. According to an NGO, the government charged five children from 2018 to 2020 with unlawful acts traffickers compelled them to commit.

## PREVENTION

The government increased prevention efforts. The government continued to implement the 2018-2020 national action plan (NAP) as part of the 2018-2023 national strategy. While the government allocated financial and human resources to the NAP, in practice it was heavily dependent on assistance from international partners for many of its training and support activities. During the reporting period, government action on the plan's objectives stalled; only some of the objectives were partially completed, and frequent staff turnover at key investigative and prosecution institutions undermined some of the plan's goals. In consultation with civil society, the Permanent Secretariat of the National Committee on Combatting Trafficking started drafting the 2021-2023 NAP. The Permanent Secretariat oversaw the coordination, monitoring, and evaluation of all anti-trafficking policies. Each municipality and Gagauzia—a Turkic-speaking autonomous territorial region—maintained a Territorial Commission for Combatting Trafficking to coordinate efforts at the local level. The commissions composed of local elected officials, local law enforcement, prosecutors, and social service providers. In collaboration with civil society and international organizations, the government executed several awareness campaigns, mostly funded by donor assistance, including one on the sexual and commercial exploitation of children in vocational schools. However, in 2020 the government conducted a series of low-cost awareness raising activities funded by the state, including creating a video promoting available resources for potential victims. The government funded and operated several trafficking hotlines available in Romanian and Russian and referred 18 calls to law enforcement for investigation, three of which led to prosecutions. The PGO, in coordination with an NGO, created a "Guide on Combatting Sexual Abuse and Exploitation of Children via Information Technologies" to address the rise in vulnerability among children who spent significant amounts of time online as a result of the pandemic. The government made efforts to reduce the demand for commercial sex acts by developing, in collaboration with an NGO, the methodology for a behavioral analysis study of convicted child sex offenders.

In 2020, Parliament approved amendments returning responsibility to the SLI to conduct occupational safety and health inspections and regulate employment agencies, recruiters, and unlicensed labor agents. Experts noted this was an important first step toward ensuring the functional integrity of the SLI and conforming with international labor standards. However, SLI noted limited authority to penalize companies for labor law violations and insufficient financial and human resources to conduct inspections. Furthermore, due to the pandemic, from March to June 2020 the government put a moratorium on inspections and related regulatory activities. When the moratorium expired, SLI labor inspectors resumed work, though in a limited capacity and mostly remotely, conducting inspections from their offices. The law limited unannounced labor inspections, which were the country's main mechanism to identify child labor, including forced child labor, and permitted authorities to conduct onsite inspections provided they received written complaints and

gave businesses five days' notice, giving traffickers opportunity to evade detection. During inspections, authorities could only focus on the alleged violation outlined in the complaint, even if they identified other egregious violations, such as forced child labor. The law prohibited authorities from inspecting facilities, even when they had suspicions or visual evidence of businesses' involvement in child labor, including forced child labor. Due to these restrictions, government and NGO sources reported the child labor violations identified by the government did not reflect the scale of the country's problem. In 2020, the government removed four children from potential child labor situations, and the SLI did not identify any cases of forced labor, debt bondage, or slavery. Moreover, there was no mechanism to conduct labor inspections, including for child labor and forced child labor, in Transnistria. The government reported conducting 305 unannounced labor inspections in 2020. Private employers could only be inspected upon referrals from law-enforcement bodies or complaints received from private citizens. A report based on a national information campaign on the risks of labor trafficking noted law enforcement was slow to investigate private employment agencies.

Observers noted the general lax oversight and control of private recruitment agencies, particularly those offering foreign job opportunities, as a key trafficking vulnerability. The amendments to the law allowing SLI to regulate private recruitment agencies included requiring recruiters to provide transparent, legally binding contracts for prospective workers. Agencies in violation of the law faced criminal charges for trafficking, among other penalties. The National Agency for Employment provided information on the benefits of a registered employment contract between employees and employers and the risks of illegal employment abroad. The agency also conducted information sessions on safe migration. Moldovan law prohibited agencies from charging recruitment fees or taxes to job seekers. During the reporting period, Moldova established bilateral work agreements with Israel and Bulgaria to allow Moldovan workers to be recruited under a government-sponsored framework to perform migrant labor in those two countries, protect workers' rights, and prevent exploitation. Moldova's public procurement law banned government agencies from contracting with any person or company convicted of trafficking crimes or child labor violations in the previous five years. In 2020, the Ministry of Finance issued updated guidance on public tenders that included a mechanism to exclude any economic agent involved in trafficking or child labor. The criminal laws against trafficking included penalties for individuals or companies profiting from trafficking.

## TRAFFICKING PROFILE

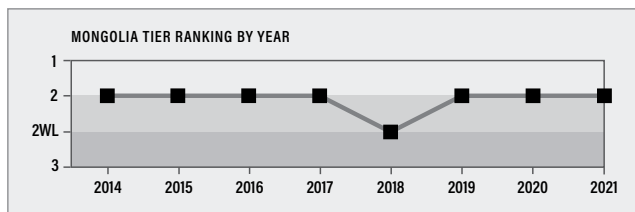
As reported over the past five years, human traffickers exploit domestic and foreign victims in Moldova, and traffickers exploit victims from Moldova abroad. Traffickers typically recruit victims through personal contacts but, due to the pandemic, increasingly use the internet and social media. Most victims are from rural areas and have low levels of education. Traffickers exploit Moldovan victims in sex trafficking and labor trafficking within Moldova and in other parts of Europe, particularly Russia. Victims of sex trafficking are overwhelmingly women and girls. Traffickers operating in Romania and Moldova exploit Moldovan women and girls through Romania with fraudulent passports in trafficking operations across Europe. Children are exploited in online child pornography, which experts note is used as a grooming method for sex trafficking. Cases involving child victims were mostly sex trafficking cases occurring in Chisinau. Traffickers exploit children, some as young as 10, in commercial sex and child labor, mostly in agriculture, construction, service, and industrial sectors. Children living on the street or in orphanages or abandoned by parents migrating abroad remain vulnerable to exploitation. Observers express concern that corrupt management in state institutions exploit children in domestic services or on farms. Labor trafficking remains the most prevalent form of exploitation among adult male victims. Labor migrants remain at risk of trafficking, particularly in labor-intensive sectors such as the construction industry.



The undocumented or stateless population, including the Roma community, within Moldova are at risk of exploitation, primarily in the agricultural sector. The breakaway region of Transnistria remains a predominate source for sex trafficking victims. Women from the Gagauzia Autonomous Territory are vulnerable to sex trafficking in Turkey. Official complicity in trafficking continues to be a significant problem in Moldova.

## MONGOLIA: TIER 2

The Government of Mongolia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Mongolia remained on Tier 2. These efforts included investigating, prosecuting, and convicting significantly more traffickers, including in relation to alleged forced labor crimes; improving coordination among ministries and with key international and NGO stakeholders; and repatriating more victims than the previous reporting period. However, the government did not meet the minimum standards in several key areas. For at least the ninth consecutive year, the government did not formally identify any male victims. Police continued to penalize some child sex trafficking victims under commercial sex offenses, rather than formally identifying and referring them to protection services. Law enforcement officers found guilty of facilitating trafficking crimes received administrative sanctions, rather than facing criminal charges for their complicity.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking offenses—including those allegedly committed or facilitated by law enforcement officials, and in partnership with law enforcement counterparts in common destination countries—using Articles 12.3 and 13.1 of the criminal code, rather than under alternative administrative or criminal provisions that prescribe significantly lower penalties. • Increase efforts to detect, investigate, prosecute, and secure convictions for forced labor crimes. • Amend relevant laws to ensure victims' access to protection services regardless of whether officials initiate formal criminal proceedings against their alleged traffickers. • Systematize and fully implement formal procedures to guide government officials, including police, immigration, and labor authorities, in victim identification and referral to protective services—especially among men and boys; foreign workers; domestic and foreign nationals transiting major border crossing areas; domestic coal transport workers exploited or abused by Chinese employers; women and children living in mining communities; and LGBTQ+ persons. • Strengthen inter-ministerial coordination to combat trafficking and protect its victims. • Amend Articles 16.1 and 16.4 of the criminal code to increase prescribed penalties such that they are in line with penalties for other child trafficking crimes. • Cease all penalization of child sex trafficking victims. • Amend relevant legislation to explicitly prohibit employers, recruiters, and labor agents from charging workers recruitment fees, confiscating their identity or travel documentation, switching their contracts without consent, and withholding their wages as a means of coerced retention. • Allocate additional resources for, and increase efforts to train officials on, implementation of anti-trafficking provisions of the criminal code, especially among rural

prosecutors' offices. • Allocate increased funding to support and expand both government and NGO-run shelters and other forms of tailored victim assistance and protection, including for male victims and children. • Expand the availability of assistance funds to all Mongolian victims identified abroad, regardless of what type of trafficking crime they suffer. • Strengthen efforts to monitor the working conditions of foreign laborers employed in Mongolia and screen them for labor trafficking indicators, including by increasing funding, resources, and training for labor inspectors and allowing them to conduct unannounced inspections.

### PROSECUTION

The government increased law enforcement efforts. Article 13.1 of the criminal code criminalized sex trafficking and labor trafficking; it prescribed penalties of two to eight years' imprisonment for offenses involving an adult victim, and five to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Article 12.3 of the criminal code criminalized sexual exploitation offenses, including some forms of sex trafficking; penalties ranged from two to eight years' imprisonment for trafficking offenses involving individuals older than the age of 14, and 12 to 20 years' imprisonment for those involving children younger than the age of 14. As in prior years, authorities sometimes prosecuted trafficking crimes under statutes carrying lesser penalties. Articles 16.1 and 16.4 criminalized "inducing a child to the committing of a crime" and "forcing a child into begging," respectively; they both prescribed penalties of a travel ban for one to five years or one to five years' imprisonment. In previous years, some prosecutors reportedly charged child forced begging cases as misdemeanors, rather than as criminal offenses. Observers noted complex case initiation and referral procedures, coupled with restrictions on contact between anti-trafficking police and prosecutors, at times hindered investigations and prosecutions.

The government frequently redirected law enforcement resources and personnel to contain the pandemic, at times interrupting certain anti-trafficking efforts. Despite this change, arrests, investigations, and judicial proceedings continued. During the reporting period, the government initiated 36 sex trafficking investigations involving at least 49 alleged perpetrators (compared with 10 investigations involving 24 alleged perpetrators in 2019). Eleven of these investigations resulted from police raids on saunas, massage parlors, hotels, karaoke bars, and other venues suspected of facilitating commercial sex, as well as from police monitoring of sex solicitation on social media. The National Police Agency (NPA) maintained an anti-trafficking unit, which conducted eight of these investigations (compared with 10 in 2019). Sixteen investigations of alleged sex trafficking crimes initiated in the previous reporting period were ongoing. Unlike in 2019, authorities initiated a new investigation into a case of alleged forced labor during the reporting period; the case involved three Burmese nationals reportedly coerced to work without pay through threats of deportation. Three forced labor investigations initiated prior to 2019 and one investigation into a possible case of forced child begging initiated in 2019 remained in process at the end of the reporting period. As in previous years, authorities did not initiate any new prosecutions of alleged forced labor crimes; however, they newly prosecuted a total of 21 defendants for alleged sex trafficking crimes, including four defendants under Article 12.3 and 17 under Article 13.1 (compared to three and six, respectively, in 2019). Proceedings against 40 defendants whose prosecutions began in 2019 were ongoing at the end of the reporting period. Courts convicted 18 individuals under anti-trafficking articles in 2020—17 under Article 13.1 and one under Article 12.3—compared to a total of 12 in 2019; courts did not secure any convictions of labor traffickers (compared with three in 2019). Courts also convicted two individuals under Article 12.6 ("organizing prostitution"); authorities did not provide sufficient detail to ascertain whether these cases featured trafficking elements according to international definitional standards. Unlike the previous year, the government did not initiate any prosecutions

under Articles 16.1 or 16.4. The government did not report full sentencing data, but officials reported courts sentenced 17 traffickers to prison terms ranging from five to 26 years' imprisonment under Article 13.1 and one trafficker to seven years' imprisonment under Article 12.3—a significant increase from 12 traffickers convicted and sentenced to prison terms ranging from five to eight years in 2019. The government did not provide information on restitution payments to victims as part of sentencing (compared with 798,400 Mongolian tugriks (MNT), or \$280, to at least one victim in 2019).

Due to the misconception among many government officials that traffickers only exploit women and girls, authorities rarely used Articles 13.1 or 12.3 to prosecute cases in which traffickers targeted male victims and instead used provisions with less stringent penalties. The government continued organizing, facilitating, and providing funding and in-kind support for specialized training courses for law enforcement officers and social workers on trafficking. However, law enforcement authorities noted judiciary officials' general unfamiliarity with trafficking-specific provisions of the criminal code continued to lead to lesser charges in some cases. Contacts described an acute need for additional training, resources, and dedicated personnel to properly handle trafficking cases. Mongolia maintained mutual legal assistance agreements with China, Thailand, and Malaysia. Law enforcement authorities continued to share information and cooperate on an ad hoc basis with anti-trafficking counterparts in the Inner Mongolia Autonomous Region of China.

In September, a police officer aided the owner of a massage parlor in abusing and coercing the continued labor of three Burmese nationals through threats of deportation; in response, the NPA issued an administrative sanction barring the police officer from promotions or transfers for one year but did not seek criminal liability for the officer's complicity in forced labor. As in prior years, authorities did not report any criminal investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## PROTECTION

The government increased efforts to protect victims. Mongolia maintained a National Anti-Trafficking Program (2017-2021) and work plan aimed at improving prevention and protection efforts; the government continued to operate on a budget of 509 million MNT (\$178,610) allocated in 2019 to implement this program (709 million MNT (\$248,790) in 2018 and no funding in 2017). However, the government redirected portions of this budget to respond to the pandemic. In previous years, this budget allocation allowed border authorities to use immigration software to screen for trafficking indicators among hundreds of Mongolian children traveling internationally with and without their parents or legal guardians; as pandemic mitigation closures largely prevented the crossing of international borders during the reporting period, no victims were identified or prevented from leaving the country using this software in 2020 (compared with 105 interdictions in 2019 and none in 2018). The government also allocated 30 million MNT (\$10,530) to fund the primary service provider NGO's activities in shelter provision, psycho-social and medical care, and legal assistance. In October, Mongolia's cabinet approved a resolution to increase the 2021 budget for child welfare by 2.5 billion MNT (\$877,260) and to more than triple the number of child protection officers working nationwide.

NGOs continued to provide the vast majority of Mongolia's limited victim services, in some cases with government assistance. Two shelters run by an NGO were the main victim service providers in the country; only one could accommodate male victims, and neither was accessible to persons with disabilities. The government ran at least two shelters that housed trafficking victims alongside victims of domestic violence and other forms of abuse; only one shelter was designated solely for trafficking victims, and contacts reported child sex trafficking victims experienced further sexual abuse within two of these shelters due to poor oversight and lack of specialized care. NPA investigators reported using a trafficking risk assessment

checklist containing 11 questions to identify victims; however, use of this checklist was sporadic, and the process did not include screening of vulnerable groups. In practice, NGOs indicated victim identification and referral procedures were vague, not sufficiently systematic, and often depended largely on the awareness and initiative of individual officers.

Authorities did not maintain complete statistical records on victim identification or service provision. Redirection of human and financial resources to the pandemic response at times negatively affected the capacity of front-line officers to identify victims of trafficking, particularly among child victims of forced labor. Neither the government nor the primary service provider NGO identified any male victims during the reporting period, despite continued NGO reports of the prevalence of trafficking among men and boys. However, unlike the previous year, the government collaborated with an NGO on the identification of foreign victims of forced labor. According to available data, police identified 40 female trafficking victims, including 24 girls – a decrease from 20 girls and 48 adult women identified in 2019 (20 total victims identified in 2018). Observers ascribed this decrease to the closure of businesses traditionally associated with commercial sex as a public health measure during the pandemic, which complicated law enforcement detection of some trafficking crimes. Authorities referred as many as 41 Mongolian victims to NGO shelter services during the reporting period—a significant increase from five referrals in 2019—although some of these may have originated from other NGOs or victims' personal relationships. Police separately referred three potential child victims to government shelter services. With funding from the government, the primary service provider NGO reported assisting 46 potential victims, including 43 Mongolians and three Burmese nationals (compared with 34 Mongolian sex trafficking victims in 2019). Immigration authorities granted the Burmese nationals temporary residency status until they were ready to repatriate. The NGO also provided 24 victims with pro-bono legal assistance during the reporting period (compared with 11 in 2019). The same NGO in turn formally supplied information on 13 cases involving 39 of the victims to the NPA for criminal investigations into the relevant suspects (compared with 12 cases involving 20 victims in 2019). The NPA's Victim and Witness Protection Department reportedly staffed psychologists who were equipped to handle domestic violence cases, but they did not provide information on services provided to trafficking victims in 2020 (no services rendered in 2019). In previous years, NGOs conducted screenings for at-risk women and girls at a key border crossing with China, at times advising some of them not to travel and providing them with information on available assistance options. Amid comprehensive border closures and travel bans during the pandemic, much of this work was suspended.

Article 8.1 of the criminal procedural code included language that reportedly denied trafficking victims' access to protective services until prosecutors had initiated cases against their alleged traffickers, thereby obstructing access to protective services for some victims. In practice, some officials claimed victims were able to access protection services regardless of whether relevant prosecutions had begun. In an effort to address this ambiguity in 2018, the Ministry of Justice and Home Affairs (MOJHA) created a working group and instituted an intra-governmental comment period to consider amendments to the Law on Victim and Witness Protection. However, for the second consecutive year, authorities did not report on the outcome, status, or projected timeframe of that review process. Some trafficking victims may have experienced delays in or denials of access to protection services while awaiting the results of mandatory COVID-19 screening procedures. Article 15 of the anti-trafficking law stipulated victims were entitled to compensation for damages wrought by their traffickers, but officials and non-governmental observers agreed inconsistencies between the criminal code and the civil code made this provision impossible to fully implement. Mongolia's Immigration Agency, the General Authority for Border Protection (GABP), and the Consular Department within the Ministry of Foreign Affairs (MFA) shared responsibility for handling cases involving Mongolian trafficking

victims abroad. The latter maintained a fund to assist Mongolian victims, but it was only available in cases involving organized crime syndicates or “grave harm” – a distinction that was unclear in application. In 2020, authorities partnered with NGOs to repatriate 15 Mongolian victims from Malaysia, compared with one each from China, Kyrgyzstan, and the Philippines in 2019.

Mongolia’s Law on Petty Offenses, which allowed authorities to detain anyone apprehended on suspicion of commercial sex crimes for seven to 30 days, reportedly continued to place some victims at risk of penalization for unlawful acts their traffickers compelled them to commit. Following a series of raids conducted during the reporting period, authorities fined two girls under prostitution provisions of the Law on Petty Offenses (compared with none in 2019). Contacts also noted some victims were hesitant to self-report or testify due to fear that they may face prosecution for such crimes. Mongolian law did not provide legal alternatives to the removal of foreign victims to countries in which they could face retribution or hardship. The Immigration Agency did not provide comprehensive deportation statistics for 2020 (compared with more than 1,500 foreign nationals deported to 26 countries in 2019), but the volume was likely significantly lower given pandemic-related travel restrictions and border closures. The adequacy of screening procedures was difficult to gauge amid limited deportations in 2020, but screening procedures in previous years were neither universally implemented nor sufficient to detect all forms of trafficking.

## PREVENTION

The government maintained efforts to prevent trafficking. Authorities postponed or curtailed some elements of anti-trafficking training, funding, and general interagency coordination as a result of the pandemic. The government also redirected over half of funding previously allocated for the National Anti-Trafficking Program (2017-2021) and corresponding work plan to pandemic prevention activities. Under the management of a National Sub-Council, the program aimed to provide technical guidance on trafficking prevention and coordinate interagency efforts to implement relevant legislation; some contacts continued to express concern over insufficient interagency coordination, but the government sought expertise and resources from international donors and NGOs in an attempt to address this shortcoming. In conjunction with international organizations, the government conducted three trafficking-related research programs during the reporting period—an assessment on Mongolia’s anti-trafficking legislation, an analysis of risk factors among trafficking victims in Mongolia, and a study on child victimization through social media channels—but it did not provide information on the outcome of these studies or their utilization. In 2019 the Family, Child, and Youth Development Agency began assembling a large database containing information on at-risk populations, and it worked with an international organization to establish multidisciplinary committees focusing on at-risk children’s rights and protections at the district and provincial capital levels; however, authorities did not provide information on the status of this work in 2020. A portion of government funding for the primary service provider NGO supported the maintenance of a hotline system; although five potential victims were identified through the hotline, the calls did not result in trafficking investigations (compared with one sex trafficking investigation in 2019). Officials continued to disseminate a daily trafficking-themed public service announcement (PSA) on social media and television. In partnership with the Government of South Korea, the Ministry of Labor and Social Protection (MLSP) continued to produce materials raising awareness on trafficking. Mongolian officials also participated in international training sessions on sex trafficking prevention under a four-year agreement with the Government of South Korea.

The MLSP’s General Agency for Labor and Social Welfare had the authority to monitor labor agreements for foreign nationals working in Mongolia, as well as those for Mongolians working in countries that had bilateral work agreements with Mongolia. The government

maintained such agreements with South Korea, Czech Republic, and Japan; observers noted these agreements were not always sufficiently implemented to prevent labor abuses, including trafficking. The General Authority for Specialized Investigation (GASI) had the authority to inspect labor contracts, monitor compliance with the law for all workers in Mongolia, and conduct inspections of working conditions in Mongolian formal sector establishments. In prior years, officials and NGOs noted funding and resources for the inspectors were too low to provide comprehensive oversight, and the government did not report statistics on, or the outcomes of, these inspections. Moreover, GASI was required to give employers five days’ advance notification before conducting an inspection in most cases, raising concerns that employers may have been able to conceal violations in the interim. In 2019 authorities reportedly began a formal process to consider amendments outlining unannounced inspections, but the process did not culminate in the introduction or passage of any such amendments for the second consecutive year. Officials stated redirection of human and financial resources in response to the pandemic constrained inspection activities. Observers noted the government did not take adequate measures to monitor or protect the labor rights of Mongolian truckers facing a range of vulnerabilities—including wage garnishing, arbitrary fines, injuries, and substandard living and working conditions—stemming from prolonged customs delays on the Chinese border and abusive policies set by attendant Chinese employers. For the second consecutive year, and despite the marked increase in reported commission of commercial sex at private residences and other nontraditional sex-on-site establishments during the pandemic, the government did not report taking measures to reduce the demand for commercial sex acts. Contrary to international standards, the government did not explicitly prohibit employers, recruiters, and labor agents from charging workers recruitment fees, confiscating their identity or travel documentation, switching their contracts without consent, or withholding their wages as a means of coerced retention. To improve regulation of recruitment practices according to international standards, the government collaborated with an international organization to draft revised labor legislation; the draft remained in process at the end of the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mongolia, and they exploit victims from Mongolia abroad. Traffickers may also use Mongolia as a transit point to exploit foreign individuals in sex trafficking and forced labor in Russia and China. Traffickers exploit Mongolian men, women, and children in forced labor in China, India, Kazakhstan, Norway, Sweden, Turkey, and the United Arab Emirates, and in sex trafficking in Belgium, Cambodia, China, Germany, Hong Kong, Japan, Macau, Malaysia, Philippines, South Korea, Sweden, Turkey, and the United States, as well as in Mongolia. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. Most sex trafficking of Mongolian victims from rural and poor economic areas occurs in Ulaanbaatar, provincial centers, and border areas. A recent civil society survey found domestic violence drives the vast majority of Mongolian trafficking victims to seek and accept unsafe employment opportunities on which traffickers prey; this vulnerability has reportedly increased as a result of state-ordered residential quarantines amid the pandemic. During periods of pandemic-related business closures, clandestine sex trafficking in private residences is reportedly increasing, including through the use of blackmail on social media as a coercive method. Traffickers exploit women and girls in sex trafficking in Mongolian massage parlors, illegal brothels, hotels, bars, and karaoke clubs, sometimes through the permissive facilitation of local police. LGBTQI+ individuals are vulnerable to trafficking amid widespread discrimination that often jeopardizes their employment status and complicates their access to justice. Transgender women in particular are at higher risk of sex trafficking due to pervasive social stigma barring them from employment in the formal sector. Mongolian communities experiencing widespread unemployment due to the pandemic-



especially women and informal sector workers- are more vulnerable to sex trafficking and forced labor. Tourists from Japan and South Korea reportedly engaged in child sex tourism in Mongolia in prior years; some civil society groups believe this practice persists.

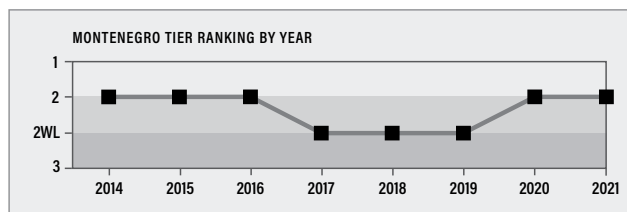
The ongoing development of the mining industry in southern Mongolia continues to drive growing internal and international migration, intensifying trafficking vulnerabilities – especially along the China-Mongolia border. Truck drivers transporting coal across the Chinese border in Omnogovi Province are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

Traffickers force some children to beg, steal, or work in other informal sectors of the economy, such as horseracing, herding and animal husbandry, scavenging in garbage dumpsites, and construction. Some families are complicit in exploiting children in sex trafficking and forced labor. In previous years, traffickers have forced Mongolian girls to work as contortionists—often under contractual agreements signed by their parents—primarily in Mongolia and Turkey, and to a lesser extent in Hong Kong and Singapore. Mongolian boys are at high risk of forced labor and sex trafficking under visa regimes that enable them to work indefinitely as horse jockeys and circus performers across the Chinese border, provided they return with a chaperone once a month; this frequent facilitated transit also makes them more vulnerable to trafficking. Traffickers compel women and girls to work in domestic service and engage in commercial sex acts after entering into commercially brokered marriages with men from China and, to a lesser extent, Korea. Mongolians stranded abroad as a result of pandemic-related travel restrictions may have been at elevated risk of sex trafficking and forced labor due to immigration statuses that prevent them from seeking employment in host countries' formal sector economies. Chinese companies hire Mongolian men and boys to work at agricultural operations for compensation far below minimum wage and under ambiguous immigration status, placing them at high risk of trafficking. Some micro-lending institutions in China reportedly retain Mongolians' passports as a form of collateral, leaving them vulnerable to immigration status-related coercion.

Chinese workers employed in Mongolia are vulnerable to trafficking as contract laborers in construction, manufacturing, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining. Some of them experience contract switching when they enter the country, making them especially vulnerable to coercion due to resultant immigration violations. Some Russian and Ukrainian women entering Mongolia through Chinese border crossings for short visits under visa-free regimes may be sex trafficking victims. Observers report corruption among some Mongolian officials facilitates sex trafficking in illicit establishments and impedes the government's anti-trafficking efforts.

## MONTENEGRO: TIER 2

The Government of Montenegro 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Montenegro remained on Tier 2. These efforts included indicting more defendants and identifying more victims. The government adopted standard operating procedures (SOPs) for the Team for Formal Identification of Trafficking Victims (TFITV), which assessed and officially recognized potential victims, and added a psychologist from an NGO to the TFITV. The government increased resources to the anti-trafficking shelter (the shelter) and established a coordinating body to monitor the implementation of the national anti-trafficking strategy for 2019-2024. However, the government did not meet the minimum standards in several key areas. The government investigated fewer suspects and convicted fewer traffickers. Police refused to refer a victim to support services due to pandemic mitigation measures and required the victim to quarantine for 28 days, during which the victim faced domestic violence. The government did not appoint a new national coordinator, and the shelter's staff lacked experience in victim assistance, particularly victim confidentiality; the shelter often published photos of victims on social media with censored faces but identifiable characteristics, such as clothes and location.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code. • Establish victim confidentiality and privacy measures at the shelter and ensure the shelter adheres to high victim protection standards, including sustainably spending resources. • Establish and implement procedures to identify and refer victims safely and quickly, while adhering to pandemic mitigation measures. • Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions, including collecting evidence on subtle forms of coercion or the use of specialized investigative techniques. • Increase proactive screening of potential victims, especially for individuals in commercial sex, migrants, seasonal workers, and children engaged in begging. • Increase access to justice and victim-witness protection for victims, including access to experienced attorneys and protection from intimidation and threats. • Incentivize and encourage victim participation in investigations and prosecutions in a victim-centered manner. • Integrate Romani groups into decision-making processes regarding victim protection. • Create and finance an accessible compensation fund and inform victims of their right to compensation during legal proceedings. • Regulate and monitor labor recruitment agencies.

### PROSECUTION

The government maintained law enforcement efforts. Article 444 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties ranging from one to 10 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated four cases (seven in 2019). The government indicted five defendants (two in 2019) and continued to prosecute five defendants indicted in the previous reporting period. Courts convicted

one trafficker (two in 2019) and acquitted two individuals. Judges sentenced the trafficker to 10 years' imprisonment for forced begging (one trafficker received 17 years' imprisonment and the other 14 years' imprisonment for sex trafficking in 2019).

The government maintained a multi-disciplinary task force to proactively investigate trafficking. The Department of the Suppression of Criminal Offenses of Trafficking in Persons and Smuggling (DSCOTPS) within the Police Directorate (PD) conducted proactive investigations. Law enforcement conducted raids on bars, nightclubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations in 2019 or 2020. In previous years, authorities investigated and prosecuted possible sex trafficking cases under other offenses, such as brokering in prostitution (Article 210). Basic State Prosecutor's Offices (BSPO) stopped some potential trafficking investigations when they secured enough evidence to prosecute under Article 210 and did not investigate for more subtle forms of coercion or seek additional evidence through specialized investigative techniques; however, the government changed case referral procedures in 2019 by requiring the Higher State Prosecutor's Office (HSPO) to initially review all trafficking-related cases and refer cases not deemed as trafficking to BSPO. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government maintained institutionalized training programs for police, prosecutors, and judges on various anti-trafficking issues. The government continued an ongoing trafficking investigation with Taiwan authorities, including legal assistance and extradition of a suspect to Taiwan.

## PROTECTION

The government increased victim protection efforts. The government identified 48 official victims (39 official victims in 2019). Of these, 46 were victims of forced labor, including seven victims of forced begging, and two were victims of sex trafficking (all were victims of forced labor in 2019); 17 were females and 31 were males (12 females and 27 males in 2019); and seven were children (none in 2019). First responders carried out the preliminary identification of possible victims and then contacted police who formally recognized the individuals as potential victims. Police officers proactively screened foreign nationals and individuals in commercial sex for indicators of trafficking. In previous years, observers reported that the low number of identified victims reflected inadequate victim identification procedures. The government established TFITV to assess and officially recognize potential victims and coordinate victim care and placement, and it drafted new SOPs for identifying and referring victims to services in 2019, including eliminating the requirement for victims to cooperate with law enforcement in order to receive services. TFITV comprises a doctor, a psychologist from the Women's Rights Center, police, a social worker from the Center for Social Work, and a representative from the Office for the Fight against Trafficking in Persons (TIP office). In October 2020, the government adopted the SOPs and added a psychologist from an NGO to TFITV after civil society organizations voiced their interest in participating in the victim identification process; TFITV met 19 times and conducted nine field missions. The government provided training on victim identification and assistance to police, labor inspectors, health workers, social workers, and members of TFITV. However, observers reported an NGO worker identified a potential foreign victim in March 2020, but police refused to initiate the referral process without an approval from a health and sanitation inspector and threatened the victim and NGO worker with charges for not complying with pandemic mitigation measures. A health and sanitation inspector subsequently required the potential foreign victim and NGO worker to quarantine for 28 days, during which the potential foreign victim faced domestic violence. An NGO-run shelter housed the potential foreign victim in April 2020, and after persistent advocacy, DSCOTPS started an investigation and transferred the victim to the shelter in June 2020.

In 2019, the Ministry of Interior (MOI) transferred funding responsibilities for victim protection to the Ministry of Finance and Social Welfare (MFSW), which subsequently defunded the only NGO-run shelter due to its inability to obtain necessary licenses to provide victim assistance. MFSW opened a call for proposals to establish a new shelter and selected an NGO with the necessary licenses. The MFSW allocated €67,530 (\$82,860) to the shelter, including €40,000 (\$49,080) for operational costs and €250 (\$310) per month for each victim accommodated at the shelter, an increase compared with €40,000 (\$49,080) in 2019. The shelter provided specialized services for both potential and officially recognized trafficking victims, including immediate needs, health care, psycho-social support, legal assistance, and reintegration assistance; the shelter housed 14 victims in 2020 (two in 2019). The shelter purchased personal protective equipment (PPE) and COVID-19 tests and adopted social distancing measures, including separate rooms for victims awaiting COVID-19 test results. DSCOTPS also donated disinfectants and PPE to NGOs and the shelter. The shelter could accommodate six victims up to a year, including adult males, adult females, and children, in separate living quarters. Adult victims could leave the shelter after a security and psychosocial evaluation by shelter staff. MFSW operated local social and welfare centers and two regional institutions, which provided general services for victims of abuse, including trafficking victims. A self-administered evaluation of the shelter's support services concluded beneficiaries and visitors of the shelter were satisfied with the quality of care, staff, and facility. However, other experts reported concerns with the shelter staff's lack of experience in victim protection, including unnecessary operational costs and victim confidentiality concerns. For example, the shelter often published photos of victims on social media with censored faces but identifiable characteristics, such as clothes and location.

There were no reports the government penalized victims for crimes their traffickers compelled them to commit. The law allowed foreign victims to acquire temporary residence permits from three months to one year with the ability to extend; no victims applied for temporary residence permits in 2019 or 2020. The government cooperated with authorities from Kosovo and Serbia to repatriate foreign victims. The law provided witness protection, free legal aid, and a psychologist to participate in prosecutions. However, observers continued to report that the government assigned lawyers with little or no experience to victims; one victim received free legal aid, and all victims assisted in investigations. Prosecutors continued to implement victim-centered approaches for victims who participated in court proceedings, particularly child victims. For example, a child victim testified in the presence of a social worker with audio/visual equipment, while in a separate room from their perpetrator. However, observers reported police failed to protect a potential victim from intimidation and threats to change her testimony from her at-large perpetrator in 2019. Judges did not issue restitution in criminal cases, and observers reported some prosecutors did not know they could make claims during criminal proceedings. No victim has received compensation in civil proceedings, and the law on compensation of victims intended to provide financial assistance to victims of violent crimes will not go into effect until Montenegro becomes a member of the EU.

## PREVENTION

The government maintained prevention efforts. The government implemented the national anti-trafficking strategy for 2019-2024 and the national action plan (NAP) for 2020. The government established a coordination body for monitoring the implementation of the strategy and NAP, which is composed of PD, HSPO, MOI, and the Ministry of Justice, Human, and Minority Rights, but it met only twice in person, with additional online coordination. The government allocated €152,000 (\$186,500) to the TIP office within the MOI, compared with €155,250 (\$190,490) in 2019. The national coordinator led the TIP office and overall anti-trafficking efforts and chaired the trafficking in persons working group, which consisted of government agencies, civil society organizations, and

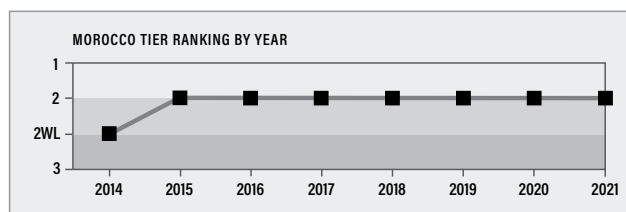
the international community. The TIP office published information on anti-trafficking efforts, but, in previous years, experts reported difficulties in sharing and obtaining information from relevant government actors, and it was unclear if information coordination had improved. The government organized a cooperation agreement with law enforcement, relevant ministries, and five NGOs to strengthen anti-trafficking efforts. MOI financed six NGO projects to raise public awareness on trafficking (12 in 2019), and the government organized awareness campaigns at schools, aired an anti-trafficking video on public and commercial television stations, and, in cooperation with an NGO, launched an awareness campaign targeting the Romani community. The government continued to support a hotline for trafficking victims; the hotline received 1,657 calls, including five from potential trafficking victims (385 calls in 2019, including one that initiated an investigation). The Labor Inspectorate inspected businesses and identified 351 workers with contract violations, and it resolved contract violations for 97 workers. The government did not make efforts to reduce the demand for commercial sex acts. The government did not have procedures in place to regulate labor recruitment agencies.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad. Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in the hospitality industry, including bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are exploited in forced begging. Romani girls from Montenegro reportedly have been sold into marriages and forced into domestic servitude in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo. Migrants from neighboring countries are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other Balkan countries.

## MOROCCO: TIER 2

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Morocco remained on Tier 2. These efforts included identifying and referring to care 441 trafficking victims; establishing support units in each branch of the National Security Directorate (DGSN) to assist female victims of crime, including trafficking; convicting two Moroccan peacekeepers for sexual exploitation; implementing a 2019 initiative to combat child forced begging; and launching an online portal detailing resources available to trafficking victims and for people to submit trafficking allegations. However, the government did not meet the minimum standards in several key areas. Investigations, prosecutions, and convictions of trafficking cases decreased, with the government reporting it investigated 79 alleged trafficking cases involving 138 alleged traffickers and prosecuted 69 cases in 2020. Authorities continued to conflate trafficking with other crimes such as migrant smuggling. Lack of proactive screening and identification measures continued to leave vulnerable populations such as migrants vulnerable to penalization for unlawful acts traffickers compelled them to commit, such as immigration violations.



### PRIORITIZED RECOMMENDATIONS:

Adopt and systematically implement procedures to proactively identify trafficking victims, especially among irregular migrants, to appropriate protection services. • Create and implement a national victim referral mechanism and train judicial and law enforcement authorities on its application. • Investigate, prosecute, and convict traffickers using the anti-trafficking law and sentence convicted traffickers to significant prison terms. • Train law enforcement and judicial officials, child labor inspectors, and healthcare personnel on awareness of the anti-trafficking law, victim identification, non-penalization of victims, and referral best practices using current mechanisms with the NGO community, to increase officials' ability to identify internal trafficking cases, as well as cross-border trafficking cases as distinct from migrant smuggling crimes. • Provide adequate protection services for victims of all forms of trafficking, including but not limited to shelter, psycho-social services, legal aid, and repatriation assistance. • Disaggregate law enforcement data on human trafficking and migrant smuggling crimes. • Increase provision of specialized services for populations vulnerable to trafficking and/or financial or in-kind support to NGOs that provide these services. • Ensure that victims are not punished for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. • Implement nationwide anti-trafficking awareness campaigns.

### PROSECUTION

The government decreased efforts to investigate, prosecute, and convict traffickers. Law 27.14 criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and a fine between 10,000 and 500,000 dirhams (DH) (\$1,120 and \$56,070) for offenses involving adult victims, and 20 to 30 years' imprisonment and a fine between 100,000 and 1 million DH (\$11,210 and \$112,150) for those involving child victims. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties for other serious crimes, such as rape.

Authorities did not always disaggregate between human trafficking and migrant smuggling crimes; thus investigation, prosecution and conviction data reported may include human trafficking and other crimes. In 2020, the government reported it investigated 79 alleged trafficking cases involving 138 suspects; cases included alleged sex trafficking, forced labor, domestic servitude, and forced begging. Due to the pandemic, the government diverted law enforcement away from routine anti-trafficking activities to enforce pandemic countermeasures. Despite the reduced function of courts from the onset of the pandemic until August 2020 and challenges adapting to digital processes and reduced staff, the government reported initiating the prosecution of 69 alleged traffickers for sexual exploitation and forced labor in 2020 under Law 02-03 and Articles 52, 53, and 73. These laws, however, pertained to irregular migration, and the government did not disaggregate the data to demonstrate how many of the 69 alleged perpetrators committed smuggling crimes rather than trafficking crimes. The government reported convicting 69 traffickers during the reporting period but did not report details on the types of trafficking involved. This demonstrated a decrease in investigations and prosecutions but maintenance in convictions in comparison to 2019, when the government reported it investigated 151 potential sex and labor trafficking cases, prosecuted 307 individuals, and convicted 68 perpetrators; however, 2019 data likely included migrant smuggling cases. Convicted traffickers received sentences ranging from penalties ranging from suspended sentences to 12 years



in prison and fines up to 500,000 DH (\$56,070); the government did not report how many convicted traffickers received sentences longer than one year in prison. Although not explicitly reported by an international organization as trafficking, the government convicted two Moroccan peacekeepers for sexual exploitation with trafficking indicators while deployed to UN peacekeeping operations in the Democratic Republic of the Congo and Central African Republic, though only one of those cases had been officially closed with the international organization; prosecution of a third case was ongoing at the end of the reporting period. Aside from these cases, the government did not report initiating any investigations, prosecutions, or convictions of government officials complicit in human trafficking. In December 2019, a diplomat posted to the Moroccan Mission to the United Nations in New York, his ex-wife, and her brother were indicted for, among other crimes, conspiring to commit visa fraud from 2006 to 2016 to exploit foreign domestic workers from the Philippines, Morocco, and other countries. U.S. authorities arrested the former diplomat's ex-wife in March 2019; the other two defendants remained at large. For the third consecutive year, the government did not report taking any action to hold the former diplomat accountable.

The General Prosecutor continued to ensure there were two prosecutors specialized in handling trafficking cases in every court of appeal across the country. The government did not report cooperation with foreign governments on international trafficking investigations, despite requests to do so. The government provided ongoing anti-trafficking internal training to law enforcement officers, and officials participated in trainings funded and provided by NGOs and international organizations.

## PROTECTION

The government maintained efforts to identify trafficking victims, but it remained without appropriate victim protection services, and authorities continued to punish unidentified victims among vulnerable populations, such as undocumented foreign migrants. In 2020, the government reported it identified 441 trafficking victims—including 426 Moroccans and 15 foreigners—and referred them to Ministry of Justice (MOJ) protection units and civil society organizations for assistance. Of the 441 identified victims, 245 were female, 196 male, 398 were adults, and 43 were children. The government reported it provided victims with legal aid, housing assistance, medical care, foreign residence permits, and family reunification. This data is similar to 2019, when the government reported it identified 423 victims, of whom 277 were Moroccans and 146 were foreign victims. The government did not have formal victim identification procedures or a national victim referral process but continued to collaborate with an international organization to establish standard procedures and a draft victim referral mechanism. In the absence of a formal referral mechanism, the government continued to informally refer victims and provided financial or in-kind support to some civil society organizations that provided essential services to populations vulnerable to trafficking. During the reporting period, each branch of the National Security Directorate (DGSN) established a support unit for women victims of violence to ensure a more victim-centered approach to sensitive cases, including cases involving female trafficking victims.

The government did not provide shelter or psycho-social services specific to the needs of victims of all forms of trafficking. However, it continued to provide services to female and child victims of violence, including potential trafficking victims, at reception centers staffed by nurses and social workers at major hospitals, as well as in MOJ protection units in Moroccan courts. Moroccan law enforcement agencies reportedly continued to utilize focal points to work directly with these reception centers and MOJ units, and they continued to use a list of NGO service providers to whom authorities could refer trafficking victims for care. The government reported these services are available to adult male victims but acknowledged they are more difficult to access. Prosecutors in the courts of first instance and the

courts of appeal—in coordination with the Ministry of Health—had the authority to order trafficking victims to be removed from exploitative situations and to place them in the care of a hospital or civil society organization. The government also reported it placed an unknown number of officials in courts throughout the country, who were responsible for identifying and referring trafficking victims to psycho-social support, medical services, and legal aid. The government, however, did not report how many—if any—victims these officials or prosecutors referred to protection services. NGO service providers noted pandemic-related lockdown measures impeded their ability to assist trafficking victims and reported trafficking victims were stranded for extended periods of time in unsanitary locations or temporary shelters. The government continued to encourage victims to cooperate in investigations against their traffickers, but it did not report the number of victims who did so during the reporting period or if it took measures to protect witness confidentiality, nor did it report if victims received restitution from traffickers. The government provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

The Ministry Delegate in charge of Moroccans Residing Abroad and Migration Affairs continued to lead the government's National Strategy for Immigration and Asylum, which aimed to regularize the legal status of migrants, refugees, and asylum-seekers, including trafficking victims. Under this strategy, foreign trafficking victims could benefit from various services, including reintegration assistance, education, vocational training, social services, and legal aid. However, the government did not report proactively identifying potential trafficking victims during these regularization efforts or how many foreign trafficking victims—if any—benefited from these services during the reporting period. Due to the lack of proactive screening and identification measures, some foreign trafficking victims remained unidentified. Furthermore, foreign trafficking victims—especially among the sub-Saharan African migrant population—remained vulnerable to penalization for unlawful acts traffickers compelled them to commit, such as immigration violations. Foreign migrants reported they feared arrest and deportation, thereby deterring them from reporting trafficking or other types of crimes to the police.

## PREVENTION

The government maintained efforts to prevent human trafficking. The national inter-ministerial anti-trafficking committee, which was led by the MOJ and included two representatives from civil society, oversaw the government's national strategy for immigration and asylum, which included efforts to manage irregular migration, combat trafficking, and organize training sessions for security services on asylum, migration, and trafficking issues. The government also continued to implement a national anti-trafficking action plan, which included coordination across relevant ministries. During the reporting period, the Ministry of Family, Solidarity, Equality, and Social Development implemented a December 2019 initiative to combat forced child begging; the initiative aimed to strengthen child protection systems, focusing interagency field teams in different regions, and improving protection services for child forced begging victims. The government, however, relied heavily on NGOs and international organizations to address trafficking. As in the previous reporting periods, the government—in coordination with an international organization—continued to organize anti-trafficking trainings and raise awareness of the anti-trafficking law among government officials, civil society, and vulnerable populations, including women, children, and migrants. At the onset of the pandemic, the government established a digital portal to field trafficking complaints and outline resources available to trafficking victims. The government expanded its regularization campaigns to grant legal status and protections to migrants, refugees, and asylum-seekers, which helped decrease this population's vulnerability to trafficking.

The government reportedly continued to implement Law No. 19.12—adopted in October 2018—which provided protections for foreign domestic workers. The government continued to operate a hotline

through the National Center for Listening and Reporting for the public to report abuse and crimes against children, but the government did not report if the hotline received any reports of potential child trafficking crimes. During the reporting period, the government continued partnering with NGOs that assisted homeless children and single mothers in urban areas, particularly Casablanca, to prevent vulnerable youth from becoming victims of various forms of exploitation, including forced labor. The government conducted 4,886 labor inspections during the reporting period specifically to verify the welfare of 87,584 female workers, including individuals vulnerable to trafficking, and inform them of their rights under Moroccan law. The Ministry of Labor and Vocational Integration continued to conduct child labor inspections in the formal economy across the country, but the government reported it remained concerned about child labor violations in the informal sector, including potential forced child labor crimes. The government reported the labor inspectorate suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, within their routine work throughout the country. In addition, labor inspectors were mobilized to enforce pandemic-related countermeasures. Furthermore, there was no national focal point to receive complaints about child labor or forced child labor and no national mechanism for referring children found during inspections to appropriate social services. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism during the reporting period. Moroccan peacekeeping forces received anti-trafficking training and operated under a “no tolerance” standard for troops involved in UN peacekeeping missions. Although not explicitly reported as trafficking, an international organization reported receiving three allegations of sexual exploitation with trafficking indicators by Moroccan peacekeepers deployed to UN peacekeeping missions in the reporting period. The government reported that, in 2019, the government—in collaboration with the UN—initiated the prosecution of three cases of Moroccan peacekeepers for allegations of sexual exploitation and abuse, two of whom were convicted during the reporting period.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Morocco, and traffickers exploit Moroccan victims abroad. Documented and undocumented foreign migrants, especially women and children, are highly vulnerable to forced labor and sex trafficking in Morocco and as they transit through Morocco to reach Europe. Traffickers exploit many migrants who voluntarily use smugglers to enter Morocco. In 2020, the number of sub-Saharan migrants clandestinely entering the country—the majority of whom intend to transit Morocco on their way to Europe—decreased by an estimated 30 percent in comparison to 2019; however, the number of migrants departing from Morocco for Europe reportedly increased due to an eight-fold increase in migrants making the dangerous ocean crossing to the Canary Islands. The Spanish government and international organizations estimate that 38,000 people, including Moroccan citizens, crossed clandestinely from Morocco to Spanish territory in 2020 either by sea or over land; the majority, approximately 21,000, arrived in the Canary Islands. Both sub-Saharan and Moroccan migrants making this journey to Spain and further into Europe are at risk of trafficking in Morocco and Europe. For example, traffickers exploit some female migrants while seeking assistance at “safe houses” in Morocco, which usually are run by individuals of their own nationality. Some female undocumented migrants, primarily from Sub-Saharan Africa and a small but growing number from South Asia, are exploited in sex trafficking and forced labor in Morocco. Criminal networks operating in Oujda on the Algerian border and in northern coastal cities, such as Nador, exploit undocumented migrant women in sex trafficking and forced begging; networks in Oujda also reportedly exploit children of migrants in forced begging. Some female migrants, particularly Nigerians, who transit Oujda are exploited in sex trafficking once they reach Europe. Furthermore, some contacts claim that entrenched Nigerian networks, working with Moroccan criminal elements, exploit primarily Nigerian women in

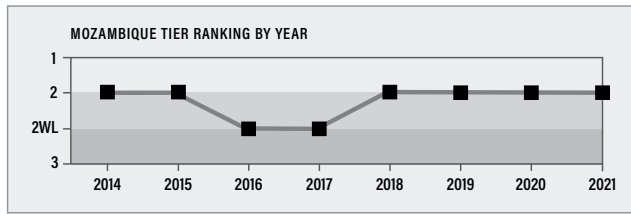
sex trafficking and retain control over these victims when they arrive in Europe. International organizations, local NGOs, and migrants report women and unaccompanied children from Cote d’Ivoire, Democratic Republic of the Congo, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports suggest Cameroonian and Nigerian networks exploit women in sex trafficking, while Nigerian networks also exploit women in forced begging in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia and francophone sub-Saharan Africa are recruited for employment as domestic workers in Morocco; upon arrival, employers force them into domestic servitude through non-payment of wages, withholding of passports, and physical abuse.

Traffickers, including parents and other intermediaries, exploit Moroccan children in Morocco for forced labor, domestic work, begging, and sex trafficking. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal, textile, and construction industries and in mechanic shops. Although the incidence of child domestic workers has reportedly decreased in Morocco since 2005, girls are recruited from rural areas for work in domestic service in cities and some become victims of forced labor. NGOs and other observers anecdotally reported in 2018 that a significant number of girls work as domestic help in Moroccan households, but it is difficult to determine the extent of the problem because of authorities’ inability to access this population. Drug traffickers reportedly compel children to participate in drug production in Morocco. Some family members and other intermediaries exploit Moroccan women in sex trafficking. Some foreigners, primarily from Europe and the Middle East, engage in child sex tourism in major Moroccan cities; these cases reportedly decreased during 2020 due to pandemic-related diminished international travel. Traffickers exploit Moroccan adults and children in forced labor and sex trafficking, primarily in Europe and the Middle East, particularly in the Gulf. Traffickers force Moroccan women into commercial sex abroad where they experience restrictions on movement, threats, and emotional and physical abuse. During the reporting period, media reported Moroccan workers in Spain’s strawberry farms were subjected to severe labor conditions, at times amounting to forced labor, and sexual abuse. Swedish authorities reported that, since 2016, traffickers force homeless boys and young men from Morocco to deal drugs, carry out thefts, and perpetrate other criminal activities in Sweden; however, these cases have reportedly decreased since 2019.

## MOZAMBIQUE: TIER 2

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Mozambique remained on Tier 2. These efforts included prosecuting all identified cases of trafficking; training front-line officials on trafficking; conducting national awareness-raising campaigns; and updating standard operating procedures for provincial and district reference groups to enhance their anti-trafficking response. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer trafficking cases, convicted fewer traffickers, and did not proactively identify trafficking victims other than those represented by criminal cases. The government did not finalize a draft national referral mechanism for the fourth consecutive year, which limited victims’ access to protective services and left potential victims unidentified, nor did it finalize implementing regulations for the sixth consecutive year; as a result, the protection provisions within the 2008 anti-trafficking act still were not operationalized.

The government also did not adopt a national action plan for the eighth consecutive year, hindering overall anti-trafficking efforts. Mozambican officials remained without effective policies or laws that would regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruiting.



### PRIORITIZED RECOMMENDATIONS:

Amend the anti-trafficking law to bring the definition of trafficking in line with the definition of trafficking under international law. • Finalize, implement, and train officials to use standard operating procedures for victim identification and the national referral mechanism to refer all victims to appropriate care. • Systematically and proactively identify trafficking victims by screening vulnerable populations—including victims of child abuse, individuals in resettlement camps, and foreign nationals, such as migrants from neighboring countries and North Korean and Cuban workers—for trafficking indicators and refer them to appropriate services. • Vigorously investigate and prosecute trafficking crimes and sentence convicted traffickers, including complicit officials, to adequate penalties. • Increase provision of comprehensive services, including medical care, psycho-social counseling, and shelter, to all victims, including males and foreign nationals, and expand the availability of protective services for all victims, including long-term shelter and reintegration assistance. • Finalize, adopt, and dedicate funds to implement the national action plan. • Build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to identify potential trafficking victims, investigate trafficking cases, and refer victims to care. • Hold labor recruiters liable for fraudulent recruitment. • Increase coordination among district, provincial, and national stakeholders to bolster reporting on the government's anti-trafficking efforts.

### PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2008 Law on Preventing and Combating the Trafficking of People criminalized sex trafficking and labor trafficking and prescribed penalties of 16 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. The government continued to work with an international organization to review draft amendments to bring the 2008 anti-trafficking law in line with international standards; however, draft amendments were awaiting approval by various stakeholders for the second consecutive reporting period.

The government investigated six potential trafficking cases in 2020, determining two cases to be trafficking—a Mozambican boy exploited in forced labor in Mozambique and a Mozambican woman exploited in sex trafficking in Tanzania—involving two suspected traffickers, compared with 13 investigations and eight confirmed cases in 2019. The government initiated prosecutions on both of these cases in 2020, compared with eight prosecutions of confirmed cases in the previous reporting period. The government convicted one trafficker of labor trafficking under the 2008 anti-trafficking law, compared with two convictions reported in 2019. Courts sentenced the trafficker to six years' imprisonment. The initiated sex trafficking prosecution remained ongoing at the end of the reporting period. With support from an international organization, the government contributed

information on the two confirmed cases of trafficking during the reporting period to a national centralized anti-trafficking data collection and reporting tool. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Similar to previous years, alleged traffickers commonly bribed police and immigration officials to facilitate trafficking crimes both domestically and across international borders, especially to South Africa. Officials and civil society stakeholders reported government-imposed restrictions related to the pandemic, such as limited travel within the country, curfews, and border closures, slowed or inhibited law enforcement activity, especially investigations, during the reporting period.

The government conducted various trainings across the country for front-line responders during the reporting period. In partnership with international organizations, the government trained provincial and district reference groups on the anti-trafficking legal framework, victim identification, and investigation skills to at least 250 officials throughout Cabo Delgado, Manica, Nampula, Sofala, and Zambezia provinces. The government, in partnership with an international NGO, also provided training on the differences between trafficking and smuggling, and on victim identification and assistance to border agents in Maputo Province and at the South African border. The government partnered with the Government of Tanzania on the aforementioned sex trafficking case, requesting additional evidence from Tanzanian officials; coordination remained ongoing at the end of the reporting period.

### PROTECTION

The government maintained minimal victim protection efforts. The government identified two victims in 2020, a significant decrease compared with 22 victims identified the previous reporting period. The government, in partnership with an international organization, supported the repatriation of the victim exploited in Tanzania; law enforcement also accompanied the victim when she returned to Tanzania to provide testimony. The government reported returning both identified victims to their families; however, the government did not report any other services provided to victims. The government continued to lack adequate procedures to screen vulnerable populations, including foreign migrants and victims of child abuse, for trafficking and did not identify any victims outside those involved in law enforcement activity. Additionally, front-line officials lacked a general understanding of trafficking, which hampered victim identification efforts. Officials and civil society organizations reported that the actual number of trafficking victims in Mozambique was likely significantly higher than the number represented by criminal cases. Although a draft national referral mechanism (NRM) continued to be informally distributed to officials to identify and refer victims, the government did not finalize and fully implement the NRM for the fourth consecutive year; observers reported the lack of a formal NRM hampered community-level officials' efforts to identify victims, and many potential trafficking cases went unidentified during the reporting period. The government did not report progress on finalizing implementing regulations for trafficking victims and witness protection, hindering the government's provision of protection services for trafficking victims; draft regulations remained incomplete for the sixth consecutive reporting period.

Despite government-provided care reportedly being available for trafficking victims, the government did not report utilizing these services for the past two years. The government generally relied on civil society organizations to identify victims of trafficking and refer them to care but did not report providing financial or in-kind support to such organizations. The Ministry of Gender, Children, and Social Action operated three centers that could provide short-term shelter, medical and psychological care, family reunification, and legal assistance to trafficking victims; however, the government did not detail the scope of the services provided during the reporting period.



The government did not have a long-term shelter for trafficking victims or an alternative for those in need of long-term shelter. While the government specified that it occasionally could provide shelter for adult male victims, it did not report identifying any adult male victims during the year. Police stations throughout the country had specialists, trained by the Office of Assistance to Women and Children Victims of Domestic Violence, equipped and available to respond to suspected trafficking cases. The government continued to operate facilities in more than 215 police stations and 22 "Victims of Violence" centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime. The government did not, however, provide specific numbers of trafficking victims who benefited from these services in 2020. The anti-trafficking law required police protection for victims who participated as witnesses in criminal proceedings against traffickers, but the government did not report providing these services to any victims. Mozambican law provided for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution; however, the government did not identify any foreign victims for the second consecutive reporting period, so it did not implement these provisions. Authorities may have penalized trafficking victims for crimes traffickers compelled them to commit; observers reported because officials did not use standard victim identification procedures, some potential victims, particularly irregular migrants, may have been deported or remained unidentified in the law enforcement system.

## PREVENTION

The government maintained overall efforts to prevent trafficking, while slightly increasing efforts to raise awareness of trafficking among vulnerable populations. The National Reference Group, under leadership of the attorney general's office, convened regularly during the reporting period to coordinate national anti-trafficking efforts, and members at the national, provincial, and district levels met regularly as working groups to address specific trafficking cases and concerns. In partnership with international organizations, the government updated standard operating procedures (SOPs) for provincial and district reference groups to better equip officials to combat trafficking in the context of natural disasters and increasing violent extremism; the government reportedly began implementing the SOPs in IDP resettlement camps in the northern and central provinces to conduct awareness raising within the camps. The government remained without a national action plan (NAP) since 2012; despite having a draft NAP complete since 2017 and continued engagement with civil society during the reporting period to review the draft NAP, the government did not adopt the NAP for the fourth consecutive year. Additionally, the government did not have a dedicated budget to combat trafficking, which hampered overall anti-trafficking efforts. Despite pandemic-related restrictions on travel and in-person gatherings, the government continued awareness-raising efforts during the reporting period. The government conducted national public awareness campaigns in all provinces, but due to pandemic-related restrictions, only 2,700 speeches and presentations were delivered, compared with 5,000 in 2019. In partnership with an international NGO, the government created and distributed via text message electronic posters to raise awareness about child trafficking, sexual exploitation of girls, and human trafficking risks associated with illegal immigration. The attorney general's office led school programs focused on preventing online recruitment.

The government did not report operating or providing support to a hotline exclusively available for adult victims of trafficking; however, the government continued providing logistical and technical support for an NGO-run hotline that was available to report crimes against children, including potential trafficking. With in-kind government support, the NGO established a new hotline in Manica in October 2020 to expand availability to report crimes against children, including potential trafficking, outside of Maputo and better respond to callers in local languages. In 2020, hotlines identified 17 potential trafficking cases, referring potential victims to service providers and reporting

the cases to the government; however, the government did not report responding to these cases. The government did not report training labor inspectors to screen workers for trafficking indicators during the reporting period and has not done so since 2018. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not provide anti-trafficking training to diplomats. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

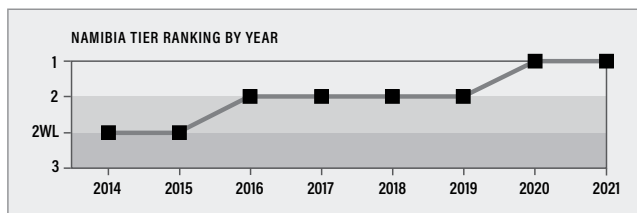
As reported over the past five years, human traffickers exploit domestic and foreign victims in Mozambique, and traffickers exploit victims from Mozambique abroad. Forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. Traffickers lure voluntary migrants, especially women and girls from rural areas, from neighboring countries to cities in Mozambique or South Africa with promises of employment or education, and then they exploit those victims in domestic servitude and sex trafficking. Traffickers exploit Mozambican girls in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Eswatini and South Africa. Increasingly, traffickers recruit women and girls via the internet with promises of employment using fake business profiles on social media, then subsequently exploit them in sex trafficking or forced labor. Child sex trafficking is a growing concern in the cities of Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As of October 2020, an international organization reported there were more than 93,000 IDPs in Mozambique as a result of two tropical cyclones in 2019; individuals in resettlement camps or otherwise affected by the cyclones are increasingly vulnerable to trafficking. Additionally, an international organization reported in April 2021 there were more than 700,000 IDPs in northern and central Mozambique as a result of violent extremism and instability in the region; women and children are increasingly vulnerable to recruitment by non-state armed groups for forced labor and sex trafficking.

Traffickers exploit Mozambican men and boys in forced labor on South African farms and mines, where victims often work for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Eswatini to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Traffickers exploit Mozambican adults and girls in forced labor and sex trafficking abroad, including in Angola, Italy, and Portugal. Informal networks typically comprise Mozambican or South African traffickers. Reports alleged traffickers bribe officials to move victims within the country and across national borders to South Africa and Eswatini. North Korean nationals and Cuban medical professionals working in Mozambique may have been forced to work by the North Korean and Cuban governments.

## NAMIBIA: TIER 1

The Government of Namibia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Namibia remained on Tier 1. These efforts included training social workers on the national referral mechanism (NRM) and standard operating procedures (SOPs) on victim identification, referring identified victims to care, and allocating more funding to NGOs and shelters supporting trafficking victims. Although the government meets the minimum standards, it identified fewer victims and did not initiate any new prosecutions of alleged traffickers. Occasional breakdowns in communication between government officials and civil society and within government

ministries led to a lack of coordination among members of the National Coordinating Body (NCB).



### PRIORITIZED RECOMMENDATIONS:

Train law enforcement and judicial officials on the Trafficking in Persons Act of 2018. • Train all actors on the national referral mechanism and standard procedures to proactively identify trafficking victims. • Strengthen coordination among government ministries to ensure roles and responsibilities are clear and anti-trafficking policies are effective. • Increase funding to civil society partners that provide accommodation and care to trafficking victims. • Increase efforts to investigate, prosecute, and convict traffickers. • Improve communication between government ministries and civil society. • Expand efforts to raise public awareness of human trafficking indicators and risks through sensitization campaigns and community outreach, especially in rural areas. • Screen Cuban medical workers for forced labor indicators and refer victims identified to appropriate services.

### PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The Combating of Trafficking in Persons Act of 2018, which came into effect in November 2019, criminalized sex trafficking and labor trafficking and prescribed penalties of up to 30 years' imprisonment, a fine not exceeding 1 million Namibian dollars (\$68,150), or both. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. Courts operated at a reduced capacity due to the pandemic, creating judicial backlogs during the reporting period. Despite the pandemic's impact, the government initiated 10 case investigations and continued 16 case investigations, compared with nine case investigations initiated and 29 case investigations continued during the previous year. Of the 10 new investigations, the government initiated four forced labor investigations and six sex trafficking investigations. The government continued prosecutions of 18 defendants and convicted one trafficker in 2020. This compared with prosecutions of 15 defendants initiated, prosecutions of four defendants continued, and conviction of one trafficker in 2019. The government convicted one South African national in a child sex trafficking case pending since 2018; the court had not yet sentenced the trafficker at the close of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. However, observers alleged an off-duty immigration official threatened officials screening for trafficking indicators in the Hosea Kutako International Airport.

Specialized prosecutors within the Office of the Prosecutor General's Sexual Offenses Unit prosecuted all trafficking cases in the High Court and worked closely with prosecutors on cases indicted outside of the High Court. The government did not report providing specialized anti-trafficking training to law enforcement or judicial officials during the reporting period, in part due to pandemic-related restrictions on in-person gatherings. This was a decrease compared with training 35 criminal justice practitioners and 166 immigration officials during the previous reporting period. The government maintained bilateral law enforcement cooperation agreements with Zimbabwe and Angola; however, the government did not report using either agreement for mutual legal assistance during the reporting period. An NGO expanded a program aiming to increase victim identification at airports to include land border crossings, in cooperation with the government.

### PROTECTION

The government maintained overall protection efforts but identified fewer trafficking victims; the government also significantly increased funding allocated to NGOs supporting trafficking victims. The government identified 19 trafficking victims, compared with 30 victims in 2019. This included three Namibian children and one Namibian adult exploited in sex trafficking, six Angolan children and six Angolan adults exploited in domestic servitude and sex trafficking, one Zambian adult exploited in domestic servitude, one Zimbabwean adult exploited in sex trafficking, and one Kenyan adult exploited in sex trafficking. The government provided assistance and referred 16 victims to NGO shelters; of the three remaining victims, one was repatriated, and two victims found alternate accommodations. The government continued implementing SOPs for victim identification and the NRM for provision of services. Police and immigration officials used anti-trafficking pocket manuals outlining the SOPs and NRM. The government, in partnership with an international organization, trained 30 social workers from all 14 regions of the country on the SOPs and NRM during the reporting period. However, observers reported some government and civil society frontline responders still did not fully understand their roles within the procedures. In practice, labor inspectors and immigration officials contacted the Namibian Police Force (NamPol) when they identified a potential trafficking victim; NamPol referred victims of all crimes to government or NGO-operated temporary shelters and government-provided medical assistance.

There were no shelters or services specifically for trafficking victims, but the government and NGOs jointly provided shelter, psycho-social services, medical care, and provision of other basic needs to victims of trafficking, gender-based violence, and child abuse. NGO shelters cared for men, women, and children, although observers noted it was sometimes difficult to find shelter for male victims. Child victims were placed in government residential childcare facilities and had access to education. Foreign victims had access to the same shelter and services as domestic victims. Shelter staff did not permit victims, including adults, to leave unchaperoned. The government allocated 6 million Namibian dollars (\$408,910) to NGOs and shelters supporting trafficking victims in 2020, a significant increase from allocating 325,000 Namibian dollars (\$22,150) during the previous reporting period. Seventeen Gender-based Violence Protection Units nationwide offered initial psycho-social, legal, and medical support to victims of crime, in coordination with the police, the Ministry of Gender Equality, Poverty Eradication, and Child Welfare (MGEPECW), the Ministry of Health and Social Services, and NGOs. Adult victims were able to seek employment and work while receiving assistance, although it is unknown how many victims did so during the reporting period.

Authorities did not condition access to victim services on cooperation with law enforcement; the government provided legal aid, transportation, and witness protection to victims who chose to cooperate with law enforcement proceedings. The government allowed victims to testify in rooms separate from the courtroom when such rooms were available. All 19 victims identified voluntarily assisted law enforcement during the reporting period. Foreign victims could obtain temporary residence visas during legal proceedings. The law allowed victims to obtain restitution and file civil suits against their traffickers; however, no victims to date had received restitution or compensation. Authorities screened vulnerable populations, including irregular migrants and individuals in commercial sex, for trafficking indicators. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit.

### PREVENTION

The government maintained prevention efforts. The NCB, chaired by the MGEPECW, coordinated the government's anti-trafficking efforts. The NCB met twice during the reporting period, compared with four times during the previous reporting period. The government drafted a five-year, anti-trafficking national action plan (NAP), which remained pending adoption at the end of the reporting period. The government

continued implementing its 2019-2023 NAP on gender-based violence, which addressed all forms of trafficking. Due to pandemic restrictions on in-person gatherings, the government conducted fewer public awareness raising activities. The MGEPECW held an in-person event to commemorate World Day against Trafficking in Persons; officials distributed brochures on trafficking as part of the MGEPECW's national awareness raising campaign. Several NCB members discussed trafficking trends and reporting mechanisms on a popular evening television program. The NCB continued circulating awareness raising materials electronically. This was an overall decrease compared with training 1,120 first responders, community stakeholders, students, and media on trafficking prevention and victim identification in the previous reporting period. The government provided in-kind support to an NGO-operated hotline for gender-based violence, child abuse, and human trafficking; the hotline operated daily from 8:00 a.m. to 10:00 p.m. Authorities did not report identifying any trafficking victims from the hotline. With support from an international organization, the government contributed information to a centralized anti-trafficking database that collected national data on cases and victims identified and shared it with countries in the region. The Ministry of Labor, Industrial Relations, and Employment Creation employed an unknown number of labor and occupational health and safety inspectors responsible for enforcing laws against child labor; the government did not report identifying any victims during the inspections. The law regulated recruitment agencies and banned employee-paid recruitment fees. The Ministry of Labor, Industrial Relations, and Employment Creation oversaw recruitment agency licensing and managed a database registering job seekers, coordinating overseas job placements, and monitoring employees' arrival in their intended destinations; the government did not report identifying any victims or initiating any investigations into fraudulent recruitment from the information collected. The government did not make efforts to reduce the demand for commercial sex acts.

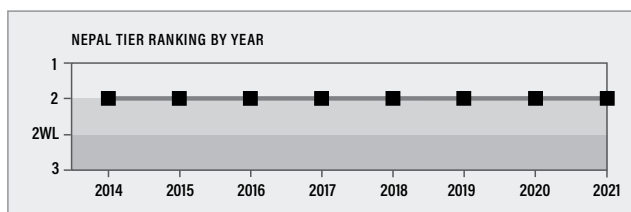
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Namibia, and traffickers exploit victims from Namibia abroad. Some victims are initially offered legitimate work for adequate wages, but then traffickers subject them to forced labor in urban centers and on commercial farms. Traffickers subject Namibian children to forced labor in agriculture, cattle herding, and domestic service, and sex trafficking. Namibians commonly house and care for children of distant relatives to provide expanded educational opportunities; however, in some instances, traffickers exploit these children in forced labor. Among Namibia's ethnic groups, San and Zemba children are particularly vulnerable to forced labor on farms or in homes; officials identified Zemba child trafficking victims during the reporting period. Traffickers may subject children from less affluent neighboring countries to sex trafficking and forced labor, including in street vending in Windhoek and other cities as well as in the fishing sector. Traffickers may bring Angolan children to Namibia for forced labor in cattle herding, agricultural work, and domestic servitude. During the reporting period, traffickers exploited individuals from Angola, Kenya, Zambia, and Zimbabwe in sex trafficking and forced labor. An NGO noted an increase in exploitation of Namibians seeking economic opportunity abroad, in part due to the pandemic. The same NGO noted an increase in traffickers using online tools, such as social media, to advertise false jobs and groom individuals, in part due to pandemic movement restrictions. Cuban nationals working in Namibia on medical missions may have been forced to work by the Cuban government. Traffickers allegedly operate at the international airport.

## NEPAL: TIER 2

The Government of Nepal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the COVID-19 pandemic on the

government's anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore Nepal remained on Tier 2. These efforts included convicting two former officials of corruption-related activities that contributed to vulnerabilities in overseas worker recruitment, taking steps towards lifting the ban on some female migration overseas, and continuing to raise awareness on trafficking. The government also hired more personnel for the law enforcement unit dedicated to human trafficking—the Anti-Trafficking-in-Persons Bureau (Anti-TIP Bureau)—which is actively investigating cases and took steps towards amending the 2007 Human Trafficking and Transportation Control Act (HTTCA). However, the government did not meet the minimum standards in several key areas. The government's laws do not criminalize all forms of labor trafficking and sex trafficking, and officials' identification of, and protection for, male trafficking victims and transnational labor trafficking victims remained severely inadequate compared to the size of the problem. Official complicity in trafficking offenses remained a serious problem, both direct complicity and negligence. In addition, while the government signed a labor memorandum of understanding (MOU) with Israel, it required Nepali migrant workers to pay recruitment fees and related expenses, inconsistent with international best practice. Furthermore, officials continued to encourage migrant workers exploited abroad to register cases under the 2007 Foreign Employment Act (2007 FEA), which criminalized fraudulent recruitment, rather than refer cases to police for criminal investigation of labor trafficking.



## PRIORITIZED RECOMMENDATIONS:

Amend the Human Trafficking and Transportation (Control) Act (HTTCA) to criminalize all forms of sex trafficking and labor trafficking, in line with the 2000 UN TIP Protocol. • Investigate allegations of official complicity in trafficking crimes and hold perpetrators criminally accountable. • Increase identification and referral of trafficking victims to services, especially male labor trafficking victims and females in commercial sex through increased training of front-line responders on standard operating procedures (SOPs). • Establish SOPs for law enforcement to investigate human trafficking cases, including referrals between agencies. • Increase investigations, prosecutions, and convictions of all trafficking offenses, including criminal investigations into labor recruiters and sub-agents for labor trafficking. • Expand availability and capacity of victim care, including shelter and repatriation, for all victims, especially males and workers exploited overseas. • Increase staff, training, and resources to the Department of Foreign Employment (DFE) to facilitate full implementation and monitoring of the low-cost recruitment policy. • Take steps to eliminate recruitment or placement fees charged to workers by Nepali labor recruiters and ensure any recruitment fees are paid by employers. • Implement the victim-witness protection provisions of the HTTCA. • Significantly increase monitoring of children's homes and orphanages and hold accountable those that do not meet the government's minimum standards of care. • Authorize labor inspectors to monitor the adult entertainment sector (AES) establishments for labor violations. • Remove the HTTCA provision that allows the judiciary to fine victims if they fail to appear in court and hold them criminally liable for providing contradictory testimony. • Lift current conditions and restrictions on female migration and engage destination country governments to create rights-based, enforceable agreements that protect Nepali workers from human trafficking. • Provide documentation to stateless individuals, internationally recognized refugees, and asylum-seekers to allow them to work, attend school, and access social services.



## PROSECUTION

The government decreased anti-trafficking law enforcement efforts. The 2007 HTTCA criminalized some forms of sex trafficking and labor trafficking. The HTTCA's definition of trafficking was inconsistent with the international definition of trafficking. It limited the definition of "human trafficking" to the purchase or selling of a person and to causing another person to go into prostitution; did not include a demonstration of force, fraud, or coercion as an essential element of the base offense; and did not explicitly address forced labor. The law separately defined "human transportation" as the taking of a person from their home or place of residence, through force, fraud, or coercion, for the purpose of prostitution or the keeping of a person as a slave or bonded labor. The HTTCA prescribed penalties ranging from five to 20 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. The 2017 Labour Act, which is enforced by specialized labor courts, criminalized forced labor and prescribed penalties of up to two years' imprisonment, a fine of up to 500,000 Nepali rupees (NPR) (\$4,270), or both. Additionally, the 2002 Bonded Labor (Prohibition) Act abolished bonded labor and prescribed civil penalties of a fine between 15,000 NPR and 25,000 NPR (\$128-\$214). The 2000 Child Labour Act criminalized forced child labor and prescribed penalties of up to one year imprisonment, a fine of 50,000 NPR (\$427), or both. None of these laws prescribed sufficiently stringent penalties. The 2007 FEA criminalized fraudulent and deceptive labor recruitment of Nepalese for work abroad and was often utilized in labor trafficking cases in lieu of the HTTCA. Penalties prescribed under this law were significantly lower than those available under the HTTCA. For the sixth consecutive year, the government's National Committee for Controlling Human Trafficking (NCCHT) continued to work on revisions to the HTTCA by forming a working committee which sought input from civil society stakeholders. The pandemic and political unrest impacted the ability of the NCCHT to finalize the revisions during the reporting period, which in turn impacted the formation of provincial and local level committees for combatting human trafficking. The Government of Nepal amended the Human Trafficking and Transportation Control Rules (HTTCR) to bring it in line with Nepal's federal system during the reporting period.

Due to the pandemic, the government closed the courts for three months of the reporting period, which impacted the prosecution of cases. Once courts reopened, NGOs reported restrictions on transportation and COVID-19 testing requirements made it difficult to obtain victims' statements and testimony. During the Nepali fiscal year, police conducted 97 investigations involving 240 suspects, the Office of the Attorney General (OAG) initiated prosecution in 170 cases against 415 suspects, and district courts convicted 202 traffickers in 88 cases, all under the HTTCA. This is a decrease compared to initiating 258 investigations involving 524 suspects, initiating 407 prosecutions from previous years, and convicting 231 traffickers the previous reporting period. The government did not report the number of ongoing cases or the sentences prescribed to convicted traffickers. District courts acquitted 108 suspects in 48 cases, compared to 243 acquittals in the previous reporting period. Officials did not disaggregate data to distinguish between sex and labor trafficking cases, and some cases might not include evidence of exploitation in forced labor or commercial sex. Some police and prosecutors investigated and prosecuted suspected sex traffickers and facilitators for rape and public offenses.

The government had standard training for labor, immigration, judicial, law enforcement, and foreign employment officials that included general definitions of human trafficking. International donors provided anti-trafficking trainings for the Anti-TIP Bureau. Due to the pandemic, police reported they were unable to conduct trafficking victim identification trainings, although other trafficking awareness trainings were held virtually. Despite these trainings, however, most police lacked sophisticated investigative techniques and resources to interact with trafficking survivors in a victim-centered way. In

addition, the dearth of investigators and prosecutors trained to work on trafficking cases, coupled with frequent turnover, further hampered efforts. The Anti-TIP Bureau, a specialized police unit dedicated to trafficking crimes created in 2018, had filled 77 Kathmandu positions as well as 240 regional positions by the end of the reporting period. While the Anti-TIP Bureau will eventually investigate all human trafficking cases, other agencies continued to investigate cases during the reporting period. The Nepal Police Women's Cells (NPWC) had female officers in all 77 districts to investigate crimes against women and girls, including trafficking, but not all district offices had cells that were fully operational. While investigative capacity is improving, law enforcement did not proactively identify trafficking cases and some of the referrals it received, had occurred more than one year prior, which undermined evidence collection and prosecution efforts. Moreover, police and prosecutors remained reliant on victim testimony for successful cases. Victims often did not want to assist in cases against their perpetrators because the perpetrators were family friends or relatives. Traffickers often bribed victims and their parents not to provide testimony in trafficking cases. Neither the Anti-TIP Bureau nor other law enforcement units had the resources to effectively coordinate with NGOs and victims on registering cases against their traffickers, which made it harder for victims to do so. Pandemic related lockdowns and court closures further exacerbated these issues during the reporting period. Police and the judiciary did not always collaborate, which led to police submitting incomplete cases that prosecutors could not pursue in court. Many district courts did not comply with the 2013 Supreme Court directive to adopt a "fast-track" system for human trafficking cases. This was at times due to stipulations of the law that did not allow a fast track court case, delays related to the pandemic, and non-trafficking caseloads. While the National Judiciary Academy publicized SOPs on investigation and prosecution of trafficking cases, whether or not officials employed the SOPs varied by judge. The Nepal police have one liaison officer in New Delhi. Nepal Police coordinated and cooperated on international investigations of trafficking related crimes through INTERPOL and other Diplomatic Missions. INTERPOL's Tools and Services are being used to apprehend suspects who have absconded in trafficking related cases. Nepali law enforcement agencies also work on an informal basis with their counterparts in other countries—most frequently India—in the investigation and prosecution of trafficking cases. Due to the informal nature of these relationships, data on cooperative efforts were not compiled. The government did not report collaboration with Gulf countries on trafficking cases, despite high numbers of Nepali victims in the region.

Nepali parents give their children to brokers who promise education or work opportunities but instead take them to frequently unregistered children's homes and force them to pretend to be orphans to garner donations from tourists and volunteers and where some force children into manual labor or begging, force them to entertain visitors for donations and sexually abuse them. International organizations and NGOs estimated that 80 to 85 percent of children in "children's homes" and orphanages had at least one living parent at home. NGOs noted that, although there is increased willingness to take action against the operators of children's homes, prosecution remains a challenge. Many of the individuals running these exploitative institutions are politically connected and viewed favorably within their community. NGOs state that even when arrested, they are almost never prosecuted and often use political connections to thwart child protective agencies. Prior to the pandemic-related lockdowns, the government directed children's homes to return children to their families. The government did not report screening the children for trafficking indicators before they were sent home. While 1,500 children were reunited with their families, NGOs reported 11,000 remained in registered homes and orphanages.

The government did not make sufficient efforts to investigate or prosecute suspects for bonded labor. The government continued to misidentify the majority of transnational labor trafficking cases as labor violations and resolved them administratively through the

Ministry of Labor, Employment, and Social Security (MoLESS), in lieu of criminal investigation, with inadequate sentences for perpetrators. Legal experts stated prosecutors could pursue a case under both the HTTCA and the 2007 FEA for transnational labor trafficking and foreign employment fraud, respectively; however, prosecutors regularly refused to do so, believing such action would violate the prohibition against double jeopardy. Many migrant workers remained unaware of the process for obtaining redress, including in cases of trafficking. DFE officials continued to advise abused migrant workers to register complaints under the 2007 FEA rather than notify police. In January 2020 DFE and the police signed an MOU to allow labor trafficking victims to file complaints at local police stations instead of requiring them to travel to Kathmandu. During the reporting period, the DFE investigated five cases reported at local police stations. Many labor trafficking victims preferred to submit claims for restitution through the 2007 FEA in lieu of lengthy criminal prosecutions under the HTTCA, citing the desire to avoid the stigma associated with trafficking, the higher potential for compensation through the 2007 FEA, and the lack of time and funding to access the centralized institutions charged with providing redress.

The government did not investigate any officials for complicity in human trafficking, but corruption and official complicity in trafficking crimes remained significant concerns. The pandemic-related lockdown, a five-month airport closure, and the economic fallout in many destination countries disrupted labor migration for much of the reporting period and may have removed some opportunities for corruption. During previous reporting periods, NGOs reported traffickers bribed government officials to include false information in genuine Nepali passports and provide fraudulent documents to prospective labor migrants or foreign employment agents. NGOs had concerns that because a number of government officials, including parliamentarians, maintained close ties to foreign employment agencies, such officials might have a conflict of interest in approving migrant-friendly practices, such as prosecution of abusive recruitment agencies and increasing protections for migrant workers. In November 2017, the Commission for the Investigation of Abuse of Authority arrested the Director General of DFE and two DFE officials for allegedly attempting to collect a bribe from a foreign employment agency. In December 2020, the former Director General was convicted and sentenced to one and a half years in prison and a one million NPR (\$8,550) fine. One of the DFE officers received the same sentence as the former Director General, and the other was acquitted. NGOs alleged some police and political party leaders were complicit in sex trafficking in conjunction with their financial involvement in the AES. Some traffickers, including owners of AES establishments and exploitative orphanages, enjoyed impunity due to personal connections with politicians and by bribing police to avoid raids or procure fraudulent identity documents.

During the previous reporting period, the UN Human Rights Committee heard two cases against Nepali military officials who allegedly forced one boy and one girl into labor in 2010 and 2002, respectively. In the first case, a Nepali man alleged that when he was between 12 and 14 years old, a Nepali army officer forced him into domestic work for 18 hours per day without pay from 2010-2012. When he escaped in 2012, he alleged the official filed a fraudulent complaint of theft, police arrested and tortured him, which medical reports substantiated, and the judiciary refused to investigate his claims. The committee ordered the government to compensate the man, but it refused to do so or to criminally investigate the suspects. In the second case, the committee urged the government to support a woman's claim that in 2002, at age 14, the former Royal Nepalese Army and police arrested, detained, forced her into labor at military barracks, and then they forced her to become an informant on the anti-government Maoist forces. The government has yet to initiate any criminal investigations or compensation procedures.

## PROTECTION

The government decreased efforts to identify and protect trafficking

victims. Authorities did not systematically track the total number of victims identified and did not have uniform SOPs for victim identification and referral to services. NPWC had internal guidelines on the identification and treatment of victims, and during the reporting period the Ministry of Women, Children, and Senior Citizens (MWCSC) finalized and submitted for final approval SOPs on victim identification, referral, and data collection. Officials' poor understanding of trafficking and the lack of SOPs hindered proactive identification, especially among returning male migrant workers exploited abroad. Police did not always recognize that children in commercial sex constituted sex trafficking and sometimes removed girls 16-17 years old from commercial sex, sent them home, and did not refer them to services or file criminal charges against the client. NPWC identified 141 victims in its 97 investigations, a decrease from 387 victims in 258 cases the previous year. Of the 141 victims, traffickers exploited 32 in sex trafficking and two in labor trafficking; reports did not specify the type of trafficking for the other 107 victims. The 141 victims included 62 victims aged 18 or younger and eight males, a decrease from 150 victims 18 or younger and 71 males identified the previous year. The pandemic slowed physical monitoring of children's homes; however, the National Child Rights Council, which continued to monitor childcare homes remotely and with NGO assistance, removed 48 children from exploitation in abusive and unregistered orphanages during the reporting period. The orphanages had forced some children into labor making handicrafts and begging and had sexually abused other children. The government estimated at least one-third of the total registered orphanages did not meet government standards and did not have regular oversight. Police lacked the staff, resources, and training required to patrol Nepal's nearly 1,100-mile border with India, where significant transnational trafficking occurred; therefore, NGOs conducted checkpoint inspections where possible but focused almost entirely on intercepting female travelers. Police reported NGOs did not always alert them when the NGOs identified potential trafficking victims.

Although the government had national standards for victim care, referral efforts remained ad hoc and inadequate. NPWC typically referred trafficking victims to government-run one-stop emergency centers located within hospitals or to NGOs, both of which could provide shelter, medical, and legal services. The government did not report how many victims it referred to services. NGOs reported that pandemic-related lockdowns restricted the availability of resources that trafficking victims and survivors rely on. The government referred victims to one of the 10 shelters for trafficking victims that NGOs operated, with some MWCSC assistance. The government did not report how much funding it allocated to the 10 shelters and to its embassies abroad to care for victims. While the shelters assisted 1,158 victims of crime generally during the fiscal year, including trafficking victims, the shelters had to restrict or halt several services due to pandemic-related restrictions. While organizations offered some services online, such as mental health counseling, NGOs noted the government's pandemic-related safety lockdown and social distancing requirements created situations similar to those victims faced while under traffickers' control. Moreover, some NGOs were unable to maintain their full operations in support of victims, as funding streams were reduced or diverted to the pandemic. MWCSC and NGOs operated 123 community service centers across 36 districts for female victims of gender-based violence, including trafficking. MWCSC paid for victim's basic needs, including lodging, food, health services, psycho-social counseling, and capacity building, while NGOs cover other administrative and staff costs. NGOs reported MWCSC only disbursed the funding when reimbursement was requested. To ensure implementation of Nepal's 2012 National Minimum Standards of Victim Care and Protection and Standard Operating Procedures on Rehabilitation Centers (SOPRC), the NCCHT monitored the 10 rehabilitation homes and required NGOs running government-funded rehabilitation homes and shelters to periodically submit details of their operations. Similarly, district anti-trafficking committees are required to conduct at least one monitoring visit to government-funded shelters every six months; the NCCHT can conduct additional inspections as needed. While public

hospitals should have provided free medical assistance to trafficking victims, they often charged NGOs for such care. MWCSC maintains it provides the same services to male and female trafficking victims through the Victim Assistance Rehabilitation Fund. Nevertheless, international organizations reported male and labor trafficking victims frequently did not receive services. Victims could obtain restitution from traffickers through criminal proceedings, or if the government was unable to collect the fines imposed on traffickers, the government could provide back wages from a rehabilitation fund. As in prior reporting periods, the government did not report if any victims obtained restitution or if the government provided any compensation from the fund.

Overall victim-witness protection mechanisms and the practices of police and justice officials remained insufficient. In civil suits against their traffickers, most victims remained unaware of the HTCA provision granting the right to private representation. Even in cases where victims had private representation, the attorneys often could not build strong cases because law enforcement and the judiciary denied them access to critical case files and the dates of hearings. Police continued efforts to pay for some victim and witness transportation and lodging during judicial hearings; authorities did not report whether they provided these services to any trafficking victims. Victims can provide testimony via video or written statement; however, most courts do not have facilities for video conferences and even when they do, officials have not often made victims aware of the option. Victims continued to report challenges in providing testimony, including threats from perpetrators, and the lack of compensation and lack of ability to collect compensation when awarded. Notably, resource limitations impeded authorities' provision of a victim's right to police protection, and observers stated victims were reluctant to file criminal complaints under HTCA in part because of personal or family safety concerns. The HTCA authorized the judiciary to fine victims who failed to appear in court and hold victims criminally liable for providing testimony contradicting their previous statements. Some police arrested, detained, and fined adult and child sex trafficking victims for crimes their traffickers compelled them to commit. The government did not have legal alternatives to the deportation of foreign victims. The Department of Immigration continued to deport foreign nationals who had overstayed their visas; the government did not report whether the department screened for trafficking among those deported.

Government services for its nationals exploited abroad remained inadequate. The 2007 FEA required the government to appoint labor attachés in countries with more than 5,000 registered Nepali migrant workers to facilitate claims of abuse, exploitation, and repatriation. Due to the cost of the attachés, however, they were not present in all required countries. While some embassies could provide temporary shelter and repatriate trafficking victims, officials acknowledged inadequate staffing and resources created large delays in provision of assistance, and the quality of the government-run shelters was poor. Nepali embassies in Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, South Korea, and UAE could provide emergency shelter for approximately 25 female migrant workers each, some of whom were trafficking victims; embassies did not report the number of workers assisted. The Foreign Employment Board (FEB) acknowledged shelters lacked sufficient space, staff, and resources to meet the high demand for assistance. FEB collected fees from departing registered migrant workers for a welfare fund to provide repatriation and one year of financial support to families of injured or deceased workers, which could include trafficking victims. During the fiscal year, the fund repatriated 1,398 migrant workers, an increase from 84 the previous year and largely the result of pandemic-related repatriation policies of destination countries. Additionally, 413 bodies of Nepalis who had died while employed abroad were repatriated, an increase from repatriation of 391 bodies the previous year. The government did not report identifying any trafficking victims among those repatriated or initiating any criminal investigations into their exploitation. MWCSC funded Nepali embassies to repatriate an additional 53 Nepali trafficking victims from India and Sri Lanka,

as well as united 471 internal trafficking victims with their families during the reporting period. FEB could also repatriate undocumented migrant workers, including trafficking victims, by requesting funds through the finance ministry on an ad hoc basis, but it could not provide any other financial support or services. Other government agencies repeatedly rejected FEB's proposal to create a welfare fund for undocumented migrant workers exploited abroad, including trafficking victims. NGOs bore the primary cost of repatriating Nepali trafficking victims from India and noted that due to the lack of formal repatriation procedures between countries, repatriation could take up to two years. DFE maintained an online migrant worker portal that allowed migrant workers facing abusive or untenable situations overseas, or someone on the migrant worker's behalf, to file a request for repatriation. NGOs reported many migrants lacked the requisite computer access or skills to use the site. NGOs reported coordination between the labor ministry and MWCSC remained weak, and labor officials did not routinely inform labor trafficking victims about the services MWCSC and NGOs could provide.

## PREVENTION

The government maintained overall efforts to prevent human trafficking. The NCCHT continued to lead interagency efforts on human trafficking. While it coordinated anti-trafficking action within the government and with civil society, observers noted frequent turnover among members continued to hamper efficacy. Additionally, the government operated and funded local anti-trafficking committees (LCCHTs) and district anti-trafficking committees (DCCHTs), but as the government reorganized these structures over past years, several became inactive and had not yet been reinstated. NGOs reported the lack of resourced LCCHTs and DCCHTs limited key anti-trafficking efforts to the national level, which caused delays. MWCSC did not report how much funding it allocated to these committees for prevention and protection activities. While the NCCHT continued to meet with and train officials from the DCCHTs, observers noted the need for improved coordination between the NCCHT, DCCHTs, and LCCHTs. MWCSC began amending legislation to redefine each committee's role. A January 2018 MWCSC-led review of the 2012-2022 anti-trafficking national action plan (NAP) revealed the government had implemented less than one-third of the plan's prosecution and capacity-building objectives. During the reporting period, the MWCSC formed a task force to revise the NAP in line with the government's new federal structure and issued its eighth annual report on the government's anti-trafficking efforts. However, the National Human Rights Commission's Office of the Special Rapporteur on Trafficking in Women and Children did not issue its report due to the pandemic. The government continued to conduct public awareness campaigns throughout the country, sometimes in partnership with NGOs or international organizations. During the reporting period, MWCSC produced a radio program to raise awareness and disseminate information about trafficking.

Existing laws did not permit labor inspectors to monitor AES establishments for labor violations, which NGOs reported allowed many establishments to use children and adult trafficking victims with impunity. While the government had special committees to monitor the AES to mitigate this regulatory gap, they, too, remained highly dependent on individual officers and did not have a comprehensive regulatory framework to use when monitoring such establishments. Observers estimated only half of AES establishments had valid registration. NGOs raised concerns that victims may have had even less chance of being identified when, due to the government's pandemic-related restrictions, the AES shut down for most of the reporting period and may have moved to unmonitored private residences.

The DFE maintained offices in all seven provinces to increase protective migrant workers' access to foreign employment-related services. In addition, the FEB operated approximately 41 Migrant Resource/Information Centers at the district level, which provided information on authorized recruitment agencies, maximum fees that the agencies can charge workers, and information on the risks



and challenges of working abroad and potential ways to minimize the risks. However, lengthy pandemic-related lockdowns, as well as closures of the national airport and border with India, limited the ability of Nepalis to travel and subsequently limited the government's trafficking prevention screening efforts designed around cross-border movement. With the support of an international organization, the FEB revised the two-day pre-departure orientation curriculum for migrant workers. Some NGOs also provided training to migrant workers, based on the revised curriculum. However, since the course was not mandatory, its implementation remained ad hoc. The government offered free skill tests for returned migrant workers and provided certifications for skills obtained abroad; it did not report how many workers utilized these services. During the reporting period, Nepal signed a labor recruitment MOU with the Government of Israel to provide employment for migrant workers in the fields of agriculture, construction, and hospitality. Inconsistent with the international best practice of employer-paid fees, the agreement required the migrant worker to pay recruitment fees and related migration costs.

The government's labor migration policies remained lengthy, costly, and sometimes discriminatory against women. The Parliamentary Committee for Industry, Commerce, Labour and Consumer Welfare issued recommendations to lift the outright ban on migration of female domestic workers younger than age 24 to Gulf States and mothers with children younger than two, if certain pre-conditions were met. Observers had noted such outright bans on migration increased the likelihood such women would migrate illegally. These pre-conditions stated destination countries should have: a strong and separate law for ensuring services, conditions, and the protection of migrant domestic workers; a bilateral labor agreement with Nepal that ensures workers' basic rights like wages and weekly and annual leave; social security mechanisms that include the migrant worker; provisions on occupational safety and health; provisions on working hours and additional benefits for extra work; and 24-hour insurance coverage. The government did not report how it was implementing this recommendation or whether it intended to lift the ban outright. Migrant rights activists expressed concern the government continued to send Nepali female domestic workers abroad to countries without bilateral agreements to protect workers' rights.

The government's 2015 labor migration guidelines included a policy requiring foreign employers to pay visa and transportation costs for Nepali migrant workers bound for Malaysia and the Gulf and restricted agency-charged recruitment fees to 10,000 NPR (\$85). Among the 854 licensed manpower agencies in Nepal, only 15 had authorization to recruit domestic workers (down from 24). The government did not report if it initiated any civil or criminal investigations into the agents or agencies. Both NGOs and government officials noted the government's monitoring mechanism of employment agencies was ineffective to address non-compliance; agencies regularly charged migrant workers fees above the 10,000 NPR (\$85) limit. An international organization reported DFE continued regular monitoring and inspection of recruitment agencies suspected to be conducting irregular activities during the pandemic; however, FEB did not report if it identified or referred any non-compliance cases during the reporting period. Observers reported DFE settled the vast majority of labor complaints administratively and neither referred violators to the FET for civil penalties nor to police for criminal investigation. DFE officials stated employment agencies continued to regularly charge Nepali workers during the reporting period for visas, airplane tickets, and/or service fees above the cap, and added that they believed bilateral labor agreements with destination countries would be essential for enforcing labor rights.

While the informal sector employed more than 70 percent of workers in the country, including nearly all child laborers, inspectors did not regularly inspect the informal sector for violations, including forced labor. The government continued to fund and conduct inspections focused specifically on child labor. However, NGOs reported the Department of Labor (DOL) did not take meaningful action against perpetrators of child and forced child labor and did not undertake

many unannounced inspections. DOL did not report how many child laborers it identified or removed from exploitative conditions during the reporting period, and it typically only removed children whom employers physically or sexually abused. While civil society reported forced and bonded labor at carpet factories, labor inspectors did not regularly monitor the factories, and police did not report investigations into allegedly exploitative employers. DOL did not report referring any employers for criminal investigation or issuing assessed administrative penalties. Furthermore, NGOs reported DOL encouraged mediation over prosecution, including in cases of forced child labor. During the reporting period, as NGOs reported the pandemic led to an increased number of children working in agriculture, domestic service, and on the streets, DOL passed a guideline to declare child labor-free municipalities, which set criteria for all local governments to maintain a child labor-free environment. The government set a target to declare at least 25 municipalities child labor-free by July 2021 and sent more than 30 million subscribers text messages to raise awareness. The government organized media campaigns and workshops to hold discussions on child labor; however, these were limited due to pandemic restrictions. The government did not make efforts to reduce the demand for commercial sex acts. Despite multiple cases of child sex tourism, the government did not make efforts to prevent child sex tourism. The government did not provide anti-trafficking training to its diplomatic personnel. The government officially acceded to 2000 UN TIP Protocol in June 2020.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nepal, and traffickers exploit Nepali victims abroad. Sex traffickers exploit Nepali women and girls in Nepal, India, the Middle East, Malaysia, and—to a lesser extent—other Asian countries and Sub-Saharan Africa. Traffickers use Nepal's open border with India to transport Nepali women and children to India for sex trafficking. Labor traffickers exploit Nepali men, women, and children in Nepal, India, and the Middle East, especially men in the construction sector and women in domestic work. The government estimates approximately 1.5 million Nepalis work in the Middle East, with the vast majority of men in construction in Saudi Arabia, Qatar, and UAE. Nepalis work under oppressive conditions, which include forced labor, and there are continuing reports that employers retain their passports and sometimes do not pay them for months at a time. Due to the Government of Nepal's previous ban on female domestic workers to Gulf countries, many Nepali domestic workers in Iraq, Kuwait, and Saudi Arabia do not have valid work permits, which increases their vulnerability to traffickers. Labor traffickers exploit Nepali men, women, and children in East Asia—including in China, Japan, and Malaysia, and Europe—including Portugal, on farms and in construction, factories, mines, begging, and the adult entertainment industry. Traffickers bring Nepali victims to Europe and Australia on tourist, student, marriage, and work visas. Some recruitment agencies and agents engage in fraudulent recruitment practices and impose high fees to facilitate forced labor. Traffickers target unregistered migrants, including the large number of young Nepali women who transit India or men and women who rely on unregistered recruitment agents. Some Nepali women who agree to arranged marriages through Nepali companies to men in China and South Korea are forced into domestic servitude. Traffickers subject some migrants who transit Nepal en route to the Middle East to human trafficking, including Bangladeshis and Sri Lankans who use falsified Nepali travel documents. Some government officials accept bribes to include false information in Nepali identity documents or provide fraudulent documents to prospective labor migrants, which allows recruiters to evade recruitment regulations. Traffickers reportedly take advantage of more relaxed pre-departure screenings at Kolkata and Chennai airports or bribe Indian officials in New Delhi and Mumbai to fly Nepali migrant workers to third countries without proper documentation, which increases the workers' vulnerability to trafficking. Labor traffickers also transport Nepali victims through Sri Lanka and Burma en route to destination countries. Traffickers

increasingly used social media and mobile technologies to lure and deceive victims during the government's pandemic-related lockdown.

Within Nepal, forced labor, including through debt-based bondage, of adults and children exists in agriculture, brick kilns, the stone-breaking industry, and domestic work. For example, traffickers use debt to coerce a community of landless Dalit known as Haruwa-Charuwa into forced labor in the agricultural sector in certain districts of the eastern Terai region of Nepal. A government study documented more than 61,000 Nepalis—including approximately 10,000 children—in forced labor over the past five years, especially in agriculture, forestry, and construction. NGOs continued to report some children worked in brick kilns, including carrying loads, preparing bricks, and performing other tasks at kilns for extended periods. A 2021 international organization report estimated 17,000 children worked in brick kilns. Traffickers subject Nepali and Indian children to forced labor in the embroidered textile, or *zari* industry, as well as in carpet factories and stone quarrying. According to the government's 2017-2018 labor survey, traffickers force children younger than 15 into labor in agriculture, forestry, and construction. Some Nepali brick kilns employ Indian migrant laborers, including children, who take out large advances that require them to work for subsequent seasons. Traffickers exploit debts to compel adults and children into labor in carpet factories. Parents sometimes force their children to work in carpet factories to repay family debts. Recruitment agents promise Bangladeshi workers well-paying jobs in Nepali carpet factories but exploit them, including by obtaining tourist visas for them instead of work visas and pay less than the agreed wages. Traffickers use children to transport drugs across the Indian-Nepali border.

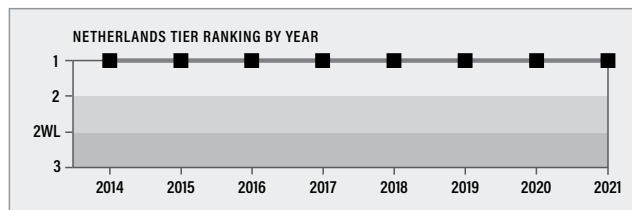
Traffickers subject Nepali girls, boys, and transgender persons to sex trafficking in Nepal on the streets and in the AES, including dance bars, massage parlors, and cabin "restaurants," a type of brothel. Sex traffickers increasingly use private apartments, rented rooms, guesthouses, and restaurants as locations for sex trafficking. A study focused on the Kathmandu Valley determined approximately 17 percent of workers in the AES are minors and 62 percent of adult women in the AES had commenced work while a minor, including as young as seven years old. Many women reported a family or friend had connected them to the establishment, where they voluntarily agreed to waitress-like positions. Their employers then exploited them in forced labor or sex trafficking. The study estimated nearly 30 percent of all minor workers in AES establishments are victims of forced labor, usually as restaurant staff, and employers later subject many to sex trafficking. Police report an increasing trend of AES businesses recruiting Nepali female employees for work abroad in the same sector, which increases vulnerability to sex trafficking abroad. NGOs alleged some police and political party leaders are complicit in sex trafficking because of their financial involvement in the AES. NGOs reported girls in early and forced marriages, especially in the Terai region among Dalit and Madhesi communities, were vulnerable to sex traffickers.

Under false promises of education and work opportunities, some Nepali parents give their children to brokers who instead take them to frequently unregistered children's homes and force them to pretend to be orphans to garner donations from tourists and volunteers. The government instructed childcare homes to return children to their families prior to the government's pandemic-related lockdown; however, NGOs estimate more than 11,000 children remain in registered children's homes and "orphanages," and international organizations and NGOs approximate 80 to 85 percent have at least one living parent. Seventy-five percent of registered Nepali orphanages and children's homes are located in the country's five main tourist districts, out of 77 national districts. Some of the orphanages and homes force children into manual labor or begging, force them to entertain visitors for

donations, and sexually abuse them. Since 2016, police have identified and arrested at least 12 tourists or international volunteers, all men older than 50 mostly from Western countries (Austria, Canada, Denmark, France, Germany, India, Netherlands, United Kingdom, and United States), for sexual abuse of Nepali children, including child sex trafficking. NGOs reported some owners of exploitative child institutions, including fake orphanages, use political connections to thwart child protective agencies and prosecution. Traffickers target young, poorly educated people from traditionally marginalized castes and ethnic minority communities and increasingly utilize social media and mobile technologies to lure their victims. Law enforcement reported victims' families are sometimes complicit in their trafficking. Organized criminal networks engage in trafficking in some parts of the country. Many Nepalis whose homes or livelihood were destroyed by the 2015 earthquakes—especially women and children—remain vulnerable to trafficking. The government does not provide documentation to most of the approximately 10,000 Tibetan refugees in the country, which prevents them from legally working, studying, traveling, and accessing public services. According to a local NGO, upwards of 6.7 million individuals—one-quarter of Nepal's population—lack citizenship documentation, rendering them de facto stateless. Nepali law treats newly arrived asylum-seekers and UNHCR-recognized refugees as illegal immigrants and does not provide for government-issued identification. Lack of documentation precludes the participation of all these groups in the formal economy and increases their vulnerability to traffickers.

## NETHERLANDS: TIER 1<sup>‡</sup>

The Government of the Netherlands fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Netherlands remained on Tier 1. These efforts included doubling the number of trafficking victims it identified, passing legislation to criminalize knowingly soliciting a sex trafficking victim, more than doubling its funding for NGO-managed shelters for trafficking victims, and increasing efforts to combat labor trafficking. Moreover, authorities in Bonaire conducted two trafficking investigations, and identified and offered services to two victims, the first time in several years that the islands of Bonaire, Sint Eustasius, and Saba (BES islands) investigated a trafficking case or identified a victim. Although the government meets the minimum standards, it convicted fewer traffickers for the third consecutive year and anti-trafficking efforts on the Dutch Caribbean islands remained weak. The government did not provide support services for foreign victims who did not cooperate with law enforcement investigations and revoked these victims' residence permits. Children remained vulnerable to trafficking in the protection system, and the government did not report complete victim statistics for the reporting period.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, convict, and sentence traffickers to significant prison terms. • Provide all potential trafficking

<sup>‡</sup> The Netherlands, along with the Dutch Caribbean islands of Aruba, Curaçao, and Sint Maarten form the Kingdom of the Netherlands. Although semi-autonomous entities, Aruba, Curaçao, and Sint Maarten rely on the Kingdom for certain authorities. The Kingdom is an important contributor to these islands' anti-trafficking efforts. The BES islands are special municipalities of the Netherlands and are fully under the authority of the Dutch government.

victims with care services, regardless of their ability to cooperate with an investigation. • Strengthen the child protection system to protect against vulnerability to trafficking. • Improve data collection quality for law enforcement and ensure the timely release of victim identification data for policy evaluation. • Incorporate measurable goals into the national action plan. • Increase outreach to potential victims in labor sectors and identify victims of forced labor. • Improve coordination and information-sharing with anti-trafficking counterparts across the Kingdom of the Netherlands, including in Aruba, Curaçao, and Sint Maarten. • Implement results-based training and mentoring of officials in the BES islands to increase identification of victims and prosecution of traffickers. • Expand the rapporteur's mandate or assign another independent body to evaluate anti-trafficking efforts and assess trafficking prevalence in the BES islands.

## PROSECUTION

The government maintained mixed law enforcement efforts. Article 273f of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of up to 12 years' imprisonment or a fine of up to €87,000 (\$106,750) for trafficking offenses involving an adult victim and up to 15 years' imprisonment or a fine of up to €87,000 (\$106,750) for those offenses in which the victim was a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

Police referred 187 trafficking suspects to the prosecutor's office for further investigation, compared with 145 in 2019. The government prosecuted 120 alleged traffickers, compared with 101 in 2019. Courts convicted 53 traffickers, compared with 84 in 2019. The government did not report complete sentencing data but noted that the average prison sentence for convicted traffickers was two years; seven traffickers received sentences in excess of three years. The government closed the courts between March 2020 and May 2020 due to the pandemic, and observers reported pandemic-related restrictions in the first half of 2020 limited law enforcement's ability to conduct investigations.

Regional police units maintained specialized teams with trained anti-trafficking detectives and experts, and the national police had dedicated anti-trafficking officers. Specialized anti-trafficking prosecutors and judges tried and heard cases. Observers reported the police did not allocate sufficient resources to anti-trafficking efforts, as the government shifted funding to counterterrorism and organized crime investigations. Law enforcement efforts remained weak in the BES islands. The Dutch Caribbean Police Corps, which operated exclusively in Bonaire, Sint Eustatius, and Saba, conducted two trafficking investigations in Bonaire; the investigations were ongoing at the end of the reporting period. For the third consecutive year, authorities in Sint Eustatius and Saba did not investigate, prosecute, or convict any traffickers. Authorities in Bonaire maintained a trafficking database, which served as a repository for future leads on trafficking cases.

The government continued to participate in international investigations and led joint investigation teams with other EU nations, including Austria, Bosnia and Herzegovina, Hungary, and Romania. The government led EUROPOL's European Multidisciplinary Platform Against Criminal Threats (EMPACT) program on human trafficking. The Ministry of Justice and Security (MJS) posted new police liaison officers in Croatia, Italy, and Poland to monitor migrants vulnerable to trafficking. The government provided police and prosecutorial assistance and training overseas, and it funded anti-trafficking programs in victim source countries; the government supported law enforcement capacity-building projects that included combating trafficking in Nigeria, Egypt, Mali, Niger, Ghana, Zambia, Morocco, and Côte d'Ivoire. Dutch authorities trained customs and coast guard officials in the BES islands and seconded Dutch law enforcement staff to the BES islands and Aruba, Curaçao, and Sint Maarten; observers reported many law enforcement officials were unfamiliar with the

seconding system, and the countries did not take full advantage of this program. The government maintained a 2016 memorandum of understanding on law enforcement cooperation, including anti-trafficking cooperation, with Aruba, Curaçao, Sint Maarten, and the United States. The government continued to deliver anti-trafficking training to law enforcement; training remained institutionalized as part of the standard professional curriculum across agencies. Anti-trafficking police officers were required to pass examinations in a training course focused on policing commercial sex. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and trauma-informed care for victims. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government frequently did not charge child sex traffickers under the trafficking law but under a sexual abuse law (article 248b), which carried lesser penalties. However, the government passed legislation in March 2021 to criminalize knowingly soliciting a sex trafficking victim with penalties of up to four years' imprisonment and a fine; the approved legislation was awaiting final approval by the head of state at the end of the reporting period. The government increased the budget for the Aliens Police, Identification, and People Trafficking Department by €10 million (\$12.27 million) for anti-trafficking efforts; a third of the funding was allocated for alien registration to bolster non-EU victim identification.

## PROTECTION

The government increased efforts to protect victims. In 2019, the most recent year for which official data was available, the government-funded national victim registration center and assistance coordinator registered 1,334 possible trafficking victims, compared with 668 in 2018. Of these, 849 were victims of sex trafficking, 424 of labor trafficking, including 196 subjected to forced criminality, and 61 of uncategorized trafficking. Children comprised 108 of the victims, compared with 62 in 2018. In 2019, the top five countries of origin of victims were: Nigeria (512), the Netherlands (244), Uganda (91), Poland (83), and The Gambia (49). The police reported identifying 952 victims (530 in 2018); regional health care organizations 252 (91 in 2018); labor inspectors 46 (75 in 2018); border security 10 (12 in 2018); and other organizations identified the remaining victims. Observers stated the increase in the number of identified victims was due to government training efforts, an increased willingness of international victims to self-identify as victims during the asylum process, and improved understanding of the EU's General Data Protection Regulation (GDPR) in the context of victim identification. Authorities in Bonaire identified two victims in 2020; the government offered services to both victims and granted one special residency status.

During the reporting period, observers reported the GDPR, which required non-law enforcement organizations to obtain consent from the victim before official registration unless a "justified interest" existed, continued to deter some victims from registering. Nevertheless, experts agreed it was not the GDPR itself that caused victims to fear stigmatization as a trafficking victim and withdraw from the victim process, but rather the strict interpretation of the regulation by many non-law-enforcement organizations out of fear of being non-compliant with EU privacy regulations. Experts stated the GDPR considered providing care to trafficking victims a "justified interest," and, therefore, the government could provide social services without victim consent. Observers stated many stakeholders began to provide relevant information for victims who required immediate assistance, including medical treatment, and arranged consent with the victim afterward. In November 2020, the MJS published a manual with guidance to stakeholders on the GDPR and reporting potential victims. Additionally, some observers reported an increase in self-identification among asylum-seekers, especially among individuals from Nigeria. An NGO noted, however, that many non-EU third country nationals seeking asylum had difficulty in accessing victim care services. MJS provided awareness training to the Immigration and Naturalization Services to identify potential trafficking indicators among asylum-seekers.



The government funded an extensive network of care facilities for both foreign and domestic victims. The government fully funded three NGO-managed shelters that provided dedicated services for child and adult trafficking victims; the shelters could house 58 shelter victims, including 14 spaces designated for male victims. The government provided €1.44 million (\$1.77 million) to the shelters, compared with €600,000 (\$736,200) in 2019. All shelters provided medical and psychological care, schooling, language and skills training, and legal assistance; some also provided self-defense classes, and most had facilities accessible to individuals with disabilities. Local governments also funded shelters for domestic violence victims, which had dedicated space for trafficking victims. The government funded specialized care for up to 36 people in six shelters for trafficking victims who also had a psychological disorder, developmental limitations, or “substance abuse disease.” The government allocated €2 million (\$2.45 million) to services for victims requiring specialized care.

Children remained vulnerable in the protection system; civil society reported care workers were not sufficiently trained to identify child trafficking victims. Observers noted children leaving Dutch asylum centers to unknown destinations was a Europe-wide problem that needed to be tackled at the European level. The national rapporteur and civil society agreed the government was actively engaged in addressing this issue, including through law enforcement cooperation via the EMPACT project.

While holding the presidency of the Benelux Union in 2020, the government worked with Belgium and Luxembourg to improve cooperation on victim protection, including by publishing an updated brochure to raise awareness among the public and potential victims about anti-trafficking laws and referral and assistance programs in each of the three countries. Together with Belgium and Hungary, the government continued to administer a project to provide resources for social workers, legal experts, and law enforcement authorities, among others, to increase knowledge of victim referral and assistance mechanisms, particularly for Hungarian victims in the Netherlands and Belgium. In 2019, the government provided funding to Aruba and Curaçao to support the response to arriving Venezuelan migrants, a group vulnerable to trafficking. The governments of Aruba and Curaçao allocated a subset of this funding to anti-trafficking efforts in 2019 and 2020, including awareness campaigns and victim services. However, funding for anti-trafficking efforts in Aruba, Curaçao, and Sint Maarten remained sporadic and insufficient.

By the end of the reporting period, 33 of the country’s 35 health care regions had a trafficking victim coordinator, and the government funded an NGO to assist the two regions without a coordinator. The government continued funding a website to provide victim identification and referral information to first responders and other professionals who may encounter a victim, and it supported an initiative by victim care organizations to develop best practices for prevention and protection of male victims of sexual exploitation. Although victims could request physical separation from a suspect during court proceedings, observers expressed concern that frequently lengthy trials re-traumatized victims. Judges often awarded restitution to victims, and if the perpetrator did not pay the court-ordered amount within eight months, the government assumed responsibility for collecting the payment from the perpetrator. Authorities reported courts ordered higher restitution awards than was typical in a number of cases in 2020, highlighting a case in which a judge awarded €310,000 (\$380,370) to two victims.

The government permitted potential victims to stay in shelter care for a three-month reflection period to begin recovery and decide whether to assist law enforcement. During the reflection period, non-EU victims had access to specialized shelters but could not work. After the reflection period, victims who agreed to assist police could continue to stay in shelters. Non-EU victims willing to press charges were eligible for a short-term residence permit (B-8 permit), valid for a maximum of five years; the B-8 permit allowed non-EU

victims to seek employment. If authorities decided to prosecute the suspected trafficker, the victim was eligible to receive permanent B-8 legal residency. The government did not report how many foreign victims applied for the permanent B-8 permit (333 applied in 2018, the most recent year data was available). According to civil society, foreign victims who ceased cooperation with authorities lost their residence permits and consequently all government-sponsored support services. Moreover, some NGOs noted law enforcement could quickly drop a case if it did not immediately find sufficient potential evidence for a successful prosecution, leading to victims potentially being excluded from services. A victim could apply for asylum if their case closed without a conviction or they declined to assist in an investigation. The government did not report the number of potential victims who applied for asylum. A procedure also existed to grant victims residency, separate from B-8 eligibility, in cases where they were seriously threatened or had serious medical or psychological conditions. Authorities worked with civil society to repatriate foreign victims unable to acquire residence permits; an international organization assisted in repatriating approximately 10 victims in 2020. The government continued a policy of transferring Dublin asylum claimants to their original country of asylum registration, including claimants who had potentially been subjected to trafficking in another EU country. Civil society observed this policy led to the deportation of many victims who were in need of support. Authorities noted that when a Dublin asylum claimant was returned to a Dublin country of origin, Dutch law enforcement shared all investigation data with their counterparts in the country of origin to facilitate investigation and prosecution of a case. The government extended immigration relief to victims facing deportation or repatriation to countries with a high rate of COVID-19 infections and to victims who could not return to their home countries due to travel restrictions; the government allowed identified victims to stay two to six weeks beyond the three-month reflection period in specialized shelters for trafficking victims or in asylum centers.

## PREVENTION

The government increased efforts to prevent trafficking. The Human Trafficking Task Force, chaired by the chief national prosecutor and composed of local and national government authorities, the private sector, and NGO representatives, set long-term anti-trafficking policies, while MJS led the implementation and coordination of anti-trafficking efforts. The government continued implementing the 2018 national action plan (NAP), focused on improving information sharing among stakeholders, identifying more victims, strengthening local governments’ anti-trafficking programs, and increasing efforts against labor trafficking. Survivors provided input to the NAP through mostly virtual regional trafficking “expert” sessions held throughout the reporting period; these meetings bolstered information sharing between localities and with the national government. Several NGOs criticized the NAP for its lack of measurable goals and monitoring tools, although the government issued a report in November 2020 on its progress implementing the NAP. The national rapporteur, tasked with monitoring policy implementation, gathering and reporting statistics, and making recommendations to the government, published two reports during the reporting period that analyzed victim statistics from 2015-2019 and trafficking crimes from 2015-2019. The government continued multiple awareness campaigns, some of which were conducted by local governments or through NGOs. The government continued trainings for medical professionals and social service providers and developed two toolkits to educate teachers and students to identify trafficking indicators at schools. Additionally, the government supported two “innovation field labs” in cooperation with a United States university to bring together stakeholders to develop new methods to counter trafficking within the commercial sex industry and to fight labor trafficking, including criminal exploitation. Teams of police, labor inspectors, and health care personnel continued conducting inspections of commercial sex establishments, which included screening for trafficking indicators, but reported the pandemic hampered inspection efforts in 2020; the government did not report the number of inspections conducted nor if it identified any trafficking victims as a result of

these inspections. Observers noted the government's increased focus on labor trafficking, in particular the government's attention to the living situation and labor conditions of migrant laborers during the pandemic. The labor inspectorate continued to focus on sectors with an elevated risk of exploitation, such as agriculture and agro-processing. The government established a Labor Migrants Protections Taskforce that made several proposals to address labor exploitation. Two more market sectors (wind energy and agriculture/horticulture) were in the process of joining the government's Covenant on Reducing Human Rights Violations in Supply Chains at the end of the reporting period. The government compiled a set of measures aimed at discouraging demand for commercial sex with children. The government continued to implement a national plan against child sex tourism, screened for potential child sex tourists at airports in cooperation with foreign governments, and posted police liaisons to the Dutch embassies in Cambodia and Thailand. Authorities trained immigration, hotel, aviation, customs, and labor inspection staff in methods to identify victims and child sex tourists. The government organized international trainings and conferences, awarded funding for initiatives in source countries, and funded anti-trafficking projects in foreign countries via its embassies. The government collaborated with Liechtenstein, Australia, and the UN to explore methods to detect and disrupt financial flows associated with trafficking. The foreign ministry continued to conduct outreach to domestic workers associated with foreign diplomats, without their employers present, on how to report cases of abuse. A government-funded NGO maintained a victim assistance hotline during regular business hours. The hotline received 3,782 calls in 2019, the most recent year for which data was available; 194 calls were requests for shelter.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Netherlands. Most identified victims are young women enticed by young male traffickers who coerce them into sexual exploitation. Labor traffickers exploit adults from Eastern Europe, Africa, and South and East Asia in industries such as inland shipping, leisure river cruises, agriculture, horticulture, hospitality, domestic servitude, and forced criminal activity. There has been a notable increase in victims from Africa, particularly Nigeria and Uganda. For the first time in several years, Dutch nationals were not the leading nationality of victims in 2019. Refugees and asylum-seekers, including unaccompanied children, are vulnerable to labor trafficking. Criminal groups force Romani children into pickpocketing and shoplifting rings. Over the last five years, more than 1,600 foreign children have left refugee centers to unknown destinations and remain highly vulnerable to exploitation. The Netherlands is a source country for child sex tourists. Refugees and asylum-seekers, including children in government-run asylum centers, are vulnerable to sex trafficking. Traffickers are overwhelmingly male, and almost half of trafficking suspects are Dutch; the average trafficker is younger than 35 years old.

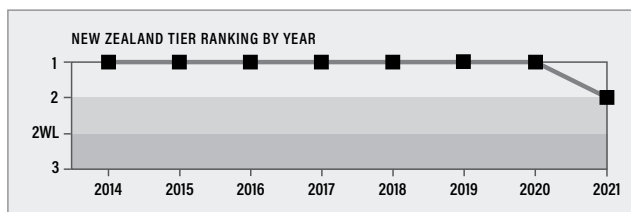
As reported over the past five years, human traffickers exploit foreign victims in the BES islands. Increasingly, traffickers exploit Venezuelan women in sex trafficking on the BES islands. Local authorities believe labor traffickers also exploit adults in domestic servitude and in the agricultural, retail, and construction sectors. Women in commercial sex and unaccompanied children are highly vulnerable to trafficking on the islands, and some migrants in restaurants and local businesses may be vulnerable to debt bondage.

The BES criminal code criminalizes sex and labor trafficking under article 286f, prescribing penalties ranging from six to 15 years' imprisonment. Bonaire prosecuted its first trafficking case in 2012; the case was dismissed in 2019 due to lack of victim testimony. The mandate of the Netherlands' national rapporteur does not extend to the BES islands; therefore, the office cannot conduct local research. Local governments on the BES islands run multidisciplinary anti-trafficking teams, which cooperate with each other and with Dutch counterparts; however, there has been little evidence of their

effectiveness. Victims of violence, including trafficking, are eligible for compensation from the Violent Offenses Compensation Fund.

## NEW ZEALAND: TIER 2

The Government of New Zealand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included initiating eight trafficking investigations, convicting seven offenders for sex trafficking crimes, funding programs to aid migrant workers vulnerable to exploitation as a result of economic hardship related to the COVID-19 pandemic, working to develop new training modules for a variety of government officials, and releasing an updated anti-trafficking national action plan in March 2021. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic. While the government convicted offenders in more cases of child sex trafficking than in previous years, it did not identify any victims in these cases as trafficking victims, as it did not use a system to specifically designate individuals as trafficking victims, and many officials and service providers lacked an understanding of all forms of trafficking; this weakened victim protection and may have undermined the ability of the government to recognize current trafficking trends in the country. Furthermore, the government has never reported identifying an adult victim of sex trafficking and did not initiate any prosecutions for labor trafficking for the second consecutive year. In addition, the failure to sentence the majority of traffickers to terms of imprisonment, with six child sex traffickers sentenced to terms ranging from six to 18 months' home detention, significantly weakened deterrence, undercut efforts to hold traffickers accountable, and did not adequately address the nature of the crime. Therefore New Zealand was downgraded to Tier 2.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify victims through proactive screening of vulnerable populations. • Increase efforts to vigorously investigate and prosecute sex and labor trafficking cases, and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Establish a system, such as a national referral mechanism, to ensure victims—including New Zealand citizens—are appropriately identified as trafficking victims and referred to services, as well as to enable the government to track the number of victims identified by authorities. • Amend the trafficking statute to explicitly define the sex trafficking of children as not requiring the use of deception or coercion. • Improve training provided to frontline law enforcement, labor inspectors, and social service providers, including by ensuring officials understand that children in commercial sex are victims of trafficking. • Take steps to improve potential victims' access to services and ensure government-funded services are suitable for trafficking victims. • Distribute materials to raise public awareness of all forms of human trafficking. • Increase resources for anti-trafficking law enforcement. • Improve the content and distribution of materials explaining migrant workers' rights and mechanisms for reporting exploitation. • Increase coordination with NGOs, social service providers, and other civil society stakeholders on anti-trafficking efforts, including victim identification and assistance. • Provide anti-trafficking training to diplomatic personnel.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The Crimes Act of 1961, as amended in 2015, criminalized sex trafficking and labor trafficking. Section 98D (trafficking in persons) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of up to 20 years' imprisonment, a fine not exceeding 500,000 New Zealand dollars (NZD) (\$361,530), or both; these penalties were sufficiently stringent and, with respect to the forms of sex trafficking covered under the provision, commensurate with the penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 98D required a demonstration of deception or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, Section 98AA criminalized all forms of child sex trafficking under its "dealing in persons" provision and prescribed penalties of up to 14 years' imprisonment, which were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. The government sometimes utilized the Prostitution Reform Act (PRA), including Sections 20 and 21 which criminalized the facilitating, assisting, causing, or encouraging a child to provide commercial sex, in addition to receiving earnings from commercial sex acts provided by a child. These sections of the PRA prescribed penalties of up to seven years' imprisonment for the sex trafficking of children, which were significantly lower than those available for trafficking offenses under Section 98D and 98AA of the Crimes Act.

During the reporting period, the government initiated investigations for eight potential cases of trafficking, initiated two sex trafficking prosecutions, and convicted seven offenders for sex trafficking crimes; compared with nine investigations, five sex trafficking prosecutions, and two convictions (one for labor trafficking and one for sex trafficking) in the previous reporting period. The government did not initiate any prosecutions for labor trafficking for the second consecutive year. Of the seven convicted traffickers, courts convicted one under Section 98 AA of the Crimes Act for attempting to purchase a child for sexual exploitation (among other charges) and sentenced him to five years' imprisonment. Courts also convicted six for PRA violations related to the receiving of or arranging commercial sex acts from children and sentenced them to six to 18 months' home detention. A trafficker previously convicted in March 2020 for exploiting 13 Samoan victims in forced labor was sentenced to 11 years' imprisonment during the reporting period. Although this represented the longest term of imprisonment sentenced under the trafficking statute to date, the government appealed the judge's sentence, claiming it was "manifestly inadequate."

Following the enactment of the trafficking law in 2015, the government has exclusively used Section 98D to prosecute labor offenses, and has never prosecuted a sex trafficking crime, or a case of internal trafficking, under Section 98D. High evidentiary and procedural standards, weak trafficking victim identification, and a lack of sufficient resources and understanding of all forms of trafficking among some government officials continued to result in the prosecution of potential traffickers under different statutes, including non-criminal labor violations. While the government believed that a requirement that the attorney general approve any charges of Section 98D before court proceedings could be initiated signaled the seriousness with which the crime was treated in New Zealand, some observers reported that in practice this encouraged officials to bring alternative charges. Section 98D's requirement that deception or coercion be demonstrated to constitute a child sex trafficking offense further resulted in the government prosecuting child sex trafficking crimes as violations of the PRA. Although authorities claimed this was done to increase victims' access to justice and to quickly impose comparable consequence as those convicted for trafficking, during the reporting period this contributed to the majority of convicted traffickers avoiding imprisonment. This weakened deterrence and undercut the government's overall anti-trafficking efforts. Some experts noted the lack of efforts by law enforcement to treat sex trafficking cases appropriately continued to

minimize the prevalence of the crime and resulted in weak efforts to hold traffickers accountable and protect victims. For example, police sometimes failed to investigate traffickers complicit in the commercial sexual exploitation of children. Furthermore, police were not adequately trained to identify indicators of trafficking among victims of domestic or family violence, including in cases where adult victims were forced into commercial sex, and therefore the crime often went unnoticed by authorities.

An anti-trafficking operations group, composed of immigration authorities, police, and the children's ministry, continued to meet to increase law enforcement coordination. The labor inspectorate investigated forced labor complaints but worked mainly within the civil legal system, which may have contributed to the lack of criminal prosecution of forced labor crimes when cases weren't referred for criminal investigations. Immigration New Zealand's (INZ) serious offences unit investigated trafficking cases but was limited to investigating only those cases in which immigration violations were also identified. In September 2020, New Zealand Police (NZP) released a strategy for addressing transnational organized crime, which included migrant exploitation and trafficking, with the aim of improving understanding of transnational organized crime and increasing coordination among government agencies. The Ministry of Business, Immigration, and Employment (MBIE) continued to require immigration officers, labor inspectors, and other relevant staff to complete an online training module on human trafficking. MBIE worked to develop new training modules for immigration officers, labor inspectors, and other frontline officials on identifying and investigating trafficking, interviewing victims, and processing visas for victims. Although these training modules were not released before the end of the reporting period, MBIE's anti-trafficking team presented to more than 350 INZ staff members to increase their awareness of trafficking and promote victim protection efforts. NZP continued to require anti-trafficking training for all detectives and included a trafficking and smuggling chapter in its police manual. The government did not report training prosecutors or judiciary officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## PROTECTION

The government maintained insufficient victim identification and protection efforts. The government reported using a certification process by which police formally certify a foreign person as a trafficking victim based on reasonable suspicion, enabling victims to access a specific visa category for victims of trafficking and services such as health care. The government reported investigating cases that involved 39 potential foreign victims during the reporting period; however, the extent to which these all of cases featured sex trafficking or forced labor indicators was unclear, and the government did not make any new certifications or find reasonable suspicion any were trafficking victims; this was compared with three labor trafficking victims certified during the previous reporting period. Despite prosecuting suspects for crimes that constitute child sex trafficking during the reporting period, the government reported that it did not identify any sex trafficking victims. The government has never certified a foreign victim of sex trafficking and despite evidence that adults, particularly female victims of family violence, were forced into commercial sex in New Zealand, the government has never identified an adult New Zealander as a victim of sex trafficking.

The government continued to finalize its operational framework to outline the process of victim identification, referral, and provision of victim services for government agencies, which it began drafting in 2017. Law enforcement, immigration, and social service personnel had formal written procedures to guide officials in victim identification. However, beyond the system to certify foreign victims to enable their access to additional services, the government lacked a system to formally recognize trafficking victims, including victims from New Zealand. In addition, it was unclear that formal written procedures were effective or used consistently in practice. For example, authorities



consistently failed to formally identify children in commercial sex—a form of sex trafficking according to definitional standards under international law—as victims of trafficking. While victims did not need to be certified or formally designated as trafficking victims to access support services, a lack of recognition that they were subjected to trafficking may have inhibited victims' ability to obtain specialized services. Overall, the absence of a system to formally recognize victims of trafficking and track the number identified by authorities may have impeded the government's ability to identify trafficking trends and develop effective responses.

NZP had legal limitations on its ability to proactively screen for sex trafficking victims, including those who are New Zealand citizens, within the legal commercial sex industry, which was primarily regulated by the Ministry of Health. For example, due to regulations prohibiting police from inspecting legal brothels without a complaint, police relied on health ministry officials and an organization that works closely with persons in commercial sex to report potential criminal violations. Nonetheless, the government did not report providing training to the organization's staff on definitions or indicators of sex trafficking, or procedures for the referral of trafficking victims to services. In addition, when interviewing migrants in commercial sex, one report indicated police did not always provide interpretation for non English speakers, which may have inhibited their ability to screen for trafficking indicators. The contact center for children's ministry, Oranga Tamariki, distributed a list of questions for hotline staff to ask callers who used certain terms such as trafficking, exploitation, and slavery, and maintained a process for handling potential child trafficking cases, including to refer cases to police; however, the government did not report identifying victims through this mechanism.

The government provided victims with a reflection period, the length of which was dependent on the individual needs of each victim, to recover before deciding whether to cooperate with law enforcement. The government did not allocate funding specifically dedicated to assist trafficking victims or provide services designed for trafficking victims. However, trafficking victims were eligible to receive government-funded services available for all victims of serious crimes that were provided through arrangements with local community groups, and the government provided temporary housing, medical services, employment assistance, and other social services, as well as emergency grants in cases involving debt-based coercion. According to some NGOs, a lack of understanding of trafficking among some social service providers and officials, including a lack of awareness that children in commercial sex and adults forced to engage in commercial sex acts were victims of trafficking, meant some victims may have not received adequate or specialized psychosocial care. Furthermore, some civil society experts reported a lack of adequate services available for child sex trafficking victims, that services were not easily accessible for victims of labor and sex trafficking, and that officials did not provide clear guidance to some NGO service providers seeking government assistance. The government could fund travel and accommodation expenses for victims who had returned to their home countries to travel to New Zealand and participate in court proceedings, but it did not report funding such expenses for trafficking victims during the reporting period. The law authorized the extension of temporary residence visas to certified foreign trafficking victims for up to 12 months, which also made them eligible for legal employment; and foreign victims facing hardship or retribution in their home countries could apply for a residence visa. During the reporting period, INZ granted work visas to 15 trafficking victims. In 2019 the government took steps to reconsider the residence applications of victims denied residency by INZ in 2017, after an immigration tribunal subsequently found that INZ had failed to adequately investigate their claims of facing retributive threats against themselves and their families in their home country; during the reporting period, INZ granted residence visas to 11 of these victims, as well as to their family members, and was processing the applications of four additional victims

through the end of the reporting period. The law allowed victims to receive restitution from criminal proceedings and victims could seek compensation from assets forfeited in criminal cases through civil claims; however, the government did not report if any victims received restitution or compensation during the reporting period.

## PREVENTION

The government increased efforts to prevent trafficking. INZ chaired the government's interagency working group on trafficking and operated a three-person team responsible for coordinating government efforts related to anti-trafficking. As a result of the government's pandemic mitigation efforts, some INZ staff with experience working on anti-trafficking efforts were reassigned to other departments during the reporting period, however the overall number of staff dedicated to anti-trafficking efforts remained stable. In March 2021, the government released its "Plan of Action against Forced Labor, People Trafficking and Slavery" during an anti-trafficking conference co-organized with a foreign embassy and a civil society organization. The government sought feedback from the public on the action plan in October 2020. In contrast with the government's previous action plan released in 2009, which only addressed transnational trafficking, the new plan recognized all forms of trafficking. INZ held an observatory role within an anti-trafficking advisory group co-chaired by two civil society organizations. Nonetheless, some NGOs suggested collaboration by the government was lacking. The government did not report sufficient efforts to raise awareness of sex trafficking, although it continued to maintain webpages, distribute pamphlets to raise awareness of trafficking indicators and the availability of support services. Efforts to host and participate in forums and workshops with businesses, students, and other community groups to increase awareness were limited by pandemic-related restrictions during the reporting period. Some observers continued to report a lack of sufficient efforts to increase public awareness of trafficking, noting low levels of understanding of the crime across New Zealand, including among social service providers and the general public.

The government continued to distribute guides for employers recruiting Filipino workers, and to send welcome emails with workers' rights information to all approved residence, work, and student visa holders in 13 languages, as well as other resources for migrant workers. MBIE continued to distribute pamphlets, in five languages, which listed who was able to legally engage in commercial sex and provided information on how to report exploitation, however these materials did not specifically address trafficking. In addition, many of the materials on migrant workers' rights and employment laws were not clear or distributed effectively, and some workers were unaware of their rights or how to report exploitation. The government did not operate a trafficking specific hotline; however, workers could make complaints through MBIE's employment rights hotline, which referred cases involving worker exploitation to the labor inspectorate. Immigration authorities' delays in processing migrant workers' applications to change conditions of their visas, including changing employers, increased trafficking risks and prevented some workers from leaving exploitative conditions for extended periods of time.

The government implemented a 37.6 million NZD (\$27.19 million) program in July 2020 to assist approximately 12,300 temporary visa holders, including migrant workers, who experienced hardship due to the pandemic and were unable to return to their home countries. Through this program, the government provided essential items such as food, housing, clothing, and medication, which may have helped alleviate economic disruptions caused by the pandemic and decrease these temporary visa holders' vulnerability to exploitation. In December 2020, the government extended additional benefits to an estimated 5,800 temporary visa holders, which included cash payments to be made through August 2021.

The law prohibited individuals or companies from charging employment premiums, such as recruitment fees; labor inspectors could initiate proceedings in the Employment Relations Authority

to recover premiums and seek a penalty against violators, although authorities did not report if this occurred during the reporting period. Government regulations banned employers who breach employment standards from recruiting migrant workers for periods of six to 24 months and the government published a list of all offending employers on its website. Immigration officials and labor inspectors reported inspecting legal brothels to ensure working conditions complied with the law and conducting investigations and routine audits in work places that employed migrant workers. Some sources believed the labor inspectorate was under staffed and -resourced, which they felt limited its ability to carry out effective inspections and adequately investigate exploitative employment, including potential cases of trafficking; however, the government began recruiting additional labor inspectors during the reporting period. In previous years some observers reported penalties proscribed to unscrupulous employers in employment courts were often not significant enough to deter exploitative practices. In July 2020, Employment New Zealand published online resources encouraging businesses to adopt ethical work practices, including to address forced labor in supply chains. Oranga Tamariki continued to convene a working group to encourage the safety of children traveling across New Zealand's borders, including by promoting information sharing among relevant agencies. In December 2020, the agency established an international child protection unit, which aimed to prevent and address transnational child protection issues, including trafficking. 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

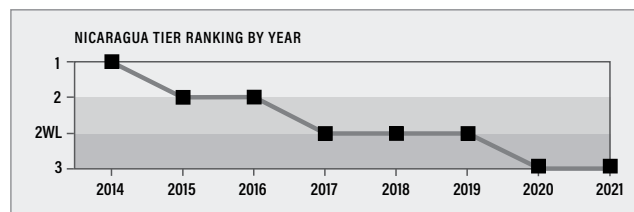
As reported over the past five years, human traffickers exploit domestic and foreign victims in New Zealand. Foreign men and women from South and East Asia, the Pacific, and some countries in Latin America are vulnerable to forced labor in New Zealand's agricultural, dairy, construction, viticulture, food service, liquor retail, technology, hospitality, transport, and domestic service sectors. Unregulated and unlicensed immigration brokers operating in New Zealand and source countries, particularly in India and the Philippines, facilitate trafficking by assisting in the process to issue visas to victims. Some foreign workers are charged excessive recruitment fees and experience unjustified salary deductions, non- or under-payment of wages, excessively long working hours, restrictions on their movement, passport retention, and contract alteration. Some employers force migrants to work in job conditions different from those promised during recruitment, and victims often do not file complaints due to fear of losing their temporary visas. The pandemic increased the reluctance of many foreign nationals to leave New Zealand, and those who breached their visa conditions as a result were increasingly vulnerable to exploitation. Furthermore, temporary migrant workers in sectors most negatively affected by the pandemic, such as tourism and hospitality, are increasingly vulnerable to exploitation.

While experts assessed the Prostitution Reform Act, which decriminalized commercial sex for New Zealand residents, overall increased protections for those who willingly engaged in commercial sex, traffickers continue to target vulnerable populations, such as children, migrants, and adult victims of domestic and family violence, for exploitation in sex trafficking. Foreign women from Asia and South America in commercial sex are at risk of sex trafficking, especially those who do not speak English and who work in private homes, and informal or suburban environments where they are more isolated from service providers. Some international students and temporary visa holders are at risk of sex and labor trafficking. Immigration brokers and unscrupulous brothel owners subject some migrants to conditions indicative of sex trafficking, including non-payment of wages, withheld passports, physical or sexual abuse, threats of deportation, monitored movements, limiting access to medical care or other social services, and excessive working hours. Some migrants are required to pay fines, bonds, recruitment and other fees to brothel operators or brokers, which make them vulnerable to debt based coercion. Traffickers utilized Section 19 of the PRA, which

prohibited non-residents from legally working in the decriminalized commercial sex industry to use threats of deportation or other adverse action from law enforcement to deter migrants in commercial sex from reporting verbal or physical abuse, unwanted or unsafe sexual practices, or non-payment of wages. Some gang members, boyfriends, family members, or others exploit young children and teenagers in sex trafficking by facilitating, purchasing, or forcing them to engage in commercial sex acts. Some adult women, often those who face domestic or family violence, are forced by partners to engage in commercial sex acts. Some victims are coerced into commercial sex through drug dependencies or threats by family members. One service provider reported that a notable proportion of its clients reported being forced into commercial sex by their partners in order for their partners to purchase or obtain drugs and other substances. However, experts suggest the prevalence of forced commercial sex among New Zealand women is significantly under-reported and under-detected.

## NICARAGUA: TIER 3

The Government of Nicaragua does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Nicaragua remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including prosecuting four traffickers and offering awareness trainings to government officials in the municipality of León. However, the government continued to downplay the severity of the trafficking problem in Nicaragua, despite civil society reports of increased victimization in 2020; it did not convict any traffickers for the third consecutive reporting period and victim identification efforts remained inadequate. The government did not acknowledge that traffickers exploit Nicaraguans in foreign countries, despite media reports that foreign officials identified several Nicaraguan victims in 2020. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, despite endemic corruption and widespread official complicity. The government did not cooperate with NGOs to provide protection services or include civil society in the national anti-trafficking coalition. Prosecution, protection, and prevention efforts in the two Caribbean autonomous regions of Nicaragua continued to be much weaker than in the rest of the country.



### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to identify victims of sex and labor trafficking, including foreign nationals. • Investigate, prosecute, and convict traffickers, including complicit officials. • Vigorously implement the National Strategy for Comprehensive Attention to Victims of Trafficking in Persons by identifying victims, including among vulnerable populations, and effectively refer victims to appropriate services. • Partner with NGOs to provide victims short-term care, long-term care, and reintegration services. • Amend the 2014 anti-trafficking law to include a definition of trafficking in persons consistent with international law. • Increase funding for victim protection, finance the trafficking fund, and provide specialized services for trafficking victims. • Fulfill the requirement under Law 896 to include the Nicaraguan Coordinating Federation of NGOs working with Children and Adolescents (CODENI) to represent NGOs in the National Coalition against Human Trafficking (NCATIP). •

Increase training for government officials—including social workers, labor inspectors, and law enforcement officials—to facilitate increased victim identification and assistance, including securing restitution.

- Strengthen law enforcement and victim protection efforts in the Caribbean autonomous regions, especially through increased staff and funding.
- Annually report on progress in implementing the national action plan.

## PROSECUTION

The government decreased law enforcement efforts. The Law against Trafficking in Persons of 2015 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from 10 to 15 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, coercion, or deceit as an aggravating factor rather than an essential element of the crime; the penalties increased to 16 to 18 years' imprisonment for trafficking offenses involving these factors. The penalty for child trafficking increased to 19 to 20 years' imprisonment. The law also defined trafficking broadly to include all labor exploitation and illegal adoption without the purpose of exploitation.

The government reported initiating one sex trafficking investigation in 2020, compared with six investigations in 2019—all for sex trafficking—and four investigations in 2018. However, in a multinational forum, Nicaraguan authorities made contradicting reports, citing five new trafficking investigations in 2020. Observers expressed limited confidence in government reporting on human trafficking, including law enforcement statistics; some alleged the government intentionally misclassified trafficking as kidnapping or assault to keep trafficking statistics low. The government did not make any arrests related to trafficking. The government prosecuted four accused sex traffickers in 2020, compared with prosecuting one alleged trafficker in 2019 and zero in 2018. In 2020, the government did not convict any traffickers, marking the third consecutive reporting period without a trafficking conviction. According to government officials, the pandemic had no effect on law enforcement efforts to combat trafficking in persons.

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 during the year. Civil society made reports indicative of official complicity in trafficking crimes, including public officials owning brothels where child sex trafficking may have occurred. NCATIP officials were associated with human rights violations, some resulting in death, perpetrated against Nicaraguan citizens in 2018. Despite endemic corruption, the government did not have policies to prevent official complicity in trafficking, contributing to an environment of impunity and potentially decreasing the likelihood of victims reporting trafficking crimes. The government reported law enforcement and judicial sector officials attended several trafficking-related trainings; international organizations and foreign governments provided or otherwise supported most of the trainings available in 2020. An unknown number of members of a specialized organized crime unit, for example, participated in a course on human trafficking sponsored by an international organization. The government delivered some trainings virtually due to the pandemic, although the government stated the pandemic did not interfere with or limit access to training.

## PROTECTION

The government further decreased its minimal protection efforts. The government identified one trafficking victim in 2020, compared with eight trafficking victims in 2019, six in 2018, 12 in 2017, 13 in 2016, and 30 in 2015. The government reported NGOs and other organizations did not identify any additional victims; however, civil society reported

their organizations continued to identify victims throughout 2020, anecdotally reporting increased victimization during the pandemic. The government claimed the pandemic did not impact trafficking risk or its ability to identify or provide services to victims. The one identified victim recognized by the government was a Nicaraguan national; the government had no record of foreign trafficking victims exploited in Nicaragua or Nicaraguans exploited abroad, despite media reports of several cases where Costa Rican, Panamanian, and Spanish officials identified Nicaraguan victims exploited in sex and labor trafficking. The government did not report implementing or training officials to use a set of protocols it reportedly developed in 2019 to facilitate identifying child and adolescent trafficking victims among vulnerable populations. Officials did not identify any victims in the autonomous regions where identification and referral mechanisms were lacking and where one-sixth of the population resided.

The government provided medical and psychological attention to one trafficking victim in 2020. The government reported agencies had allocations for trafficking victim protection in the national budget, but these did not provide for specialized services or shelters, nor did the government disclose a figure for the allocations. The government reported all services were accessible to disabled victims, but did not indicate what accommodations it made to ensure access. In 2020, the government stopped claiming to coordinate with NGOs, instead reporting it did not coordinate or collaborate with NGOs on victim identification or assistance. NGOs reported there had been minimal, if any, communication with the government on victim services since 2018.

The government did not provide funding or other support to NGOs that provided the majority of available victim protection services in the country, leaving victims the government did not acknowledge without vital assistance. The government did not report providing shelter or other housing support to any victims in 2020. Alleging a breach of charter, the government ordered the closure of two NGO shelters serving child victims of violence, including trafficking. Observers reported the government maintained an unofficial policy of placing victims with family members, which put trafficking victims at risk of re-victimization by family members who may have been complicit in their exploitation. There were no shelters available for men. There was limited capacity for long-term shelter services in Nicaragua; the government could not provide such care, and NGOs had a limited ability to provide extended shelter. The Ministry of Family coordinated services for child trafficking victims, including medical and legal services and access to education; officials could refer child trafficking victims to "special protection centers," but the government often returned child victims to their families' care, despite risk of re-victimization. Both Managua and the more rural regions lacked adequate services for trafficking victims.

Law 896 established a dedicated fund for victim protection and prevention activities to be financed through budget allocation, donations, and seized assets from traffickers. However, for the sixth year, there was no indication that the government made the fund operational. Law 896 provided victims the ability to testify in advance of the trial and allowed testimony via video or written statement to encourage participation and protect a victim's identity; however, the government did not report using these provisions during the reporting period. Victims could obtain compensation by filing civil suits against traffickers; however, the government and NGOs reported that, in practice, victims had never exercised this right. The government collaborated with Costa Rican officials to investigate reports of a Nicaraguan trafficking victim exploited abroad. While there were no reports of identified victims penalized for unlawful acts traffickers compelled them to commit, authorities frequently misclassified cases involving trafficking victims, potentially resulting in penalization of unidentified victims. The government did not report efforts to screen for or identify trafficking victims among migrant populations or individuals in commercial sex. Nicaraguan law provided for humanitarian visas for foreign trafficking victims, but the government did not recognize any foreign victims in 2020.



## PREVENTION

The government maintained its minimal efforts to prevent trafficking. The government reported the NCATIP led 16 working committees, although civil society reported the coalition and its committees were largely dormant, making little contribution to capacity building and awareness raising on trafficking. For a sixth consecutive year, the NCATIP did not fulfill the requirement under Law 896 to include CODENI to represent NGOs. While the NCATIP reported engaging with a select group of international civil society organizations, authorities excluded local organizations from the coalition's activities. Observers considered the NCATIP to be inactive and ineffectual as an anti-trafficking entity and reported the apparent dissolution of a number of its regional bodies. The government had a national action plan for 2018-2022, which focused on awareness raising; increasing technical capacity to investigate, prosecute, and sentence traffickers; protecting the rights of victims and witnesses and providing assistance; and monitoring and implementing the plan. The government did not report, and civil society did not observe, efforts to research or monitor trafficking in the country. The government reported a limited number of trafficking awareness events, including a multi-agency workshop for officials in the municipality of León, but it did not report national prevention campaigns similar to those conducted in past years. The government reported maintaining two 24-hour crime hotlines that could process trafficking complaints and provide information on trafficking and gender-based violence, but it did not report whether any calls led to trafficking investigations or the identification of victims.

During the reporting period, Nicaraguans continued to encounter problems obtaining national identification cards, which increased their vulnerability to trafficking and limited their ability to access public services. Nicaraguan law criminalized knowingly engaging in sex acts with a sex trafficking victim, but officials did not report having investigated, prosecuted, or convicted any suspects for such acts. The government required private employment agencies to register and established minimum wages and maximum hours for adult and adolescent domestic workers; it did not report identifying forced labor in these sectors. The government did not report any efforts to inspect bars or nightclubs suspected of engaging in trafficking, or any efforts to reduce demand for commercial sex. The Ministry of Tourism had an agreement with more than 5,000 Nicaraguan businesses to monitor and report suspected child sexual exploitation in the industry, but the government did not report any activity related to this program in 2020. NGOs reported child sex tourism remained a concern; however, authorities did not investigate, prosecute, or convict any tourists for child sex trafficking during the reporting period.

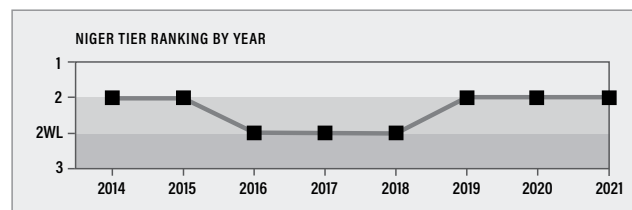
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nicaragua, and traffickers exploit victims from Nicaragua abroad. Groups considered at heightened risk to human trafficking in Nicaragua include women, children, and migrants. Traffickers subject Nicaraguan women and children to sex trafficking within the country and in other Central American countries, Mexico, Spain, and the United States. Victims' family members are often complicit in their exploitation. Traffickers increasingly use social media sites to recruit their victims, who are attracted by promises of high salaries outside of Nicaragua for work in restaurants, hotels, construction, and security. Traffickers also recruit their victims in rural areas or border regions with false promises of high paying jobs in urban centers and tourist locales, where they subject them to sex or labor trafficking. Nicaraguan women and children are subjected to sex and labor trafficking in the two Caribbean autonomous regions, where the lack of strong law enforcement institutions, rampant poverty, a higher crime rate, and recent devastation from hurricanes Eta and Iota increase the vulnerability of the local population. Nicaraguans who migrate to other Central American countries and Europe are reportedly vulnerable to and have been victims of sex and labor trafficking, both in transit and after they have reached their

destinations. In addition, experts report traffickers target for sex and labor trafficking Nicaraguan children whose parents left the country to work abroad. Nicaraguan adults and children are subjected to labor trafficking in agriculture, construction, mining, the informal sector, and domestic service within the country and in Costa Rica, Panama, the United States, and other countries. Traffickers force some children to work in artisanal mines and quarries. Observers report traffickers exploit children through forced participation in illegal drug production and trafficking. Children and persons with disabilities are subjected to forced begging, particularly in Managua and near tourist centers. Traffickers subject some male migrants from Central American countries transiting Nicaragua en route to Costa Rica and Panama in search of employment to labor trafficking in these destination countries. Cuban nationals working in Nicaragua may have been forced to work by the Cuban government. Nicaragua is a destination for child sex tourists from the United States, Canada, and Western Europe.

## NIGER: TIER 2

The Government of Niger 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Niger remained on Tier 2. These efforts included identifying and referring more victims to the government's shelter in Zinder and launching the country's national referral mechanism (NRM) in partnership with an international organization. Additionally, the government increased training for officials and civil society members. However, the government did not meet the minimum standards in several key areas. Authorities reported a decrease in investigations and prosecutions, and Niger's law did not include penalties for adult sex trafficking commensurate with those for other serious crimes, such as rape. The government did not report investigating, prosecuting, or convicting individuals for traditional slavery practices.



## PRIORITIZED RECOMMENDATIONS:

Amend the 2010 anti-trafficking law to increase the base penalties for adult sex trafficking so they are commensurate with those for rape or kidnapping. • Increase efforts to investigate and prosecute trafficking crimes, and convict traffickers, including those engaged in traditional forms of hereditary slavery, by training additional judicial officials, law enforcement, and first responders on the 2010 anti-trafficking law and the 2003 anti-slavery law. • Increase coordination with regional, sub-regional, and international law enforcement organizations to investigate and prosecute transnational trafficking cases, separate from smuggling cases. • Disseminate and train officials on the NRM to increase proactive victim identification and referral to services. • Increase the quantity and quality of services available to victims in coordination with international organizations as well as NGOs. • Continue to fund and empower the National Coordinating Commission for the Fight against Trafficking in Persons (CNCLTP) and the National Agency for the Fight against Trafficking in Persons and the Illicit Transport of Migrants (ANLTP/TIM) to execute their mandates. • Screen foreign workers, including Cuban medical workers, for trafficking indicators and refer them to appropriate services if exploitative conditions are determined to exist.

## PROSECUTION

The government decreased prosecution efforts. Order No.2010-86 on Combating Trafficking in Persons, enacted in 2010, criminalized sex trafficking and labor trafficking. This law prescribed penalties of five to 10 years' imprisonment for trafficking offenses involving an adult victim, and 10 to 30 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent. Penalties for sex trafficking of children were commensurate with those prescribed for other serious crimes, such as rape, although the penalties for sex trafficking of adults were not.

During the reporting period, the government reported initiating nine new investigations (three for sex trafficking, one for forced labor, and five for unknown forms of exploitation) and prosecuting 17 suspects under the country's anti-trafficking law (officials did not disclose whether these were forced labor or sex trafficking), compared with investigating and prosecuting 54 suspects during the previous year. Courts convicted four traffickers in two cases during the reporting period. Authorities sanctioned the four traffickers with the following sentences, one of which was sufficiently stringent: one sentenced to six months' suspended imprisonment and a fine of 50,000 West African CFA francs (FCFA) (\$95); two sentenced to 12 months' imprisonment with three months suspended; and one sentenced to 18 months' imprisonment with six months suspended and a fine of 20,000 FCFA (\$38). During the previous reporting period, authorities convicted four traffickers and sentenced two perpetrators to two years' imprisonment and the other two offenders to five years' imprisonment and a 500,000 FCFA (\$945) fine. As a result of diminished in-person staffing intended to slow the spread of the pandemic, judicial officials managed significantly reduced caseloads during the reporting period.

Consistent with prior reporting periods, the government did not report investigating or prosecuting any *marabouts* (Quranic schoolteachers) who forced children to beg or traditional chiefs who perpetuated hereditary slavery practices, including the enslavement of children, despite credible information that such practices continued. Some victims continued to lack access to justice, as many were uninformed about their legal rights and faced challenges accessing the necessary judicial resources to seek punitive action against their traffickers. Unfulfilled victim protection requirements of the 2010 anti-trafficking law, due in part to limited government resources, may have resulted in victims inconsistently participating as witnesses and prosecutorial delays.

ANLTP/TIM partnered with an international organization during the reporting period to train magistrates and other judicial officials on techniques to prosecute suspected traffickers more effectively; authorities did not report the number of officials trained. In 2019, ANLTP/TIM reported training more than 425 officials. Authorities did not report investigating, prosecuting, or convicting government employees for complicity in trafficking crimes; however, corruption and official complicity remained concerns and may have impeded law enforcement action during the year.

## PROTECTION

The government increased efforts to identify victims and refer them to care. The government did not compile comprehensive victim identification statistics, nor did it have standard operating procedures (SOPs) for victim identification. Despite the lack of SOPs, the government reported identifying 95 victims during the reporting period. Over the course of the previous reporting period, officials reported identifying 47 victims, as well as 232 potential victims in one law enforcement operation in partnership with an international organization. The government referred all 95 identified victims to the Zinder shelter, compared with seven victims in the previous reporting year. Beginning in November 2020, government officials managed and staffed the shelter, providing victims medical, psycho-social, and legal services and coordinated with an international organization to deliver individualized reintegration assistance to victims to facilitate

their return to their country of origin. ANLTP/TIM officials continued to liaise with an international organization during the reporting period to ensure optimal management of the shelter.

Officials launched the NRM in September 2020 and partnered with an international organization to train all ANLTP/TIM focal points on the mechanism. The NRM identified roles for prosecutors, judges, law enforcement, labor inspectors, diplomats, international organizations, NGOs, and union actors. In October 2020, the ANLTP/TIM partnered with an international organization to provide training for 29 individuals from the Ministries of Justice and Promotion of Women and Protection of Children, local education and health officials, and a traditional leader and NGOs; the training centered on increasing key actors' ability to implement the NRM, community engagement, and improving law enforcement's efficacy in identifying victims. The government broadcasted the training on two national television and radio stations in French and Hausa.

Victims of forced labor and caste-based servitude could file civil and criminal complaints simultaneously; however, there were no reports they did so during the reporting period. There were no reports officials penalized victims for unlawful acts traffickers compelled them to commit; 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. The law provided for the possibility of granting victims legal residency in Niger, including the ability to obtain employment, if it was unsafe for them to return to their countries of origin; authorities did not report granting these protections to victims during the reporting period.

## PREVENTION

The government increased efforts to prevent trafficking. CNCLTP continued to serve as the coordinating body for the government's anti-trafficking efforts, and the ANLTP/TIM was the government's permanent implementing body to address trafficking in persons. In 2020, the government reported providing 22 million FCFA (\$41,590) for the ANLTP/TIM and 12 million FCFA (\$22,680) for the CNCLTP, compared with funding both the CNCLTP and ANLTP/TIM at 73.5 million FCFA (\$138,940) in 2019.

The ANLTP/TIM continued to implement its public awareness campaigns and used multiple media platforms across Niger to familiarize the public with trafficking and the risks of irregular migration to Europe. In June, ANLTP/TIM partnered with an international organization to rebroadcast a sensitization theatrical production developed during the previous reporting period. The government expanded its public engagement around its annual September 28 anti-trafficking day events for the sixth consecutive year, using the 2020 program to host public debates with stakeholders from the Islamic community, civil society, and NGOs and to launch the NRM in collaboration with an international organization. Additionally, ANLTP/TIM trained administrative and customary authorities, former smugglers, civil society organizations, women and youth associations, law enforcement officers, and media on the trafficking indicators in coordination with a law enforcement organization. In November 2020, the former ANLTP/TIM director general partnered with the United States to provide operational and strategic guidance to another government's anti-trafficking lead. The ANLTP/TIM postponed other awareness-raising activities, trainings, and workshops as a result of measures to slow the spread of the pandemic in the country.

The government did not make efforts to reduce the demand for commercial sex acts. Bylaws governing the armed forces required troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, and the government addressed such requirements through a program conducted by a foreign donor. An international organization disclosed there were seven open allegations of sexual exploitation against Nigerien peacekeepers; the government did not report investigating or

sanctioning the suspects. For the first time, the ANLTP/TIM trained diplomatic and consular officials from the Ministry of Foreign Affairs, International Cooperation, African Integration and Nigeriens Abroad to increase their ability to respond to potential trafficking cases abroad.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Niger, and traffickers exploit victims from Niger abroad. Hereditary and caste-based slavery practices perpetuated by politically influential tribal leaders continued in 2020. Some Arab, Zjerma, and Tuareg ethnic groups propagate traditional forms of caste-based servitude in the Tillabéri and Tahoua regions, as well as along the border with Nigeria. Families may exploit victims of hereditary slavery in animal herding, small-scale agriculture, or domestic servitude; experts assert victims of hereditary slavery frequently do not self-identify or file complaints against their traffickers because of a lack of reintegration services and ingrained dependency on their trafficker. Another form of traditional bondage known as “passive” slavery consists of powerful community members preserving complete control of their former servants’ individual freedoms.

In the Tahoua region, influential chiefs facilitate the transfer of girls from impoverished families to men as “fifth wives” for financial or political gain. This practice—known as *wahaya*—results in some community members exploiting girls as young as nine in forced labor and sexual servitude; *wahayu* children are then born into slave castes, perpetuating the cycle of slavery. Girls fleeing these forced marriages are vulnerable to traffickers, who exploit them in commercial sex due to a lack of reintegration support exacerbated by continued discrimination based on their former status as *wahayu*.

Observers stated pandemic-related border closures remained in place throughout the reporting period and resulted in an estimated 25,000 migrants stranded throughout Burkina Faso, Mali, and Niger. These irregular migrants—many of whom were located in the northern cities of Agadez, Arlit, and Dirkou—generally lacked access to livelihoods, support networks, and justice, which increased their vulnerability to trafficking. Additionally, experts shared anecdotal reports of an increase in unaccompanied children in Agadez over the course of the reporting period.

Traffickers in Niger predominantly exploit Nigerien children and women, as well as West and Central African victims, in sex and labor trafficking. Some Quranic schoolteachers (*marabouts*) exploit boys (*talibes*) in forced labor and begging within Niger, as well as in neighboring countries, at times with parents facilitating the trafficking. Semi-organized transnational criminal groups force Nigerien and neighboring countries’ children to labor in gold, salt, trona, and gypsum mines; agriculture; forced begging; commercial sex; stone quarries; markets; bus stations; and manufacturing within the country. Community members working in the artisanal gold mines in Komabangou, Tillabéri, continue to use adolescent boys and some girls in potentially exploitative conditions. Criminals exploit girls in sex trafficking near the border with Nigeria and along the main east-west highway, primarily between the cities of Birni n’Konni and Zinder. Brothel owners in Niger sexually exploit some women from Nigeria in the country and during their transit to North Africa.

Some Nigeriens exploit young girls from impoverished families in domestic servitude through a system known as *confiage*. This system consists of parents entrusting children to a near relative or a friend of the family with the expectation the receiving family will provide the child an education. Some receiving families exploit children under the *confiage* system in domestic servitude or sex trafficking. The ANLTP/TIM reported some parents “rent” out their children for the purposes of forced begging, as guides for vision-impaired individuals, or in domestic servitude in a phenomenon called *location d’enfant* (child rental) in the Kantche Department in Zinder.

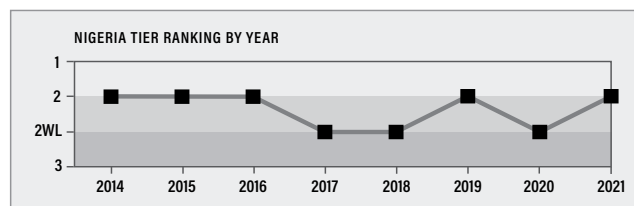
Illicit labor recruiters and human smugglers (illicit actors who accept payment from individuals seeking to illegally cross international

borders free from force, fraud, or coercion) facilitate the transport of Nigerien women and children to Nigeria, North Africa, the Middle East, and Europe where traffickers then exploit victims in sex trafficking or forced labor in domestic service and the agricultural sector. Smugglers use unpaid transportation fees as a form of debt bondage, subsequently coercing some migrants who cannot pay into forced labor or commercial sex. Impoverished seasonal migrants—commonly from the Zinder region—traveling to Algeria for work remain vulnerable to forced labor and sexual exploitation. Criminal groups consisting of Algerians and Nigeriens may have forced some Nigerien children to beg in Algeria during the reporting period.

Niger is a transit country for adults and children from West and Central Africa migrating through Algeria, Libya, and Morocco to southern Europe, where some duplicitous transporters—or *passeurs*—may exploit smuggling clients in forced labor or sex trafficking. European support for the government’s implementation of its 2015 anti-smuggling law, intended to limit irregular migration through Niger, has forced previously open (albeit undocumented) migration underground and increased migrants’ vulnerability to forced labor or sex trafficking by criminal networks. Criminals transport both Nigerien and Nigerian women into neighboring West African countries and then exploit them in sex trafficking inside Niger, especially in northern mining cities or in transportation centers. Media noted some law enforcement and border officials reportedly accepted bribes from traffickers to facilitate the transportation of victims through the country. Boko Haram and ISIS-West Africa forcibly recruit Nigerien boys to serve as child soldiers in the southern states of Zinder and Diffa. Cuban nationals working in Niger on medical missions may have been forced to work by the Cuban government.

## NIGERIA: TIER 2

The Government of Nigeria 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Nigeria was upgraded to Tier 2. These efforts included convicting more traffickers and sanctioning the majority of perpetrators with significant prison terms; prosecuting officials suspected of being complicit in trafficking crimes; improving intra-governmental coordination on anti-trafficking operations; launching nine new state task forces; and for the first time, the Ministry of Defense acknowledged service members sexually exploited internally displaced persons (IDPs). Additionally, officials increased collaboration with foreign governments on international trafficking investigations. However, the government did not meet the minimum standards in several key areas. Members of the Civilian Joint Task Force (CJTF) in Borno State used two children at an IDP camp checkpoint; there continued to be reports of sex trafficking in government-run IDP camps; and officials prosecuted fewer suspected traffickers. Further, corruption remained a significant concern in the judiciary and immigration services, and the Ministry of Defense did not finalize its handover protocol to refer child soldiers to care for the sixth consecutive year.



## PRIORITIZED RECOMMENDATIONS:

CJTF members cease the recruitment and use of child soldiers,



including in support roles, and refer all children to appropriate care. • Hold complicit officials as well as individuals affiliated with the government – including security officials and CJTF members – criminally accountable for trafficking offenses, including for the sex trafficking of IDPs and unlawful recruitment and use of child soldiers. • National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and Nigeria Police Force (NPF) enhance coordination on law enforcement efforts – including investigating illicit centers exploiting women in forced surrogacy – and prosecute suspects while respecting the rights of the accused. • Finalize the draft protocol to refer children identified in armed conflict to civilian authorities, screen for trafficking among those detained, and provide appropriate care for all those identified as victims. • Strengthen efforts to identify trafficking victims among vulnerable groups, such as children in religious schools, IDPs, returning migrants, and children in domestic service. • Increase public awareness programming to educate more of the population on human trafficking indicators. • Expand shelter capacity for identified victims in coordination with other government entities, civil society, NGOs, international organizations, and the private sector. • Increase efforts to investigate, prosecute, and convict traffickers – including labor traffickers and those who force children to beg – and impose sufficiently stringent sentences involving imprisonment. • Work with CJTF and the UN to implement fully the child soldier action plan and confirm all children have been removed from the CJTF's ranks. • Facilitate training for local, state, and federal judges on the 2015 law, specifically the provision prohibiting the issuance of fines in lieu of imprisonment in collaboration with international partners. • Increase the capacity of Nigerian embassies to identify and provide assistance to victims abroad, including by providing replacement travel or identity documents free of charge. • Finalize, resource, and implement the country's 2021-2025 draft anti-trafficking national action plan in coordination with civil society, NGOs, partner governments, as well as the private sector. • Develop and implement a centralized database linking NAPTIP, NPF, and other relevant law enforcement agencies.

## PROSECUTION

The government increased convictions, but overall anti-trafficking law enforcement efforts were mixed. The Trafficking in Persons Law Enforcement and Administration Act (TIPLEAA), as amended in 2015, criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of two years' imprisonment and a fine of 250,000 naira (\$649) for both sex and labor trafficking; the minimum penalty for sex trafficking increased to seven years' imprisonment and a fine of 1 million naira (\$2,600) if the case involved a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The Edo State anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of five years' imprisonment and a fine of 1 million naira (\$2,600) for both sex and labor trafficking; the minimum penalty for sex trafficking increased to seven years' imprisonment and a fine of 1 million naira (\$2,600) if the case involved a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping.

In total, federal and state authorities investigated 409 cases, prosecuted 49 suspects, and convicted 36 traffickers during the reporting period, according to multiple sources. Authorities reported investigating 943 cases, prosecuting 64 suspects, and convicting 27 perpetrators during the previous year; prison sentences ranged from two to 10 years' imprisonment and at least one convicted trafficker was given the option of fines in lieu of imprisonment. During the rating period, NAPTIP reported opening 381 new investigations (243 sex trafficking, 138 forced labor) and continuing 452 investigations opened in previous reporting periods; initiating prosecutions against 40 suspects (36 sex trafficking, four forced labor) and continuing 13 prosecutions opened in prior years. Authorities reported judges convicted 36 perpetrators (14 sex trafficking, two forced labor, 20 other forms of trafficking) under the TIPLEAA anti-trafficking sections

13, 15, 16, 18, 21, 23, 24, and 27, sentencing 23 traffickers to average terms of imprisonment of three and half years with no option of paying fines, sentencing 13 traffickers to terms of imprisonment or fines, and ordered two traffickers to pay restitution of 100,000 naira (\$260) and 300,000 naira (\$780). Separately, media reported law enforcement officers investigated four suspects, two of whom were government officials, and officers from the Nigeria Security and Civil Defense Corps opened an investigation into two suspects; the cases were pending at the close of the reporting period. Law enforcement data from prior reporting periods may have included crimes outside the international definition of trafficking. Pandemic-related court closures lasting from April to June 2020 limited overall judicial activity during that period.

Unlike previous years, NPF reported its officers arrested two traffickers in 2020, and media noted NPF officers arrested three suspected traffickers exploiting women in "baby factories," as well as additional potential victims in December 2020 and March 2021 in the Ogun and Katsina states respectively. "Baby factories" refer to criminal enterprises often disguised as orphanages, maternity homes, or religious centers – where traffickers hold women against their will, rape them, and force them to carry and deliver a child. Experts stated this illicit activity was widespread in the country.

The Edo State Task Force Against Human Trafficking (ETAHT) investigated 17 cases (13 forced labor and four sex trafficking) and initiated prosecutions against nine suspects, compared to investigating 38 cases and prosecuting 22 suspects in the previous reporting period; since its establishment in 2018, the ETAHT has not reported convicting a trafficker, although officers stated Edo State courts ordered five perpetrators to pay restitution to victims during the reporting period. ETAHT officers stated they investigated one government official for suspected complicity in trafficking without providing additional details on the status of the case; officers did not report investigating complicit officials in the prior year.

An international organization verified the CJTF – a non-governmental self-defense militia receiving state government funding – used two children aged between 15 and 17 to assist at a check point in Borno State during the reporting period. The federal and state governments did not report investigating or prosecuting CJTF members for recent or past allegations of child soldiering recruitment or use. Corruption affected all levels of government – including the judiciary, security forces, and law enforcement – and undermined accountability for trafficking offenses. Sex trafficking reportedly occurred in government-run detention centers and IDP camps. Without providing statistics, observers reported NAPTIP investigated allegations of human trafficking in IDP camps, in coordination with Ministry of Defense zonal commanders.

Despite multiple years of allegations, the government did not report prosecuting or convicting any suspects – including officials or CJTF members – for sex trafficking of IDPs during the reporting period; however, the Armed Forces of Nigeria court martialled an enlisted soldier in September 2020 for sexually abusing – without clear indicators of sex trafficking – a 13-year-old IDP and sentenced him to five years imprisonment. Additionally, in response to reports of sex trafficking of IDPs in Borno State, the government's National Human Rights Commission partnered with an international organization to investigate allegations; officials did not disclose the results of the inquiries, although observers noted authorities investigated multiple cases but had not prosecuted any suspects as of March 2021. The government did not report investigating or prosecuting officials for reports of sex trafficking in Giwa Barracks or IDP camps dating back to 2016.

For the first time, the federal Ministry of Defense acknowledged publicly its personnel had sexually exploited individuals, although it continued to deny soldiers recruited children, which impeded investigations of allegations from prior reporting periods. During the reporting period, NAPTIP stated officers investigated and prosecuted

two senior officials from the federal ministries of Agriculture and Finance, one immigration officer, an Osun State Agricultural Development Corporation official, and an officer in Lagos state responsible for enforcing the pandemic-related quarantine; all cases were for sex trafficking and were ongoing as of March 2021. The government prosecuted and convicted three mid-level and senior-level officials for trafficking offenses during the previous reporting period.

NAPTIP, under the Ministry of Humanitarian Affairs and Disaster Management, continued to lead the federal government's efforts to combat trafficking, although officials from the Nigerian Immigration Service, NPF, Labor Inspectorate, Economic and Financial Crimes Commission – as well as the Nigerian Financial Intelligence Unit, in coordination with prosecutors and the judiciary – all had responsibilities in supporting the country's criminal justice response to human trafficking. NAPTIP did not have resources to carry out sufficient proactive anti-trafficking operations in much of the country, and the agency's officers remained concentrated in state capitals, hindering identification and investigation of trafficking in many rural areas.

Observers reported that poor coordination between NAPTIP and other government agencies impeded prosecution efforts in prior years; NAPTIP and other law enforcement agencies failed to coordinate with each other when mandates overlapped, although collaboration with other government entities reportedly improved during the rating period. Experts stated the lack of a centralized database linking relevant law enforcement agencies continued to prevent effective coordination. However, from January to March 2021, NAPTIP officers conducted law enforcement operations with NPF, Nigeria Immigration Service, Armed Forces of Nigeria, and the Office of the National Security Advisor to identify 80 child trafficking victims, according to media; however, officials stated they have not yet prosecuted any human traffickers through these operations, although investigations into these cases continued as of March 2021.

During the reporting period, increasing terrorist activity as well as banditry throughout much of the country hindered law enforcement and judicial officials' ability to execute their respective mandates, with community defense groups playing a substantial role in judicial service delivery and dispute resolution. The government's capacity to respond to trafficking cases in northeast Nigeria continued to be limited as Boko Haram, Islamic State West Africa (ISIS-WA), and other terrorist groups killed hundreds of Nigerian soldiers, took additional territory, and displaced tens of thousands of inhabitants, limiting access to remote areas of Borno State.

Throughout 2020, NAPTIP and observers reported courts increased their use of online technology in response to restrictions on in-person meetings to slow the pandemic's spread. NAPTIP reported delivering 32 trainings for 963 officials in 2020 on topics including identifying and investigating human trafficking; in 2019, the government reported training 1,165 NAPTIP officers. While the Ministry of Justice implemented strict training requirements for federal and state judges, there was no corresponding mechanism for judges at the local level, which contributed to corruption and misapplication of the law. Despite courts sanctioning traffickers with increasingly stringent sentences compared to prior years, the government acknowledged many judges remained unfamiliar with the anti-trafficking law – including the provision requiring judges to prescribe sentences that included imprisonment – which hindered law enforcement efforts. Further, the judiciary remained slow and corrupt generally, which impeded prosecutions and convictions of most crimes, including trafficking. NAPTIP's funding constraints – made increasingly dire by diminished revenue due to the pandemic's economic impacts – remained a perennial challenge for the agency, exacerbated by costs associated with the agency's mandate to provide shelter to victims.

In August 2020, NAPTIP coordinated with an international organization to launch two legal hubs in Edo and Lagos states, in

collaboration with the Ministry of Justice and NGOs, with the aim of enhancing victims' access to justice through legal aid counseling and representation in court. In February 2021, NAPTIP partnered with an international organization and donor to establish a Judicial Research Center in Abuja; the center provided NAPTIP officers access to resources to strengthen trafficking cases and enhance prosecution efforts.

The Nigerian-United Kingdom (UK) Joint Border Task Force (JBTF) – which is Nigerian-led and UK-supported – continued operations during the rating period, with observers reporting Nigerian judges convicted the country's first perpetrator for conspiracy related to human trafficking, as well as completing their first conviction based solely on digital evidence. Experts noted the development of a panel of judges focused solely on transnational organized crime – including human trafficking – resulted in some courts operating more efficiently, and witness testimony provided via video mitigated a common delay tactic previously used by some defense attorneys. In 2020 – under the JBTF initiative – officials shared intelligence on joint investigations with UK and Spanish authorities.

Over the course of the reporting period, Nigerian law enforcement officials collaborated with the Governments of France, The Gambia, Germany, Ghana, Italy, Spain, Sweden, and Switzerland on joint investigations, intelligence sharing, and prosecutions. NAPTIP reported collaborating with countries to investigate 19 cases of transnational human trafficking crimes. Nigerian judicial officials were prosecuting one transnational case in the Federal High Court in Ibadan and another in the Federal High Court in Lagos as of March 2021. In October 2020, the government entered into force its bilateral agreement with Italy on investigations and extraditions; authorities from the two countries coordinated in 2020 on a case involving a Nigerian trafficker in Italy. International partners reported corruption and capacity issues with some government agencies – including the judiciary and the Nigeria Immigration Service – hindered cooperation at times. In 2019, two European countries transmitted case files to NAPTIP to prosecute organized trafficking networks.

## PROTECTION

The government increased efforts to identify victims, although services for many victims remained insufficient. In total, the government – including NAPTIP, NPF, and ETAHT efforts – identified approximately 499 victims and 812 potential victims, according to official, NGO, and media reporting. During the previous reporting period, NAPTIP identified 181 forced labor victims and 636 potential victims, and ETAHT identified 195 victims. NAPTIP reported identifying 434 victims (135 forced labor and 299 sex trafficking) as well as 321 potential victims, compared with 181 forced labor victims and 636 potential trafficking victims in the previous reporting period. Through its shelters, NAPTIP provided initial care for all 434 victims and 321 potential victims, which may have included referrals to government facilities for medical care, shelter, legal assistance, psychological services, vocational training, or education assistance. During the previous reporting period, NAPTIP provided direct support to 1,009 victims at NAPTIP shelters and referred 71 victims to NGO shelters. NPF officers reported identifying 20 potential victims during the course of law enforcement operations in 2020 but did not report referring the victims to services; NPF did not disclose similar statistics for 2019.

Media reported NPF officers identified at least 21 potential victims (separate from the 20 previously referenced) during the course of law enforcement operations in December 2020 and March 2021. In December, police disrupted a criminal enterprise known as a “baby factory” in Ogun State in southwest Nigeria and removed 10 victims (four children and six women – four of whom were pregnant), and in March 2021, police removed 11 potential victims (nine females and two males) from a suspect in the northern state of Katsina who was allegedly preparing to send the 11 individuals to Libya for onward travel to Europe.

During the reporting period, ETAHT reported identifying and providing comprehensive services to 65 victims; these included psychosocial support, medical, and pro-bono legal assistance. Additionally, ETAHT delivered pandemic relief materials to more than 1,000 returning migrants, some of whom may have been victims. This is compared to assisting 428 returned migrants, 195 of whom were trafficking victims, in the previous reporting period.

Observers reported victim identification and referral to services remained a gap in the government's efforts. Nonetheless, the government had formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of trafficking victims among high-risk populations, and NAPTIP reported implementing 32 trainings in 2020 for 963 officials from the Armed Forces of Nigeria, police, immigration, and social services to identify trafficking victims; NAPTIP reported training 1,165 NAPTIP officers in 2019. Pandemic-related restrictions on in-person meetings resulted in delayed or cancelled training activities in 2020. Additionally, the government's national referral mechanism provided formal guidelines for law enforcement, immigration officials, and service providers to improve protection and assistance to trafficking victims, both within Nigeria and abroad.

Nigerian law mandated NAPTIP to provide care for victims of crimes under both the 2015 anti-trafficking law and 2015 Violence Against Persons (Prohibition) Act; NAPTIP's resources were insufficient to provide specialized care for all trafficking victims. Each of NAPTIP's 10 zonal commands, including the Abuja headquarters, operated a victim shelter during the reporting period, for a total of 10 shelters for trafficking victims with a total capacity of 334. NAPTIP shelters offered six weeks of initial care, although officials often allowed women to stay longer if they desired to do so; access to the shelters was not based on victims' cooperation with law enforcement. If there was not space in NAPTIP shelters, agency officials referred the victim to NGOs for care. Measures to slow the pandemic's spread – including a five-week nationwide lockdown from March to May 2020 – limited shelter capacity throughout the country. In 2019, an NGO reported a lack of funding combined with NAPTIP's utilization of shelters, as opposed to community-based services, resulted in substandard conditions in some shelters; a lack of oversight allegedly exacerbated these issues.

NAPTIP typically required victims to remain in shelters for six weeks, although individuals staying longer were able to leave shelters unaccompanied absent case-specific security concerns. Through these shelters, NAPTIP provided access to legal, medical, and psychological services, as well as vocational training, financial empowerment, family reunification, and business management skills. These shelters were also available to Nigerian trafficking victims exploited abroad upon repatriation. NAPTIP had agreements with certain hospitals and clinics to provide additional medical and psychological treatment for victims, as needed. Additional government and NGO shelters provided services, including long-term shelter, to vulnerable children and victims of crime, including trafficking; authorities sometimes assigned child trafficking victims to foster homes or orphanages for care. Foreign victims had access to the same services as domestic victims.

NAPTIP continued to partner with an international organization and a foreign donor to implement a screening and sensitization campaign to identify sex trafficking victims in IDP camps in Bama and other areas near Maiduguri. NAPTIP reached an unreported number of camps in the Maiduguri area with screening, sensitization, or both; however, due to the deteriorating security situation and the pandemic, these activities were generally restricted to areas in and around Maiduguri. Additionally, NAPTIP officials reported coordinating with the Ministry of Defense's zonal commanders on protection issues pertaining to IDP camps – including in Maiduguri – by funding social workers, raising awareness of the crime among camp residents, and identifying victims.

Unlike previous years, observers reported the government did not forcibly return Nigerian refugees from Cameroon; however, the government did not disclose efforts to screen for indicators of trafficking among this population. Between May and August – with the country under pandemic-related lockdown – NAPTIP collaborated with an international organization to repatriate more than 450 victims and potential victims (included in the previously referenced totals for potential victims) from Lebanon, Mali, and Niger; observers reported the government screened for indicators of trafficking and provided these individuals specialized care and reintegration services. During the previous reporting period, NAPTIP and an international organization screened all returnees from Libya for trafficking indicators and referred the identified trafficking victims to NAPTIP facilities or NGOs. In 2020, the ETAHT opened a shelter for trafficking victims with capacity for 100 victims (60 men and 40 women in separate facilities); officials disclosed there was one victim in the shelter as of February 2021. Several Nigerian embassies, particularly within West Africa, provided funding or in-kind support to repatriate Nigerian trafficking victims exploited abroad.

The anti-trafficking law prohibited the penalization of trafficking victims for unlawful acts their traffickers, including armed groups, compelled them to commit. However, as in past years, the government continued to arrest and, in some cases, inappropriately detain for prolonged periods – reportedly for a security screening and perceived intelligence value – women and children removed from or allegedly associated with Boko Haram and ISIS-WA, including women and girls who insurgents had forcibly married or sexually enslaved. Authorities did not consistently screen the women and children for trafficking indicators.

As previously referenced, observers verified two cases of a CJTF unit using child soldiers during the reporting period in support roles at an IDP camp checkpoint in Borno State. Following the notification of the violation by an international organization, the CJTF demobilized the two children and referred them to care, and – in coordination with an international organization – senior representatives from the Ministry of Justice and Armed Forces of Nigeria, as well as the CJTF's area commander, visited the IDP camp to assess the reports and reinforce the zero tolerance policy for use of child soldiers to CJTF members. After the delegation's mission, authorities worked with observers to organize a three-day workshop with all CJTF unit commanders in Borno's local government areas to highlight the importance of the issue and educate additional militia members. Officials stated key issues included limited awareness by new CJTF members and communities of the 2017 CJTF-UN child soldier action plan to end and prevent forces from recruiting and using children; lack of disciplinary measures at the local level; and the CJTF's Child Protection Unit's limited capacity.

In 2020, authorities released at least 309 children from military detention in Maiduguri; however, children likely remained inappropriately detained in military detention centers at the close of the reporting period. The military released approximately 334 children from detention between September 2019 and March 2020. For the sixth consecutive year, the government did not officially adopt the handover protocol to refer children identified in armed conflict to civilian care providers, although observers reported authorities implemented key aspects of the handover protocol during the reporting period. After release from detention, the military generally referred women and children classified through a security screening process as "low risk" or "inactive" in the conflict to a government-run rehabilitation center. While the standard procedures developed in partnership with an international organization improved identification of potential trafficking victims among those detained, some trafficking victims – including women and children whom non-state armed groups forced to be combatants or exploited in sexual slavery – remained in detention and subject to criminal prosecution, contrary to Nigerian law, for unlawful acts traffickers compelled them to commit.



The government collaborated with donors to continue the “Operation Safe Corridor” de-radicalization and rehabilitation program for combatants formerly associated with terrorist organizations. Some women and child ex-combatants participated in this program, in addition to men; observers reported allegations of serious abuse in past years including life threatening conditions in detention centers associated with the program.

NAPTIP encouraged victims to assist in the investigation and prosecution of trafficking cases by providing security, organizing private testimony in judge’s chambers or video testimony, and providing legal assistance; the government did not report how many victims assisted in investigations and prosecutions during the reporting period. In response to the pandemic, NAPTIP coordinated through the JBTF to expand courts’ use of video to collect testimony and allow witnesses in other jurisdictions to give evidence in Nigerian criminal trials. During the previous reporting period, NAPTIP used video interviewing equipment in Lagos, Benin City, and Kano, while video link equipment was installed in Federal High Court courtrooms in Lagos, Abuja, and Benin City.

The government did not have a formal policy to prevent the removal of victims to countries where they would face hardship or retribution; however, there were no reports of trafficking victims removed to such countries during the reporting period. It could grant temporary residence visas to a trafficking victim who had a pending criminal, civil, or other legal action; the government did not report any foreign victims requesting this relief in 2020.

The victims’ trust fund, financed primarily through confiscated assets of convicted traffickers, was available to all victims, but the government did not report whether it allocated any funds from the trust fund to victims during the reporting period. The anti-trafficking law provided for victim restitution; ETAHT officials reported traffickers paid restitution to five victims during the reporting period, compared with one convicted trafficker ordered to pay restitution during the prior reporting period. Victims could also file civil suits against their traffickers. While NAPTIP prosecutors regularly sought restitution in trafficking cases, officials from the federal agency did not report any cases in which traffickers paid restitution to victims, an issue exacerbated by judges’ unfamiliarity with that provision of the anti-trafficking law.

## PREVENTION

The government increased efforts to prevent human trafficking. NAPTIP continued to lead the federal government’s efforts to combat trafficking, although officials from the ministries of Defense, Justice, Foreign Affairs, Labor and Productivity, and Women Affairs and Social Development all had responsibilities in supporting the country’s response to human trafficking. While ineffective coordination between ministries, as well as across federal and state agencies, hindered the effectiveness of the country’s anti-trafficking response in the past, coordination improved during the current reporting period.

The inter-ministerial committee on trafficking met on an ad hoc basis and helped to develop national policies on trafficking. In November, NAPTIP convened key federal and state officials, as well as international organizations, civil society, and partner governments, to develop the country’s draft 2021–2025 national action plan, although the government had not officially adopted the plan as of March 2021. Inadequate information management technology – including basic infrastructure such as computers and internet services, especially in zonal commands outside Abuja – hindered data collection, dissemination, and research; many offices continued to use paper-based systems for case management.

Over the course of 2020, NAPTIP reported holding more than 40 sensitization events using radio, television, and other mediums in coordination with partner governments, international organizations, and NGOs, estimating the events reached at least 1,890 individuals;

officials postponed or cancelled numerous in-person events to follow protocol intended to slow the pandemic’s spread. Officials did not disclose similar details for the prior reporting period. NAPTIP continued to integrate anti-trafficking modules into school core curricula and performed direct outreach to schools during the reporting period. Additionally, in March 2021, NAPTIP coordinated with an international organization to launch the “Blue Bus” campaign – with financial support from a donor – in Abuja to raise awareness of the risks of exploitation associated with irregular migration; officials did not disclose how many individuals the campaign reached. The ETAHT held a press conference in August, two road walks in July, and one road walk in December to raise awareness around trafficking issues in Edo State.

In past reporting periods, the government assisted in the formation of state-level anti-trafficking task forces in Edo, Delta, Ondo, Ekiti, and Borno states; in 2020, NAPTIP partnered with state governments to establish nine new state task forces in Rivers, Cross Rivers, Akwa Ibom, Ogun, Oyo, Enugu, Anambara, and Ebonyi, and it reestablished the Lagos task force. NAPTIP coordinated with international organizations to provide training on victim-centered approaches to addressing human trafficking for task force officials.

The Ministry of Labor and Employment (MLE) reported conducting 9,877 inspections resulting in the removal of 2,996 children from potential child trafficking conditions, and officials referred 1,067 of the identified children to the government’s social services; the MLE did not provide statistics for 2019. Despite these actions, workers employed in the informal economy – including children working in agriculture, domestic work, and artisanal mining – remained highly vulnerable to trafficking. International observers reported the government deployed 130 officers to airports throughout the country during the reporting period to assist with screening for trafficking indicators, building on NAPTIP’s past sensitization programs at transportation hubs. Despite allegations in prior years that Nigerians traveled to Togo for child sex tourism, the government did not report efforts to address child sex tourism. The MLE regulated private employment agencies and instituted a licensing requirement for labor recruiters; the government did not report revoking any licenses for exploitative recruitment practices during the reporting period. The government did not report efforts to reduce the demand for commercial sex.

Each of the nine NAPTIP zonal commands, as well as the headquarters in Abuja, operated hotlines for trafficking victims; the hotlines were staffed 24 hours per day and staff spoke English and the relevant local languages for the region. NAPTIP publicized the hotlines through mass media, in written pamphlets, and in coordination with international organizations. During the reporting period, NAPTIP stated individuals made approximately 12,000 calls to the hotline, leading to the identification of 145 victims and 36 investigations of suspected traffickers; the government did not provide similar statistics for the prior reporting period.

The Borno State government continued to provide financial and in-kind resources to the CJTF, a non-governmental self-defense militia responsible for combating Boko Haram and providing security for some IDP camps, which used two children during the reporting period. The Borno State government continued to provide administrative support to help implement the 2017 action plan between CJTF and an international organization to end CJTF’s recruitment and use of children; despite two verified cases of CJTF members using children in support roles at an IDP camp in Borno State, an international observer described CJTF’s implementation of its 2017 action plan during the reporting period as commendable. Since the signing of the action plan in 2017, observers verified the CJTF separated more than 2,000 of an estimated several thousand children previously affiliated with the group. NAPTIP officials reported enhancing awareness raising of the crime in IDP camps and coordinating with the Ministry of Defense to bolster protection efforts in the camps – specifically around Maiduguri.

In partnership with a foreign donor, the government provided anti-trafficking training to its troops prior to their deployment as peacekeepers. According to an international organization, there were no reports in 2020 of sexual exploitation by peacekeepers from Nigeria deployed to peacekeeping missions, but there remained five open allegations, including one from 2019, one from 2018, and three from 2017. As of September, two allegations had been substantiated, and the international organization repatriated the perpetrators, but the Nigerian government had not yet provided the full accountability measures taken for all five open cases. Unlike the previous reporting period, NAPTIP officers provided pre-departure training to ambassadors, chiefs of mission, and deputy chiefs of mission on human trafficking principles in February 2021.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nigeria, and traffickers exploit victims from Nigeria abroad. Internal trafficking is prevalent with Nigerian perpetrators recruiting victims from rural areas, especially the country's southern regions, for exploitation in commercial sex and forced labor in domestic work in cities such as Aboekuta, Calabar, Ibadan, Kaduna, Kano, Lagos, and Port Harcourt. Traffickers – including some community members – exploit women and girls in domestic service and sex trafficking, as well as boys in forced and bonded labor in street vending, domestic service, artisanal mining, stone quarrying, agriculture, textile manufacturing, begging, and in the tie-dye sector in the northwest and southwest of the country. Criminal elements recruit foreigners for labor trafficking within the country.

Rapid population growth drives the country's informal education sector, including Quranic schools – most prevalent in northern regions – known as Almajiri, where some teachers abuse their students and coerce them to beg; in the latest available estimate from 2010, the government estimated as many as 9.5 million boys were studying in Quranic schools. Observers report worsening poverty related to the pandemic's economic impacts may increase the enrollment of these schools, as well as the risks of exploitation of the children by teachers, businesses, and local community members seeking labor. Extreme poverty, lack of economic opportunity, corruption, insecurity throughout the country, and climate change-related pressure to migrate increase Nigerians' vulnerability to trafficking.

Primarily in Cross River and other southern states, as well as from IDP populations in the north, illicit actors – including some church leaders – operate “baby factories,” which the government and NGOs describe as a widespread criminal industry in the country; experts state the phenomenon is driven by poverty and a lack of opportunity for young girls, as well as the demands of the illegal adoption market and cultural pressure for large families in Nigeria. Recruiters – or “mamas” – operating out of unregulated clinics work with enforcers to control the women through childbirth. The traffickers then sell the children, sometimes with the intent to exploit them in forced labor and sex trafficking. In southern Nigeria, especially Lagos, some women drug and “rent” their infants out to street beggars to increase the beggars' profits.

In Fall 2020, personnel from the CJTF – a non-governmental self-defense militia receiving state government funding – providing security for an IDP camp in Borno State used two boys between the ages of 15 and 17 at a checkpoint; observers reported one of the boys was related to a local commander and the CJTF did not recruit the children. The Nigerian military coordinated operations with the CJTF intermittently to combat Boko Haram and ISIS-WA in northeastern Nigeria. Worsening insecurity in northeast Nigeria and pandemic-related movement restrictions prevented observers from accessing many areas in Borno State and reviewing other regions of concern for child soldier recruitment or use. During the previous reporting period, an NGO alleged soldiers in Giwa Barracks sexually exploited female detainees. Despite authorities releasing some individuals from detention, the government continued to detain children as young as five years old whom authorities suspected of being associated with Boko Haram or ISIS-WA.

Nigerian criminal elements transport women and children to other West and Central African countries – including Cabo Verde, Cote d'Ivoire, Mali, and Senegal – as well as to South Africa, where they exploit them in forced labor and sex trafficking; experts report mixed migration networks were well organized and involved in both smuggling and trafficking operations. Observers reported traffickers and smugglers using the mixed migration route through Mali sold Nigerian girls into commercial sex in Mali.

Artisanal miners exploit West African children in forced labor in Nigeria, including in granite and gold mines. Observers have reported agricultural firms in rural Nigeria force Togolese to work in palm wine production in rural Nigeria. Nigeria's ports and waterways around Calabar remain transit points for West African children subjected to forced labor in Cameroon, Equatorial Guinea, and Gabon. During the prior reporting period, NGO and media sources reported Nigerian traffickers compelled Cameroonian child refugees displaced by Cameroon's Anglophone crisis staying in camps in Nigeria to work in forced labor in domestic service and, in some cases, into sex trafficking; there were allegations some parents were involved in selling their children.

Authorities identified Nigerian trafficking victims – often exploited by Nigerian traffickers – in countries in Africa, Europe, and the Middle East during the reporting period. Criminal groups and brothel owners exploit Nigerian women and girls in sex trafficking within Nigeria and throughout Europe, including in and around Paris, France; Turin and Ferrara, Italy; and Madrid, Spain, as well as Austria and Russia. NGOs reported that while Italy remained the primary destination for Nigerian trafficking victims, illicit networks have shifted to other destinations such as France and Spain. According to reports, 80 percent of women in Spain's unlicensed brothels are victims of sex trafficking, with Nigerians forming a large percentage of that population. In France, Nigerian trafficking networks force women and girls into commercial sex around Paris and threaten victims' families in Nigeria to maintain control; illicit recruiters target women and girls predominantly from impoverished families in Edo State and require them to take a loyalty oath to their traffickers. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East – including Lebanon, Oman, Saudi Arabia, and the United Arab Emirates – as well as Central Asia, and exploited in sex trafficking or forced labor.

Historically, the majority of Nigerian trafficking victims in Europe have come from Edo State, via Libya; however, observers noted an increasing number originating in other states, to include Delta and Kano. Additionally, officials noted Abia, Delta, Ebonyi, Edo, Imo, and Kogi states are common origins for trafficking of victims to West Africa and Europe. Cases of labor trafficking involving domestic workers to the Middle East and Gulf States, as well as men coerced into sexual exploitation and drug running to Europe, increased during the reporting period, according to an international organization. In 2019, media and an international organization reported that networks consisting of illicit actors profiting from human trafficking and smuggling recruited women and girls from IDP camps in Northeast Nigeria for ostensibly legitimate jobs in Europe but exploited them in commercial sex in the northern Nigerian city of Agadez, North Africa, the Persian Gulf, and Europe.

Criminal actors increased their exploitation of Nigerians in Turkey in 2020, according to observers. Experts stated traffickers recruit victims directly from asylum or migrant reception centers in Italy and elsewhere in Europe. Larger, well-financed, and highly organized criminal groups – some of which are linked to Nigerian criminal organizations or confraternities originating in Nigerian universities, including Black Axe, Eiye, or Maphite – are responsible for much of the sex trafficking to Europe, especially in Italy, Spain, and the United Kingdom. Additionally, Nigerian sex traffickers operate in highly organized criminal webs throughout Europe – known as the “Nigerian mafia” in Italy – and many former sex trafficking victims referred to as “madams” begin to work for their traffickers

in exchange for leaving sex trafficking themselves. While some sex trafficking victims arrive in Europe believing they will be in commercial sex, traffickers coerce them to stay in commercial sex by altering working conditions and increasing victims' travel debts. Some victims' parents encourage them to obey their traffickers and endure exploitation to earn money.

Before departure for work abroad, or upon arrival in Europe, many Nigerian women participate in a traditional ceremony with a *juju* priest; some traffickers exploit this tradition and tell the women they must obey their traffickers or a curse will harm them, which prevents victims from seeking assistance or cooperating with law enforcement. Although the Oba of Benin – the religious leader of Benin City – revoked all previously administered *juju* spells and publicly renounced sex traffickers in 2018, reports continued to note traffickers performed the *juju* ceremonies in neighboring states such as Delta.

Illicit recruiters – including family members and increasingly pastors – in Edo and other southern states continue to target individuals seeking to travel by air to the Middle East, where wealthy individuals and other actors exploit those migrants in forced labor or commercial sex. Further, criminal elements exploit irregular migrants in forced labor and sexual exploitation at multiple stages of their journey through Nigeria, Niger, and Libya. Libyan and Nigerian illicit actors exploit Nigerians in Libya in forced labor in construction and agriculture, as well as in commercial sex in Benghazi, Misrata, Sabha, and Tripoli; traffickers keep victims in “control houses” or “prostitution camps” near Tripoli or Misrata until they can repay travel debts.

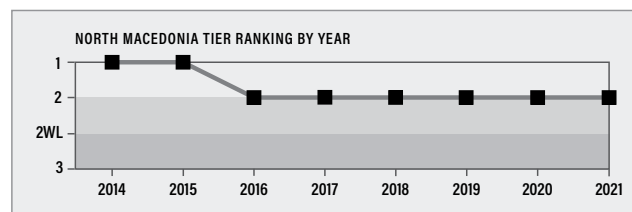
As of December 2020, there were approximately 2.1 million IDPs in the country and 305,000 Nigerian refugees in other countries; many of these IDPs and refugees are vulnerable to traffickers due to their limited access to economic opportunity and formal justice. Increasing violence stemming from expanding terrorist threats exacerbated the vulnerability of many IDPs and limited access throughout much of the country for observers to provide updates on past allegations of government officials exploiting IDPs in sex trafficking. As in past years, reports indicate other IDPs, aid workers, government officials, and security forces commit sexual exploitation, including sex trafficking, in government-run IDP camps, informal camps, and local communities around Maiduguri, the Borno State capital. Additionally, there were reports traffickers exploited IDPs moving to cities such as Gombe and Kano, as well as to neighboring countries to include Niger in forced labor.

During the reporting period, Boko Haram and ISIS-WA increased their practice of forcibly recruiting, abducting, and using child soldiers as young as 12 years of age as cooks, spies, messengers, bodyguards, armed combatants, and suicide bombers in attacks in Nigeria, Cameroon, and Chad. The groups continue to abduct women and girls in the northern region of Nigeria, some of whom they subject to domestic servitude, sexual slavery, and forced labor. Boko Haram routinely forces girls to choose between forced marriages to its fighters – for the purpose of sexual slavery – or becoming suicide bombers, with the terrorist organization frequently using drugs to control victims' behavior. An NGO reported in prior rating periods children detained for association with armed groups in Maiduguri Maximum Security Prison in Borno state were confined with adult inmates who allegedly exploited the children in commercial sex rings in the prison.

## NORTH MACEDONIA: TIER 2

The Government of North Macedonia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the

COVID-19 pandemic on its anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore North Macedonia remained on Tier 2. These efforts included convicting more traffickers and issuing significant sentences. The government identified more victims and increased overall prevention efforts, such as drafting the 2021-2025 National Strategy and National Action Plan and regularly convening coordinating bodies for virtual meetings. However, the government did not meet the minimum standards in several key areas. The government diverted funding for victim protection towards pandemic response efforts, which jeopardized the continuation of mobile identification teams (mobile teams) and operations at the shelter for trafficking victims. Police did not have adequate funding and equipment to conduct proactive investigations, and the Organized Crime and Corruption Prosecution Office (OCCPO) lacked sufficient resources, including staff, to handle all cases under its jurisdiction. Inadequate identification efforts and corruption put potential victims at risk of being penalized for crimes they were compelled to commit. Official complicity in trafficking crimes remained a concern.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose adequate penalties with significant prison terms. • Allocate sufficient resources to victim protection, including specialized services for adult male victims, and ensure the sustainability of the mobile identification teams and the shelter for trafficking victims. • Increase proactive identification efforts for trafficking victims and screen for trafficking among individuals in commercial sex, irregular migrants, refugees, and other at-risk populations. • Allocate sufficient resources to the police and prosecutors to proactively investigate trafficking. • Fully implement written guidance to prevent penalization of trafficking victims for crimes their traffickers compelled them to commit. • Establish access to alternative housing to accommodate victims when the shelter is full. • Provide accommodation to foreign potential trafficking victims in safe and appropriately rehabilitative settings and allow victims to leave shelters at will. • Institutionalize advanced training for judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Train first responders on standard operating procedures (SOPs) for identifying and referring victims, and consistently include social workers in all potential trafficking cases. • Improve compensation mechanisms for victims and inform them of their right to seek compensation.

### PROSECUTION

The government maintained law enforcement efforts. Articles 418(a) and (d) of the criminal code criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of four years' imprisonment, which was sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The OCCPO investigated five cases involving five suspects (four cases involving 10 suspects in 2019), and the anti-trafficking task force investigated one criminal group with at least eight individuals suspected of child trafficking (six suspects in 2019). The government did not initiate new prosecutions with only 17 percent of courts regularly holding trials due to the pandemic (nine defendants prosecuted in three cases in 2019). Courts convicted nine traffickers for child sex trafficking and two for child sex trafficking and forced labor (five convicted for child sex trafficking in 2019). Judges issued



zero suspended sentences; all convicted traffickers received sentences between four and seven years' imprisonment (four traffickers received seven to 11 years' imprisonment, and one trafficker received a three-year suspended sentence in 2019). Appellate courts upheld three convictions (appellate courts upheld four convictions and increased a sentence of one trafficker from 13 years' imprisonment to 17, two sentences from 12 years' imprisonment to 14, and one sentence from four years and six months to eight years in 2019).

The Combatting Trafficking in Human Beings and Migrant Smuggling Unit's Anti-Trafficking Task Force (task force) within the Ministry of Interior (MOI) led specialized investigations. The OCCPO prosecuted trafficking cases but continued to report a lack of resources with only 10 prosecutors in the office to handle all cases under its jurisdiction. Additionally, the task force did not have adequate funding and equipment to conduct proactive investigations, and prosecutors did not routinely grant specialized investigative measures for trafficking investigations. As a result, authorities relied almost exclusively on victim testimony with little corroborating evidence. As in previous years, local police officers lacked an understanding of trafficking and did not consistently notify the task force of potential trafficking cases. Observers reported cases languished or were mishandled due to the absence of a digital case management system to transfer trafficking cases between different police and prosecutors' offices.

The government, mostly with technical and financial support from donors, international organizations, and NGOs, trained judges, prosecutors, and officers in the task force on various anti-trafficking issues. The government did not conduct any international investigations or extraditions. Corruption and official complicity in trafficking crimes remained a concern, but in 2018, the government amended Article 418(a) to reduce the prescribed minimum of eight years' imprisonment for convicted complicit officials to a minimum of five years' imprisonment. Officials and observers continued to report low-ranking police officers may be complicit in trafficking, including hiding evidence, bribery, changing patrol routes to benefit perpetrators, tipping off perpetrators before raids, and/or direct involvement in organized crime. The government charged a civil servant with complicity in trafficking in 2017 and a municipal inspector for trafficking in 2016; the OCCPO reported that both individuals were standing trial before the Skopje Criminal Court for migrant smuggling. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained victim protection efforts. The government identified seven victims (six victims in 2020); five were victims of sex trafficking and two were victims of forced labor, including one of forced begging (four victims of sex trafficking, one of forced labor, and one of forced begging in 2019). Of these, six victims were girls, and one was an adult male (four girls and two women in 2019); none were foreign victims (one foreign victim from Bosnia and Herzegovina and two from Kosovo in 2019). The government, in cooperation with NGOs, also identified six potential victims (124 potential victims in 2019); of these, there were five adults and one child (39 adults and 85 children in 2019); five were female and one male (91 females and 33 males in 2019); and the boy was a foreign potential victim (29 were foreign potential victims in 2019). Ministry of Labor and Social Policy (MLSP) maintained mobile teams comprised of social workers, law enforcement officers, NGO workers, and psychologists in five regions for vulnerable populations, including trafficking victims; mobile teams assisted 362 street children (mobile teams identified 86 potential victims and assisted 316 individuals in 2019). Mobile teams identify the majority of potential victims every year, and experts viewed the teams as a best practice in proactive identification and cooperation between civil society and government; however, sustainability of the mobile teams remained in doubt with their international organization-provided funding ending in 2020, and the government reallocating promised resources to pandemic responses.

In addition to funding constraints, the pandemic mitigation efforts limited mobile teams' ability to proactively identify potential victims. MLSP continued to dispatch social workers to screen vulnerable populations at border crossings and transit centers, and MLSP social workers and police continued to identify potential forced labor victims among predominately Romani children engaged in street begging and street vending. The government placed identified child victims in daycare centers and warned or fined their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages. Government and civil society actors raised concerns about the low number of identified victims, and experts reported most government agencies lacked proactive identification efforts. For example, border agents did not consistently screen for trafficking indicators at border crossings, and reports documented police abuse and authorities conducting illegal pushbacks to Greece. Police did not consistently screen for indicators during raids in casinos, nightclubs, and bars. The government maintained SOPs for the identification and referral of victims, and the Office of the National Referral Mechanism (NRM) within MLSP remained responsible for coordinating the identification and referral procedures. First responders referred potential victims to the Anti-Trafficking Unit and/or the NRM, which were authorized to officially identify victims. NRM officials and social workers participated in interviews with potential victims, but law enforcement did not consistently include NRM officials and social workers at the outset of identifying potential trafficking cases.

The government allocated 1.76 million denars (\$35,040) to the MOI for protection and security of trafficking victims, particularly those staying at the shelter for trafficking victims, compared to 2.21 million denars (\$44,120) in 2019. While the government planned to allocate 1.5 million denars (\$29,920) to MLSP for social services, NGO activities, mobile teams, and other types of victim protection efforts (2.7 million denars (\$53,860) in 2019), it diverted all funding to pandemic response efforts. The government still provided 810,000 denars (\$16,160) for direct victim assistance at the shelter for trafficking victims, compared to 1.2 million denars (\$23,940) in 2019; however, this covered only a small percentage of the shelter's operating expenses, and the shelter relied heavily on funding from the international community to continue operations. The government and NGOs provided potential and officially recognized victims with protection and assistance, including food, clothing, medical assistance, psycho-social support, rehabilitation, and reintegration services. However, foreign potential victims required official recognition to receive support at the shelter for trafficking victims. MLSP assigned a guardian from a social welfare center to victims while they were at the shelter, and MLSP-run social service centers maintained one social worker at each of the 30 centers dedicated to providing assistance to trafficking victims, including psycho-social support, reintegration assistance, education, and job placement. The government and NGOs provided assistance to 14 official and potential victims (89 in 2019), including basic necessities to five (89 in 2019), counselling and medical assistance to seven (30 in 2019), legal assistance to four (seven in 2019), and vocational training for four (three in 2019). The government did not provide specialized assistance for adult male victims. The shelter for trafficking victims accommodated female and child victims with the capacity to house five victims, but the government did not have additional capacity to accommodate victims if the shelter was full. In 2018, the government amended legislation to accommodate domestic and foreign potential trafficking victims at the shelter; however, the transit center continued to accommodate most foreign potential victims. The shelter allowed victims freedom of movement, but the transit center did not permit foreign potential victims to leave without a temporary residence permit. Observers reported poor living conditions at the transit center. During 2020, the shelter housed five victims (five in 2019), and the transit center did not house any victims (one foreign victim in 2019). The law permitted foreign victims a two-month reflection period to decide whether to testify against their traffickers, followed by a six-month

temporary residence permit, regardless of whether they testify; no foreign victims requested residence permits in 2019 and 2020.

Inadequate identification efforts and corruption put potential victims at risk of being penalized for crimes they were compelled to commit. Observers reported local police deported foreign potential victims before their two-month reflection period expired. Additionally, local police detained and deported individuals in commercial sex without screening for trafficking indicators or notifying the task force, according to experts and government officials. The government, in cooperation with an international organization, trained 19 judges on non-punishment of trafficking victims. Victims voluntarily cooperating in court proceedings generally cannot leave North Macedonia before testifying in court; however, prosecutors, with the consent of the defense, can make exceptions and allow a victim to leave the country prior to testifying in court, upon giving testimony before a prosecutor, and in some cases, before a pre-trial procedure judge. Six victims gave statements against their alleged traffickers (eight in 2019). The government reported no victims required witness protection services in 2019 and 2020. Judges did not issue restitution as part of criminal sentences, and while victims can claim compensation through civil proceedings, the complexity of the process often dissuades victims from pursuing action. One trafficking victim was successfully compensated in 2020. The government and civil society continued efforts to develop a victim compensation fund which allowed authorities to allocate compensation to victims from seized criminal assets.

## PREVENTION

The government maintained prevention efforts. The government implemented the 2017-2020 National Strategy and National Action Plan, and the National Commission (NC), composed of 12 government agencies led by the national coordinator, regularly met virtually, published its 12th annual report on government anti-trafficking efforts, and drafted but did not adopt the 2021-2025 National Strategy and National Action Plan. The NC also supported seven municipal-level anti-trafficking commissions in implementing their local action plans. The Anti-Trafficking Secretariat, composed of government agencies, the international community, and civil society, operated under the NC and held regular meetings virtually. In the previous reporting period, the government established an independent office of the national anti-trafficking rapporteur within the Ombudsman's Office, selected a new national rapporteur, and hired staff for the office. The national rapporteur drafted a report on the government's anti-trafficking efforts and, in December 2020, signed a memorandum of understanding with an NGO to cooperate on monitoring government efforts. The NC distributed anti-trafficking brochures and leaflets, organized workshops and lectures at schools, and implemented an awareness campaign for the general public.

The law prohibited illegal and unreported employment and set out criteria for labor recruitment, defining the terms of employment, employer obligations, and employees' rights. The NC maintained a "Codex of Cooperation" with hospitality and hotel companies to prevent forced labor in the tourism industry. The Labor Inspectorate conducted regular inspections to verify compliance with labor laws, issued warnings and fines, and sanctioned businesses; labor inspectors inspected 16,892 businesses in the first six months of 2020 (11,749 businesses in 2019) and issued fines ranging from \$1,080 to \$8,630 for labor law violations (\$625 to \$7,800 in 2019). The government did not operate a hotline, but MOI managed an application to report various offenses, including trafficking; the application received three trafficking-related reports (three trafficking-related reports in 2019). Observers reported cases of Romani children not registered at birth, so the parents lacked the registration and identification documents to access health care, social protection, and education. The government did not make efforts to reduce the demand for commercial sex.

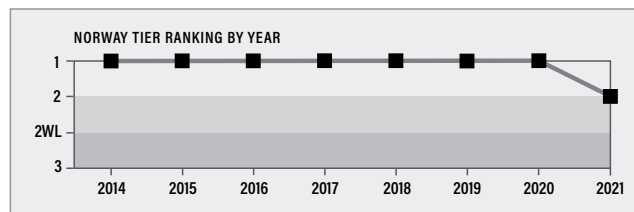
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic

and foreign victims in North Macedonia, and traffickers exploit victims from North Macedonia abroad. Women and girls in North Macedonia are exploited through sex trafficking and forced labor within the country in restaurants, bars, and nightclubs. Sex traffickers recruit foreign victims, typically from Eastern Europe and the Balkans, including Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine. Citizens of North Macedonia and foreign victims transiting North Macedonia are exploited for sex trafficking and forced labor in construction and agricultural sectors in Southern, Central, and Western Europe. Traffickers exploit Romani children through forced begging and sex trafficking within forced marriages. Irregular migrants and refugees traveling or being smuggled through North Macedonia are vulnerable to trafficking, particularly women and unaccompanied minors.

## NORWAY: TIER 2

The Government of Norway does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating more trafficking cases; allocating more funding to NGOs for victim assistance; and providing significant financial support to campaigns and projects aimed at combating sex and labor trafficking, including securing trafficking-free supply chains in selected industries. Additionally, a 2020 amendment to the immigration law permitted residency to foreign victims who testified in a criminal case regardless of whether the government prosecuted the case as trafficking. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on the government's anti-trafficking capacity. Authorities prosecuted zero trafficking cases for the first year ever, convicted only one trafficker—the fewest since 2005, and continued to charge traffickers with non-trafficking crimes, such as pimping. Victim identification and assistance data remained unreliable. For the fourth consecutive year, the government did not report an official number of identified and assisted victims and continued to delay development of a comprehensive statistical system for collecting data, formal identification procedures, and a national referral mechanism (NRM). Moreover, authorities did not consistently identify potential child trafficking victims and did not report identifying or assisting any child victims despite their involvement in trafficking cases. Finally, authorities' sole focus on an individual's lack of residence permit or immigration documentation resulted in the deportation of victims without screening for trafficking indicators. Therefore Norway was downgraded to Tier 2.



## PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate trafficking cases under the trafficking statute and prosecute and convict suspected traffickers. • Enhance efforts to proactively identify and assist trafficking victims, particularly children. • Report annual data on the number of victims identified and assisted by the government. • Screen all foreign nationals and asylum-seekers for indicators of trafficking and stay deportation of potential victims prior to screening. • Develop and implement a reliable comprehensive statistical system for collecting and collating data, including on child trafficking, victim identification and assistance, and investigations, prosecutions, and convictions. •

Establish and implement an NRM and victim identification procedures that receive adequate input from NGOs, and define processes and roles of all relevant government agencies and front-line actors. • Improve efforts to understand the demand for forced labor and identify victims of labor trafficking and refer them to assistance. • Increase training for investigators and prosecutors on applying trafficking laws and understanding different aspects of trafficking. • Develop and implement a national action plan for 2021.

## PROSECUTION

The government decreased law enforcement efforts. Sections 257 and 258 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to six years' imprisonment for offenses involving adult victims and up to 10 years' imprisonment for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Police investigated 38 trafficking cases (17 sex trafficking, 20 labor trafficking, one uncategorized), compared with 36 cases in 2019 and 45 in 2018. Five of those cases involved 13 child trafficking victims. The government reported zero prosecutions, a significant decrease from 19 in 2019 and 13 in 2018 and the lowest number of reported prosecutions since the government has been reporting trafficking data. Courts convicted one trafficker for sex and labor trafficking, continuing a multi-year decline from four in 2019 and 13 in 2018 and marking the lowest number of convictions since 2005. The convicted trafficker received a sentence of two years and 10 months' imprisonment. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. The Norwegian government regularly collaborated with other European governments at national and local levels to pursue investigations and prosecutions of traffickers. In one case, authorities from Norway and Romania cooperated to extradite a Romanian trafficker.

During the reporting period, all 12 police districts maintained dedicated anti-trafficking units. Experts reported enhanced police awareness and willingness to pursue trafficking cases but noted limited investigative capacity in some districts. As in previous years, investigators and prosecutors continued to charge traffickers with non-trafficking crimes, such as narcotics and pimping, which subsequently barred victims from access to specific rights. Officials noted doing so when it was difficult to meet the burden of proof for a trafficking charge under the law, citing cases of online exploitation as particularly difficult to prosecute because traffickers hid traces of their crime via anonymous servers and other technological backroads. Officials noted the need to revise current trafficking laws to adapt to increasingly digital and globalized forms of the crime. Officials also noted the need to increase efforts to investigate and prosecute forced labor cases. Most forced labor cases resulted in prosecutions on lesser social dumping charges because the burden of proof was difficult and officials did not have a good overview of the forced labor market. The government defined social dumping as the act of offering foreign workers unacceptably low wages and unreasonable working conditions, such as working hours and living quarters, compared with what Norwegian workers normally received. Experts assessed more systematic training could enhance competence among investigators and prosecutors. In 2020, the Norwegian Police Academy conducted an online mandatory course for all investigators and prosecutors to increase knowledge and awareness about trafficking-related offenses and victim identification. The National Criminal Investigation Service, which maintained a national police group of experts aimed at increasing the understanding and knowledge about trafficking within the Norwegian Police Authority, conducted a one-day seminar and organized regular meetings for the group throughout 2020. The group's responsibilities included knowledge-sharing between police and prosecutors, development of working methods and anti-trafficking efforts, and advancing cooperation with relevant stakeholders. The Coordination Unit for Victims of Trafficking (KOM), which coordinated the government's anti-trafficking efforts, hosted a seminar for 350 participants focusing on strengthening anti-

trafficking cooperation among various stakeholders from national and municipal levels as well as civil society and academia.

## PROTECTION

The government decreased protection efforts. In 2020, the government continued to delay development of a comprehensive countrywide statistical system on trafficking, including victim identification and assistance data, which originally commenced in 2017. At the time of commencement, KOM and the Ministry of Justice (MOJ) decided to withhold the number of identified and assisted victims until after the government had set up a more formal and reliable system. Subsequently, for the fourth consecutive year, the government did not report an official number of victims identified or assisted, rather it estimated identifying 100 victims in 2020, the same number as in 2019 (the last reported official statistic was 262 victims identified and assisted in 2016). A government-funded NGO reported identifying 116 potential victims in 2020, compared with 118 in 2019. Restrictions imposed during the pandemic, such as lockdowns and border closures, reduced the government's ability to identify and refer potential victims to NGOs and other actors who provided assistance, which experts noted underscored the need for an NRM. NGOs reported the pandemic intensified the shift toward online commercial sex and made identifying and assisting sex trafficking victims more difficult. Furthermore, experts noted deficiencies in identifying labor trafficking victims citing the government's lack of understanding of the demand in certain sectors for forced labor. Although the government had neither formal identification procedures nor an NRM, authorities utilized informal guidelines to identify and refer potential victims. The MOJ and KOM continued to develop an NRM and established a working group to facilitate the process, which began in 2018. The working group's initial proposal received wide criticism from various stakeholders expressing concern the proposed NRM would reduce the reflection period for victims from six months to 45 days, which could result in fewer victims assisting authorities in investigations and authorities deporting more victims while they were still recovering from their abuse. Consequently, the development of the NRM stalled.

The government provided victim assistance through municipal crisis centers and government-funded NGOs, including Re-establishment, Organizing safe places to stay, Security, Assistance (ROSA), the largest project exclusively assisting trafficking victims in Norway. These NGOs provided foreign and domestic victims with shelter, legal aid, stipends for food, psychological care, medical assistance, fitness facilities, and Norwegian-language classes. NGOs reported social distancing regulations due to the pandemic dissuaded victims from seeking assistance, particularly sex trafficking victims, for fear that violating those regulations would result in deportation or imprisonment. Additionally, civil society reported when authorities investigated and prosecuted a trafficking crime as another crime, victims were unable to access assistance granted to trafficking victims under Norwegian law. In 2020, ROSA reported assisting 46 victims (39 in 2019), and the government estimated assisting 100 victims. Parliament allocated 35 million kroner (\$4.1 million) to NGOs specifically for assistance services, an increase from 30 million kroner (\$3.52 million) allocated in both 2019 and 2018. Oslo's Labor and Social Affairs Department established Human Trafficking Support Oslo to assist and support adult victims, including foreign victims in a reflection period, and hired 23 employees to support victims in the capital region. Human Trafficking Support Oslo received 4 million kroner (\$468,930) from the government in 2020. The Directorate for Children, Youth, and Family Affairs maintained a coordinating unit for service and assistance to child trafficking victims and received 5 million kroner (\$586,170) from the government in 2020. The unit worked to improve procedures to identify child victims, provide training and capacity building activities, and support coordination between government authorities. There were no reported cases of identified child victims in 2020 despite authorities investigating five trafficking cases involving 13 child victims. Municipal child welfare services assisted zero child victims, a decrease from three in 2019 and eight in 2018. Authorities placed identified child victims



in state-run institutions, such as orphanages, for up to six months. According to officials, authorities did not consistently identify child victims and maintain statistics. To assist with the identification and investigation of trafficking cases involving children, the government developed procedures for cooperation among police, immigration authorities, and child welfare authorities.

A 2020 provision to the immigration law permitted residency to victims who testified in a criminal case regardless of whether it was prosecuted as a trafficking case or another crime. Victims under a reflection period received legal assistance through an appointed lawyer funded by the government, access to health care services, lodging, and other necessary support. In 2020, authorities granted a six-month reflection period to 16 victims and limited residence permits of up to 12 months to three victims, compared with five and 14 in 2019. Authorities granted six possible victims residence permits due to compelling humanitarian considerations (six in 2019). Observers raised concerns that police focused more on an individual's lack of residence permit or immigration documentation than screening them for trafficking indicators, resulting in the deportation of potential victims. In January 2021, police deported more than 10 individuals in commercial sex for violating pandemic-related infection control measures. Civil society criticized the National Police Immigration Service for deporting the individuals before screening for trafficking indicators. Furthermore, the continued closure of the Storskog border crossing with Russia to anyone seeking protection prevented the screening of trafficking victims along the northern border. During the reporting period, an amendment to the law entered into force allowing trafficking victims from countries within the European Economic Area (EEA) candidacy for full financial reintegration support to their country of origin. However, NGOs expressed concern that ineligibility for financial support to victims from outside the EEA, such as asylum-seekers who received rejected asylum applications, exposed them to the risk of re-victimization.

Victims benefited from state compensation through the Compensation for Victims of Violent Crimes Act. During the reporting period, the government proposed amendments to the Act, which, according to civil society, would make restitution contingent on a conviction and, if a case did not result in a conviction, require victims to file a civil suit against their alleged trafficker to receive compensation—a costly, self-funded process most victims could not afford. Civil society claimed the requirement contradicted Norway's obligations under international law and conventions, such as the European Council's Convention on Action against Trafficking in Human Beings. The amendment also would restrict access to free legal aid until after victims filed an official report with the police. Under the existing law, victims could access free legal aid in the early stages of their case when considering reporting the crime to the police. Civil society expressed grave concern regarding the government's consideration of these amendments.

## PREVENTION

The government increased prevention efforts. During the reporting period, the government continued to implement measures from the national action plan and provided 190 million kroner (\$22.27 million) total for the four-year period of 2016-2020 to support the work of civil society organizations focused on trafficking. Various government agencies and ministries responsible for implementation provided financial resources toward the plan's activities but did not report the amount of funding allocated in 2020. KOM published an annual report providing an overview on victim identification, challenges relating to trafficking, and relevant agencies' anti-trafficking activities. The Department of Children and Families conducted an awareness campaign informing children about the dangers of trafficking. The government invested 40 million kroner (\$4.69 million) in project proposals for Norwegian civil society organizations to combat trafficking. ROSA managed a 24-hour hotline for potential trafficking victims available in Norwegian, English, Spanish, Arabic, and Thai. The government allocated 3 million kroner (\$351,700)

for the hotline, an increase from 1.7 million kroner (\$199,300) in 2019. In collaboration with other Baltic Sea Region countries, the government participated in a project establishing long-term cooperation between stakeholders and academia to educate future journalists on trafficking issues through workshops, panel discussions, and competitions. Authorities of Denmark, Finland, Norway, and Sweden facilitated international policing efforts and information-sharing, including on trafficking-related issues, through Nordic liaison officers stationed at 20 Nordic embassies and consulates around the world. The government provided international development assistance to protect vulnerable groups by contributing 150 million kroner (\$17.58 million) to trafficking victim assistance. Other international projects led by Norway included supporting girls and women exploited in commercial sex in the Democratic Republic of the Congo, a center for child trafficking victims in Malawi, and information campaigns and victim reintegration and psychological support in Burma. The government did not make efforts to reduce the demand for commercial sex acts.

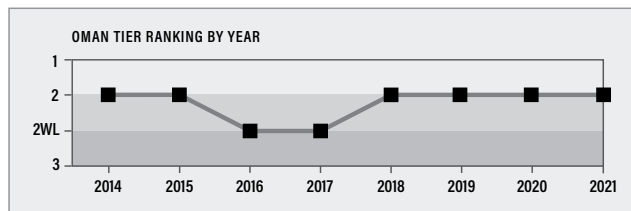
As part of its strategy against work-related crime, including labor trafficking, in 2020, the government proposed amendments to the penalty provision and framework of work-related crimes, including stricter regulations for the recruitment of temporary workers. Norwegian law prohibited recruitment agencies from charging fees to job seekers for placement services and required the labor inspectorate to monitor agencies for compliance. In 2020, the government provided 2 million kroner (\$234,470) to the Norwegian Labor Inspection Authority for an initiative to end severe labor exploitation; the initiative included an awareness campaign educating foreign workers on their rights. The Norwegian Agency for Development Cooperation (NORAD) contributed 50 million kroner (\$5.86 million) in 2020 to the Global Fund to End Modern Slavery to combat trafficking with a particular focus on securing trafficking-free supply chains in selected industries and preventing trafficking in connection with migration. Additionally, NORAD released a call for proposals for its Development Program to End Modern Slavery, which sought to reduce the prevalence and scope of trafficking in selected partner countries and sectors and to cooperate with multilateral and civil society organizations. Separately, NORAD pledged 190 million kroner (\$22.27 million) for a three-year project (2020-2023) targeting countries in the Sub-Saharan region of Africa, with a focus on forced labor and child labor. The government also participated in a regional project to support stakeholders in combating and disrupting labor trafficking by analyzing and consolidating information, improving assistance to victims, and increasing prosecution of traffickers. In an effort to establish better oversight and access to government services for potential labor trafficking victims, the government issued new passports and national identification cards to foreign citizens working in Norway.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Norway, and, to a lesser extent, traffickers exploit victims from Norway abroad. As a result of the pandemic, traffickers increasingly shifted recruitment methods from in-person to online settings, mainly through social media. Trafficking victims identified in Norway primarily originate from Eastern and Southern European countries, such as Albania, Bulgaria, Romania, and Ukraine, with the vast majority being adult women exploited in sex trafficking. Authorities report a greater variety of nationalities among trafficking victims than in previous years, noting victims from South America and Uganda. Additional reports indicate an increase in victims from Thailand who come to Norway to reunite with their Norwegian spouses, and, once in the country, traffickers exploit them in labor or commercial sex. Traffickers exploit women and girls in sex trafficking and men and women in labor trafficking, specifically in domestic service and construction. Traffickers subject children to forced criminal activities and other forms of forced labor, including illegal employment in car washes and private housekeeping. Authorities reported a slight increase in labor trafficking cases in 2020.

## OMAN: TIER 2

The Government of Oman 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Oman remained on Tier 2. These efforts included establishing dedicated counter-trafficking units within the Ministry of Labor (MOL) and Royal Oman Police (ROP), identifying and referring more victims to care, and employing standardized screening procedures to identify potential trafficking victims among those arrested for immigration violations or engaging in commercial sex. The government also implemented its decision to remove the No-Objection Certificate (NOC) to allow migrant workers, including domestic workers, to change jobs at the end of a contract without employer permission and undertook a new anti-trafficking awareness campaign. However, the government did not meet the minimum standards in several key areas. The government prosecuted fewer alleged traffickers and convicted fewer traffickers overall. The government did not investigate, prosecute or, for the third consecutive year, convict any traffickers of forced labor. It also continued to require potential trafficking victims to have active court proceedings to remain in the government's shelter long-term, and it did not operationalize a national referral mechanism (NRM).



### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers for forced labor crimes. • Increase use of specialized trafficking units within the MOL, ROP, and Public Prosecutor's Office (PPO) to investigate indicators of potential trafficking crimes. • Impose dissuasive penalties on employers who withhold their employees' passports. • Expand labor law protections to, and enforce legal protections for, domestic workers. • Finalize, implement, and train officials on formal procedures to proactively identify and refer to care male and female trafficking victims among vulnerable populations, such as migrant workers, people in commercial sex, and North Korean laborers, whom the North Korean government may have forced to work. • Prevent penalization of trafficking victims among vulnerable groups, such as those arrested for immigration violations or commercial sex or who flee abusive employers and face deportation, by utilizing the new screening questionnaire, widely disseminating its procedures and training all officials on its use. • Ensure effective implementation of recent reforms to the sponsorship-based employment system that allow all migrant workers to change jobs without employer consent upon completion or termination of their employment contracts. • Disseminate to stakeholders the decision that allows potential victims the option to self-refer to protective services and amend the provision that stipulates they can only reside in the shelter long-term if they file charges against, or there is a corresponding prosecution of, an alleged offender. • Continue to expand trainings for officials involved in criminal investigations and for hotline operators to ensure accurate characterization of trafficking crimes. • Fully implement the newly adopted national action plan (NAP) for 2021-2023. • Continue to conduct country-wide public awareness campaigns on all forms of trafficking, specifically targeted to vulnerable populations, including domestic workers.

### PROSECUTION

The government made uneven law enforcement efforts. It continued to focus disproportionately on sex trafficking versus labor trafficking crimes and reported it prosecuted fewer alleged traffickers and convicted fewer traffickers, none of which were for forced labor crimes. However, the government increased capacity to investigate trafficking crimes by establishing a dedicated counter-trafficking unit within the ROP. Oman's 2008 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of three to seven years' imprisonment and a fine between 5,000 and 100,000 Omani rial (OMR) (\$12,990-\$259,740) for offenses involving adult victims and seven to 15 years' imprisonment and a minimum fine of 10,000 OMR (\$25,970) for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. MOL circular No.2/2006 prohibited employers from withholding migrant workers' passports but did not specify penalties for noncompliance. During the year, the government reportedly retained a foreign law firm to review Oman's existing anti-trafficking legislation and submit recommendations to the National Committee to Combat Human Trafficking (NCCHT) in an effort to make the law more robust and comprehensive; however, the government had not taken any action to amend the law at the close of the reporting period.

The PPO maintained a specialized anti-trafficking unit but did not report how many alleged trafficking cases it handled during the reporting year. In 2020, the government reported investigating seven alleged human trafficking cases, all for sex trafficking, resulting in the arrest of 10 suspects. During the previous reporting period, the government reported the same number of investigations, six of which were sex trafficking investigations and one of which was a forced labor case. Authorities prosecuted two suspects in the seven cases under the anti-trafficking law on sex trafficking charges; the government did not report any forced labor prosecutions during the reporting period. One suspect remained involved in an ongoing prosecution initiated in 2019 at the close of the reporting period. The number of prosecutions was down from the previous year, when the government reported prosecuting 26 suspects in the seven cases investigated. In 2020, the government reported two sex trafficking convictions—down from seven in 2019—under the anti-trafficking law. Officials sentenced both defendants to imprisonment ranging from three to five years and a fine of 5,000 OMR (\$12,990). The government planned to deport and impose reentry bans on the convicted traffickers upon completion of their sentences. The government reported that the PPO initially considered labor cases involving foreign workers as trafficking cases until proven otherwise but did not prosecute and convict any perpetrators for labor trafficking crimes during the year. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

The government continued efforts to address passport retention. The MOL reported investigating 82 passport retention cases in 2020, compared with 95 cases the year prior. Officials did not report how many such cases it investigated as potential trafficking crimes, though the entity did resolve 51 of the 82 cases and referred 11 cases for adjudication in labor courts. In December 2020, the ROP established a dedicated counter-trafficking unit within the ROP to respond directly to reports of trafficking and utilize best practices for investigating trafficking crimes and identifying victims. Analogous to the previous year, the government did not provide data on its expenditure for trafficking-related trainings in 2020; however, it facilitated and fully funded seven anti-trafficking trainings for more than 85 officials from the police, labor, and social services. The ROP training academy continued to educate all incoming cadets on the legal framework for trafficking and related crimes, victim identification, and mechanisms for transferring potential cases to court and reached an unknown number of new Omani officials during the year.

## PROTECTION

The government increased efforts to protect victims. It identified and referred more victims to care and strengthened its capacity to screen for potential trafficking victims among vulnerable populations; however, existing policy limited shelter stays to victims with cases under active investigation, and the government continued to lack a NRM at the close of the reporting period. The government reported identifying 29 female trafficking victims during the reporting period, an increase from 25 female victims the previous period. Of the 29 victims the government identified, three were identified via the main trafficking hotline. In addition to the 29 identified victims, the government reported three victims self-referred to the shelter for the first time, following a change in policy in the previous reporting period to allow potential victims to self-refer to the shelter, instead of requiring a referral from the PPO. All 32 victims received services at the government-operated shelter in Muscat. The government continued to lack formalized referral procedures; however, during the reporting period, the government created and disseminated a formal screening questionnaire for officials to use in identifying potential trafficking victims among those arrested for commercial sex, labor violations, and fleeing their sponsor. Reportedly, the ROP used this questionnaire to screen for trafficking indicators during the arrest of 63 women suspected of engaging in commercial sex in February 2021; however, the government did not report whether it identified any of the woman as trafficking victims. The government included the development and operationalization of a NRM in previous NAPs; however, it did not implement a mechanism and therefore included it again in the most recent 2021-2023 NAP. Officials continued to reactively refer some victims identified as part of ongoing police investigations to the Ministry of Social Development (MOSD) for shelter placement and medical and psychological services. The MOL was authorized to identify potential victims and refer their cases to the ROP but did not report doing so during the reporting period. Officials in other government sectors often referred self-identified victims first to the police rather than directly to the MOSD for shelter placement. During the previous reporting period, the government altered its policy to allow potential victims to self-refer to the shelter; previously, victims could only obtain government-provided services if they filed cases with the PPO which could then issue a referral to the shelter. Under the new procedure, once a potential victim self-referred to the shelter, MOSD reported it alerted the PPO, which would formally begin an investigation to determine whether the individual was a trafficking victim, allowing the victim to remain at the shelter long-term. However, the government continued to stipulate that long-term shelter stays had to coincide with active trafficking investigations. Some source-country embassies in Oman reportedly offered victim services for their nationals but could not operate formal shelters without approval from the government, which it did not provide.

During the reporting period, the government allocated 1.79 million OMR (\$4.64 million)—a marked increase from the previous year's allocation of 198,129 OMR (\$514,620)—for accommodations and victim care at its permanent shelter, which could lodge up to 50 women and child victims of forced labor, sex trafficking, or other types of abuse. The shelter provided room and board, psychological counseling, legal support, monetary stipends, recreational opportunities, rehabilitation activities, resiliency training, and medical care to victims. Shelter administrators interfaced with judicial officials to keep victims regularly informed of the status of their legal cases. Shelter policy dictated that victims could depart the premises only with a chaperone. As in previous years, the government did not provide shelter services for any male victims during the reporting period. The government offered complimentary repatriation services to victims who did not want to remain in-country. Officials permitted and encouraged some victims to stay in Oman for the duration of court proceedings against traffickers; the government reported 13 victims cooperated in criminal cases during the reporting period. Officials reportedly encouraged other victims to reach extrajudicial settlements for the sake of expediency. The government did not

allow participating victims the chance to work or leave the shelter in the interim, and protracted court cases coupled with prolonged unemployment disincentivized victims from participating in trials. The NCCHT upheld the tenets of its memorandum of understanding (MOU) with a local association to provide *pro bono* assistance to trafficking victims involved in court proceedings, to include seeking damages on behalf of trafficking victims and pursuing labor claims via MOL mediation. Although the government could facilitate new sponsorship for expatriate laborers, most cases during the year ended with aggrieved workers unable to switch employers, reaching administrative settlements with their former employers, and subsequently returning to their home countries. The government provided foreign victims with legal alternatives to removal to countries in which they may face retribution or hardship, including alternate employment under another sponsor; during the reporting period, the government provided one victim a no-cost resident card, enabling the victim to seek new employment in Oman following the end of court proceedings.

The labor law did not adequately cover domestic workers, and the 2004 Ministerial Decision regulating their employment did not provide effective rights protections or adequate complaint mechanisms for this population. This decision established broad regulations related to monthly wages, adequate room, board and medical care, return airfare when the employer terminates the contract, and airfare to and from the worker's home country during approved vacation days; however, the decision did not provide standards on working hours, weekly rest days, annual vacation, overtime compensation, and penalties for employers who breach provisions. The government's 2011 standard employment contract for domestic workers included provisions from the 2004 decision and required one weekly rest day, 30 days of leave, and return flights every two years but had no limit on working hours or provisions for overtime pay. Some domestic workers experienced non-payment of wages, excessive work hours, passport confiscation, and physical and sexual abuse during the reporting period. Authorities reportedly detained some workers for "absconding" who intended to file grievances against abusive employers and did not consistently screen for trafficking indicators among vulnerable populations. Some employers could compel foreign workers, whose legal status remained tied to their employers, to work for lower or no wages under the credible threat of deportation. Authorities also continued to treat some potential domestic servitude cases as labor violations and did not report identifying potential victims of domestic servitude.

## PREVENTION

The government demonstrated increased efforts to prevent trafficking. It implemented its decision to remove the employer-controlled NOC to allow individuals, including domestic workers, to seek new employment without employer approval at the end of their contract, which reduced their vulnerability to forced labor; drafted and adopted the new National Action Plan to Combat Trafficking for 2021-2023; created a specialized counter-trafficking unit within MOL's Inspection Department to improve identification of forced labor cases and increase victims' access to protection services; and launched its second formal awareness-raising campaign.

During the reporting period, the NCCHT issued its new NAP. Under the new NAP, the government would develop a NRM, establish new shelters outside Muscat, enact a new domestic worker law, and establish a deterrent penalty for passport confiscation, among other critical activities. In December 2020, the Ministry of Foreign Affairs (MFA) hosted a forum to solicit feedback on the NAP and Oman's efforts to combat trafficking with representatives of seven labor-sending countries, including India, Bangladesh, Pakistan, and the Philippines. The government also reported it consulted the Oman Chamber of Commerce and Industry, an international organization, and other GCC partners in drafting the NAP. The NCCHT did not hold a formal meeting during the reporting year due to the pandemic but



reported that several members met frequently to discuss trafficking issues and advance counter-trafficking policies.

In March 2021, the government initiated a three-month national trafficking awareness campaign entitled *Insan*. The campaign, which specifically targeted workers, victims, and offenders, had seven goals, including enhancing community awareness of trafficking, enabling victims to receive protective services, and preventing trafficking crimes. The NCCHT held a campaign launch event in which prominent Omani officials, media personalities, and sports stars delivered messages calling for Omanis to treat victims of trafficking with dignity and respect. Due to pandemic-related restrictions, the government also live-streamed the event to reach a broader audience. In conjunction with the launch, the NCCHT announced a new website to increase awareness of trafficking crimes and offer resources for potential victims to receive assistance and to report potential cases; information on the website was available in 12 different languages, including English, Arabic, Hindi, Urdu, Bengali, and Tagalog. During the three-month campaign, the NCCHT reported advertising and media activities would feature artwork to convey trafficking indicators, such as passport confiscation. At various times during the reporting period, government-run media and the PPO published information and reminders to raise public awareness of trafficking; in February 2021, the PPO posted a series of tweets and wrote a press article reminding the public of Oman's anti-trafficking laws. Additionally, the MOL conducted educational seminars for 882 companies and held 100 group meetings to raise awareness of Oman's labor laws and labor recruitment issues during the reporting period.

The MFA continued to fund an international trafficking expert to advise and assist interagency entities in carrying out victim-centered investigations, devising legislative improvements, and enhancing information-gathering techniques. The ROP maintained the government's central trafficking hotline and displayed its phone number on social media posts, news articles pertaining to trafficking, and the newly launched NCCHT website. Officials did not report how many calls the police hotline received; however, the government did report that it identified three victims via its hotline and referred them to care. The MOL operated a labor violation hotline, which it promoted in its video on workers' rights and responsibilities, and the MOSD operated one that served as an all-purpose helpline. All hotlines reportedly remained active year-round, 24 hours per day, and staffed with Arabic and English interpreters; Urdu, Hindi, and Bangla-speaking contractors were available. The government reported having MOUs regarding migrant workers with Iran, India, Bangladesh, Sri Lanka, Vietnam, Syria, the Palestinian Authority, Egypt, and Morocco; some included articles prohibiting unlawful labor recruitment and trafficking. Oman was signatory to a Gulf Cooperation Council-wide labor agreement with the Philippines. Labor-source country embassy representatives that had labor-related agreements with the government reported they experienced good cooperation with the MOL and ROP on labor issues involving their respective nationals during the reporting period.

In the previous reporting period, the government announced its intent to eliminate the NOC that historically required employees to receive permission from their employers to seek new employment—a reform that reduced workers' vulnerability to exploitive situations that could constitute forced labor. The government implemented this reform in January 2021; the government allowed migrant workers, including domestic workers, to change employers upon completion or termination of their employment contract without employer approval. The MOL General Directorate of Labor must approve the contract with the new employer. However, workers who fled allegedly abusive employers could not utilize the reform as their contract had not expired or been terminated, which was required to request a transfer. The government reported expatriate workers could depart the country without permission at any time, but a worker's ability to do so was contingent on physically possessing a passport, having sufficient travel funds to return home, and not facing any charges,

including "absconding" charges. Some potential trafficking victims who experienced passport confiscation or were subject to spurious charges filed by their employers may have been unable to leave the country freely during the reporting period; instead, they may have been detained and subsequently deported for fleeing an abusive employer or forced to remain in Oman in an exploitative situation without possession of their travel documentation.

In August 2018, the MOL issued a ministerial decision stating a company must prove it has paid the past three months of an employee's salary before filing a complaint to charge an expatriate employee with "absconding." The ministerial decision stipulated that, if a company filed more than five complaints in a month or more than 10 in a year, it would be subject to increased inspections to ensure it was complying with local labor laws. If the company was noncompliant with local labor laws, the MOL would suspend it. The ministerial decision also created protections to prevent employers from firing employees while on leave or otherwise absent from work. During the reporting period, the MOL increased inspections from 5,629 to more than 8,000 establishments to ensure compliance with labor law provisions, screen for trafficking indicators, and build awareness against forced labor and exploitative practices among the migrant workforce. However, it did not report whether it referred any findings to the courts for administrative or criminal proceedings or referred any potential trafficking victims to care. The MOL also investigated 22,580 labor disputes, resolved 9,057, and referred 7,602 cases to judicial authorities for adjudication; 5,921 cases remained pending at the close of the reporting period. In an effort to increase identification of potential instances of forced labor and provide victims greater access to justice and protective services, the MOL established a dedicated counter-trafficking unit within its Inspection Department in August 2020; the unit reported it monitored 312 recruiting agencies and inspected 243 agencies of the 312 during the reporting period. From these inspections, the unit reported that it referred 23 recruitment agencies to the PPO for further investigation. Additionally, the unit received 274 complaints against recruitment agencies during the reporting year. Of the 274 complaints, it reached settlements in 85 cases and referred 116 to judicial authorities for adjudication; 59 cases remained pending at the close of the reporting period and 14 had an unknown status. The government did not report any efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Oman. Oman's migrant worker community comes primarily from Bangladesh, India, Pakistan, the Philippines, Sri Lanka, Nepal, and some African countries. During the reporting period, the government implemented pandemic-related travel restrictions that limited migrant workers' ability to enter and exit the country; between March 2020 and October 2020, the government closed airports and land borders, limiting workers' capacity to travel to Oman while stranding others within the country who may have experienced increased risk of exploitation due to pandemic-related job loss or non-payment of wages. Largely as a result of "Omanization," a series of labor-related policies designed to prioritize Omanis for employment over expatriates, as well as pandemic-related economic downturn and travel restrictions, the number of migrant workers in Oman declined in 2020, continuing a trend and effectively reducing the pool of vulnerable third-country residents in Oman. Attesting to this effect, Oman's National Center for Statistics and Information reported the number of expatriates working declined by 14 percent during the year. Additionally, between November 2020 and March 2021, the government offered irregular expatriate workers the option to leave the country permanently without paying work permit-related fines if they registered for the exemption; 12,378 workers had used this option at the end of the year. Trafficking victims typically migrate to Oman willingly and legally. Men generally seek employment in construction, agricultural, and service sectors, while women often

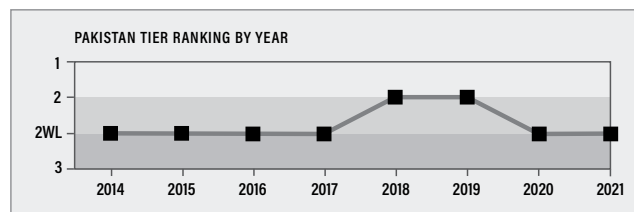
seek domestic worker jobs. Male victims are typically from South Asia and more vulnerable to forced labor. Traffickers exploit female victims, predominantly from South, Southeast, East Asia, and East Africa, in forced labor and sex trafficking. Domestic workers who flee their employers are also vulnerable to sex trafficking. Some employers reportedly “kicked out” their domestic employees, and some domestic workers were consequently forced into commercial sex. Additionally, terminated migrant workers who were unable to depart the country became at greater risk of exploitation, while others who contracted COVID-19 or required quarantine experienced salary cuts because they could not work. North Koreans working in Oman may have been forced to work by the North Korean government.

Expatriate workers seeking low-wage jobs continue to be at risk for trafficking under the *kafala* or visa-sponsorship employment system in Oman, which grants recruitment agencies and/or Omani visa sponsors significant unilateral control over workers’ residency and work visas and therefore their legal status in the country. Although the government instituted initial reforms of the sponsorship system during the reporting period, this system continues to give employers the power to dictate the status of residency permits. Some unscrupulous recruitment agencies in Oman and their sub-agents in labor-source countries mislead migrant workers in their respective countries of origin by providing fraudulent contracts with fictitious wages and charging exorbitant recruitment fees. Some victims face working conditions significantly worse than recruiting agencies had promised. Traffickers subject some of these workers to employment practices that constitute forced labor, to include excessive work hours, passport confiscation, non-payment of wages, food deprivation, and psychological and sexual abuse. Conversely, other workers enter Oman with full knowledge of their work obligations; but, sponsors ultimately coerce them to work for little or no pay or in dire conditions under the credible threat of deportation. In previous reporting periods, some workers arrived in Oman on tourist visas or by first traveling to the United Arab Emirates (UAE) while willing employers secured their Omani work visas, thereby circumventing the protective oversight of workers’ home governments. Additionally, some victims originally intended to travel to the UAE but were subsequently compelled to accept work in Oman, or vice-versa. Traffickers often began recruitment in labor-source countries with some promising retail jobs in well-known areas, such as Dubai. After arriving in the UAE, traffickers transported the migrant laborers into Oman and force them to work for lower wages and in austere conditions in the absence of legal contracts. However, during the current reporting period, pandemic-related travel restrictions and border closures limited these practices. Informal labor intermediaries operate legally but without regulation in Oman, communicating anonymously via social media platforms to promise Omani sponsors inexpensive domestic labor at a fraction of the cost stipulated by the formal, well-established recruitment agencies.

## PAKISTAN: TIER 2 WATCH LIST

The Government of Pakistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included finalizing implementation rules for the 2018 Prevention of Trafficking in Persons Act (PTPA), adopting a new five-year national action plan to combat trafficking in persons and migrant smuggling crimes, and referring more potential trafficking victims for care than the previous reporting period. The province of Punjab reported more overall convictions for trafficking than the previous reporting period. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government decreased investigations and convictions of sex traffickers, and authorities in Punjab province, where more than half of the population resides,

continued to disproportionately report nearly all anti-trafficking law enforcement efforts, including all convictions. Law enforcement efforts against labor trafficking also remained inadequate compared to the scale of the problem, and authorities identified significantly fewer bonded labor victims. In Sindh, local officials continued to perpetrate bonded labor in brick kilns and on farms with impunity. For the second year the government did not take adequate action against credible reports of official complicity in trafficking. The government continued to lack overall adequate resources for victim care. Therefore Pakistan remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

At both the federal and provincial levels, increase prosecutions and convictions of both sex trafficking and forced labor, including cases allegedly involving complicit officials, and stringently punish perpetrators. • Instruct labor departments to refer all suspected bonded labor cases to police for criminal investigation. • Increase the number of bonded labor victims identified and referred to rehabilitation services through training of provincial police, labor inspectors, and social services on standard operating procedures (SOPs). • Cease support to non-state armed groups that recruit and/or use child soldiers. • Amend the PTPA to remove penalty provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Train officials on the implementing rules for the PTPA. • Ensure victims are not penalized for acts traffickers compelled them to commit. • Increase the quality and availability of trafficking-specific services, including for males. • Designate specialized prosecutors and judges to hear trafficking cases. • Expand services for bonded laborers, including shelter, identity documents, and legal assistance. • Inspect brick kilns in accordance with relevant laws regulating factories and refer suspected bonded labor to law enforcement. • Take steps to eliminate all recruitment fees charged to workers. Lift restrictions on female migration while negotiating female worker protections with destination country governments. • Improve efforts to collect and accurately report anti-trafficking data. • Accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government maintained overall law enforcement efforts; it decreased sex trafficking investigations and convictions, although slightly increased labor trafficking prosecutions and convictions. Various Pakistani laws criminalized sex and labor trafficking. The 2018 PTPA criminalized sex and labor trafficking and prescribed penalties of up to seven years’ imprisonment, a fine of up to 1 million Pakistani rupees (PKR) (\$6,260), or both for trafficking offenses involving an adult male victim, and penalties of between two and 10 years’ imprisonment, a fine of up to 1 million PKR (\$6,260), or both for those involving adult female or child victims. These penalties were sufficiently stringent. However, with regard to sex trafficking, by allowing for a fine in lieu of imprisonment, these penalties were not commensurate with those for other serious crimes, such as rape. The government continued to use other sections of the Pakistan Penal Code (PPC) that criminalized some forms of human trafficking. For example, Section 371A and 371B criminalized the buying and selling of a person for prostitution and prescribed penalties of up to 25 years’ imprisonment and fines. Section 374 criminalized unlawful compulsory labor and prescribed penalties of up to five years’ imprisonment, a fine, or both. Section 366A criminalized

procurement of a “minor girl under 18” and prescribed penalties of up to 10 years’ imprisonment and a fine. Section 370 criminalized buying or disposing of any person as a slave and prescribed penalties of up to seven years’ imprisonment and a fine, and Section 371 criminalized habitual dealing in slaves and prescribed penalties of up to life imprisonment and a fine if the imprisonment was less than 10 years. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. The federal Bonded Labor System (Abolition) Act (BLSA) criminalized bonded labor, with prescribed penalties ranging from two to five years’ imprisonment, a fine, or both; these penalties were sufficiently stringent. The provincial governments have adopted their own labor laws, including anti-bonded labor laws, under a devolution process that began in 2010, and federal laws apply until provinces enact corresponding laws.

Punjab investigated 15 cases under the PTPA and prosecuted 14 cases involving 19 defendants but did not report the conviction of any traffickers under the law during the reporting period, compared with five investigations involving 85 suspects, an unknown number of prosecutions, and 14 convictions the previous year. Khyber Pakhtunkhwa province (KP) initiated six investigations and six prosecutions involving eight defendants under the PTPA, which were ongoing at the close of the reporting period. The government reported data on trafficking investigations, prosecutions, and convictions under the PPC by province and special administrative area. Overall, law enforcements and judiciaries investigated 800 sex trafficking cases and initiated prosecutions in 756 cases and convicted 91 sex traffickers—compared with 916 sex trafficking investigations, 567 prosecutions, and 131 convictions in the previous reporting period. The vast majority of sex trafficking investigations and convictions took place in Punjab, where more than half of Pakistan’s population resides. The majority of the cases were tried under PPC Section 371A for the buying and selling of a person for prostitution. The government did not report sentences for the convictions. Punjab continued to comprise the vast majority of law enforcement efforts against sex trafficking; of the national statistics on sex trafficking, Punjab reported 90 percent of the investigations and prosecutions, as well as all of the convictions.

The government’s law enforcement action on labor trafficking, especially bonded labor, remained inadequate. Despite the existence of the BLSA, bonded labor persisted, largely due to ineffective enforcement of the law and powerful local officials as perpetrators. Punjab was the only province to investigate, prosecute, or convict traffickers under the BLSA. Punjab authorities investigated 192 cases of bonded labor, prosecuted 174 cases, and convicted 20 traffickers, an increase from 77 investigations, 20 prosecutions, and 16 convictions in the previous reporting period. The Punjab Department of Labor (DOL) additionally filed 461 First Information Reports (FIRs) under the Punjab Prohibition of Child Labor from Brick Kilns Act, leading to 174 arrests. An international organization stated authorities did not adequately enforce the BLSA primarily due to police inaction on complaints and lower court judges’ lack of understanding of the law. Moreover, in many provinces, including Sindh, the DOL handled bonded labor cases and could at most administer financial penalties. Punjab did not initiate any investigations for forced labor under PPC Section 374, unlawful compulsory labor. Sindh authorities initiated 26 investigations and 25 prosecutions under PPC Section 371 for habitual dealing in slaves, a significant increase from four investigations and three prosecutions in the previous reporting period. While Sindh police removed at least 3,084 bonded laborers from the location of their exploitation during the reporting period, it did not initiate criminal investigations. Despite police and prosecutors’ responsibility to pursue cases, some authorities reported they did not do so because victims could not afford to pay for investigations and prosecutions. The government also reported data on several penal code sections that criminalized labor trafficking and other non-trafficking crimes but did not disaggregate the data to specify

which cases under these sections were for labor trafficking versus non-trafficking offenses.

Sindh courts intervened sporadically on trafficking cases to remove victims from perpetrators but did not criminally prosecute alleged traffickers for bonded labor offenses. While Sindh passed legislation criminalizing bonded labor in 2015, it continued to lack civil or criminal procedures to facilitate its implementation. While the BLSA mandated the creation of District Vigilance Committees (DVCs) in each province to ensure implementation of the BLSA, including reporting and filing cases, the government relied on often illiterate bonded labor victims to have knowledge of the BLSA, proactively leave their landowners, and file their own cases in the court. Even when bonded laborers did so, the courts either did not act on such claims or handled them administratively. As a result, trafficking victims who came forward often faced retaliation from their exploitative employers.

The Federal Investigative Agency (FIA) remained the government’s lead reporting and coordinating entity on human trafficking. The agency focused on transnational offenses, while provincial police generally investigated internal human trafficking cases. While FIA and provincial police coordinated on an ad hoc basis, overall collaboration remained weak and complicated law enforcement efforts and data collection. FIA investigated human trafficking and migrant smuggling cases through its 24 anti-trafficking law enforcement joint task forces at the federal, provincial, and local levels. FIA officials, including all newly inducted officers, received regular training on countering trafficking, including differentiating between human trafficking and migrant smuggling, although official statistics did not always distinguish between the crimes. Through increased training, FIA top officials worked during the reporting period to instill this understanding at the operational level, build capacity, and increase interagency coordination. Foreign governments and international organizations funded trafficking-specific trainings for police, investigators, prosecutors, and FIA officials; and government agencies contributed in-kind support to some of the trainings. FIA operated satellite offices at three embassies abroad in Greece, Iran, and Oman and collaborated with each government on possible trafficking cases. In Oman, FIA assisted with the repatriation of possible victims and corresponding arrests in Pakistan of alleged traffickers associated with a case of two women exploited in Dubai. NGOs noted provincial police were reluctant to file FIRs—required to launch criminal investigations—into many crimes, including trafficking. Furthermore, overburdened prosecutors and judges, who frequently lacked adequate training, contributed to lengthy trafficking trials and low conviction rates, a problem endemic throughout the justice system. The government maintained bilateral law enforcement cooperation mechanisms with multiple countries, as well as working closely with INTERPOL.

Official complicity in trafficking remained a significant concern, impeding anti-trafficking efforts during the reporting period. Despite sustained reports, for a second year the government did not report any investigations, prosecutions, or convictions into officials allegedly complicit in human trafficking offenses. However, the government reported it disciplined two Punjab and seven Islamabad FIA officials suspected of complicity in trafficking in persons for alleged human trafficking violations, including the permanent removal of one official. The government did not report initiating criminal investigations in these cases. During the reporting period, the government provided material support to non-state armed groups that recruited and used child soldiers. The government did not report investigating, prosecuting, or convicting individuals for child soldiering offenses. In July 2019, a 14-year-old child domestic worker reported substantial indicators of trafficking by her employer, a parliamentarian in Punjab, including sexual abuse and torture. While police registered the charges, they did not arrest the parliamentarian, allegedly because the provincial government did not allow them to do so. The government did not report taking any action on the case during the reporting period. In October 2018, police removed a 10-year-old domestic worker from the house of a Pakistani army major after allegations of torture and domestic servitude and arrested the army major’s



husband. The government did not report whether the case against the employers continued or whether it began investigating an assistant sub-inspector of police, whom it had initially suspended for failing to file a police report in the case.

The government did not report any efforts to address local government officials' reportedly endemic perpetuation of bonded labor, which created a culture of impunity for offenders. Feudal landlords and brick kiln owners used their political connections to facilitate their use of forced labor. In some cases, when bonded laborers attempted to escape or seek legal redress, police refused to file a case and returned bonded laborers to their traffickers. NGOs continued to report some police colluded with farm and brick kiln owners to create fake criminal cases against victims who attempted to escape from situations of bonded labor. Some police reportedly assisted employers in kidnapping bonded laborers that authorities or NGOs had previously removed from exploitation. Police were reluctant to investigate cases of potential bonded labor when wealthy and influential individuals, such as local politicians, were the alleged perpetrators. Some police reportedly acted against trafficking cases only when pressured by media and activists. Observers alleged police accepted bribes to ignore prostitution crimes, some of which may have included sex trafficking, and border officials might have facilitated human trafficking. NGOs also reported police refused to register cases of child sexual exploitation, including sex trafficking, unless victims paid a bribe. Some garment factories reportedly paid monthly bribes to DOL officials to avoid inspections, some factories in Sindh prevented government officials from conducting inspections.

## PROTECTION

The government maintained protection efforts overall; it reported identifying more victims during the reporting period, but its efforts to identify and assist bonded labor victims remained severely inadequate. Provincial police reported identifying 32,022 trafficking victims in 2020, a significant increase from 19,954 in 2019. The government did not report what accounted for the large increase. This included 15,255 women, 9,581 men, 6,937 children, and 249 transgender victims. Only 30 bonded labor victims were identified in 2020, a significant decrease from 760 in 2019. The government reported some law enforcement, immigration, and social service personnel had SOPs to identify trafficking victims, but it was unclear how widely officials disseminated and employed these SOPs. In January 2021, the Cabinet approved implementation rules for the 2018 PTPA, which outlined procedures for law enforcement investigations and awareness efforts, but it most prominently outlined protection procedures, including trafficking indicators for identification and services to victims. The rules also outlined minimum standards for NGOs providing victim services on a wide array of parameters including safety and confidentiality.

Provincial police referred 11,803 trafficking victims to the government or NGOs for care, including 3,744 men – a significant increase from 799 trafficking victims referred to care in the previous reporting period though still inadequate compared with the total number of victims identified. Police reported some victims declined to avail themselves of government services. Victim services were not available for many trafficking victims, with a lack of available shelter and services in many regions, particularly for male victims. Government-run shelters for women experiencing a range of difficult circumstances, including trafficking, were the most predominately available service. Punjab operated women's shelters in each of its 36 districts; Sindh operated five women's shelters in its 29 districts and four centers that offered women in distress medical and legal aid and shelter for up to 72 hours; Khyber Pakhtunkhwa operated women's shelters in six of its 26 districts and 10 welfare homes for exploited children; Balochistan operated one women's shelter and one shelter for destitute male citizens among its 32 districts; and the Islamabad Capital Territory had one family and rehabilitation center that served women and children. NGOs and local politicians continued to note the low quality of victim care at many of these shelters, including

their lack of basic resources such as showers. Moreover, some of the government shelters only provided short-term services, leading some victims to return to their abusers, including traffickers. Child trafficking cases in which parents might have been complicit were of particular concern, since authorities often returned potential child trafficking victims to their families immediately following identification without effective methods to ensure families would not subject their children to trafficking again. Boys could access government shelters in many provinces, and the government had seven victim shelters in the country that could house male victims of trafficking. The government also had "Panargah" shelters that could house victims of crime of all genders, including trafficking victims. Punjab province reported providing shelter for 378 male trafficking victims during the reporting period. Both government and NGO contacts noted that, due to cultural norms, male victims were less likely to seek or accept assistance. Civil society continued to provide victim services without government support. In part due to cultural sensitivities, authorities may have charged unidentified sex trafficking victims with moral crimes.

Provincial child protection units (CPUs) were active in Punjab, Sindh, Balochistan, and KP, and identified and referred children in exploitative or vulnerable labor situations to NGO and government care. However, some CPUs faced staffing gaps that affected the availability and appropriateness of care. There were 14 CPUs in KP, but these lacked child protection officers; while the local government claimed the pandemic prevented the filling of these positions, NGOs reported they have been vacant for years. In prior reporting periods, the Punjab Child Protection and Welfare Board operated reception centers which identified and registered children living on the street. They were closed during the reporting period due to lack of funds and a perception that the program was ineffective.

The BLSA required districts to establish DVCs to ensure implementation of the BLSA and provide assistance to bonded labor victims. Punjab had DVCs in all 36 districts, and they conducted 188 meetings during the reporting period—a decrease from 259 meetings the previous year. While Sindh reported it had 29 DVCs, the government did not report any specific meetings but noted some conducted raids and released bonded laborers, including children. Balochistan was in the process of forming DVCs, and authorities in Gilgit-Baltistan created a Directorate of Labor, which operates as a covering the region, during the reporting period. Some officials believed DVCs frequently lacked the motivation, information, and resources necessary to combat bonded labor. Some officials also contended district deputy commissioners, charged with leading the DVCs, failed to prioritize bonded labor among their portfolios and did not convene meetings as mandated. Instead, some provincial governments may still rely on bonded labor victims to seek social services. Punjab and KP could provide free legal aid to bonded laborers who requested assistance. NGOs previously reported that because provincial DOLs, including in Sindh, have not registered hundreds of brick kilns, the corresponding thousands of brick kiln workers could not receive the social welfare benefits guaranteed under provincial laws.

NGOs noted most cases of bonded labor ended with financial settlement in lieu of criminal prosecution, in part because police and the judiciary often ceased support for victims after authorities had removed the victim from exploitation and did not guide them through how to pursue a formal civil or criminal case. Bonded laborers whom authorities had released from exploitation frequently had no alternative employment or housing and sometimes returned to brick kilns or farms and assumed more debt. Those who lacked identity documents were even more vulnerable since they could not access government services such as health care and food stipends. Some NGO-run shelters could accommodate bonded laborers, including entire families, but often had insufficient resources to provide long-term housing. Government policy included protections for those cooperating in trafficking-related investigations; however, the government did not report how often it granted these protections. Victims expressed reluctance to testify against their traffickers due

to threats of violence against them and their families. The PTPA and sections of the PPC allow courts to provide trafficking victims with restitution, but courts did not do so in any cases. During the reporting period, the government continued construction of a migrant reception center at its border with Iran to assist returned migrants, including trafficking victims. The Bureau of Emigration and Overseas Employment (BEOE) within the Ministry of Overseas Pakistanis and Human Resources Development (OPHRD) employed 19 community welfare attachés in 14 destination countries to provide support and information to Pakistani migrant workers. BEOE assisted in the repatriation of more than 400,000 Pakistanis stranded abroad due to the pandemic in 2020, although they did not report screening for trafficking indicators or identifying victims among this population. The Ministry of Interior (MOI) had the authority to grant extensions for foreign victims to stay in the country until the Federal Review Board of the Supreme Court reached a decision on repatriation. Authorities did not identify any foreign trafficking victims within Pakistan; however, in October 2020, KP officials arrested four Afghan nationals on trafficking charges of 10 Afghan children. The Afghan Consulate in Peshawar facilitated the repatriation of the children to their parents in Badakhshan, Afghanistan.

## PREVENTION

The government maintained efforts to prevent trafficking. MOI and FIA, in consultation with civil society stakeholders and an international organization, published the National Action Plan to Combat Human Trafficking and Migrant Smuggling for 2021-2025. FIA's research and analysis center collaborated with an international organization to create quarterly newsletters on human trafficking and migrant smuggling, which were available on the FIA's website. In 2020, FIA transitioned from a paper-based system to a computerized case management system, allowing efficiencies in data collection and information sharing for law enforcement. While experts agreed bonded labor remained a significant problem in Pakistan, outside of Punjab, provincial governments lacked accurate data of the problem, which hampered targeted efforts to address key exploitative districts and industries. Labor inspectors remained the front-line officials to inspect and identify forced and bonded labor in several sectors, including brick kilns, farms, and factories. However, inspectors had inadequate training to identify indicators of trafficking, insufficient funding to conduct inspections, and a lack of standard procedures to refer potential forced and bonded labor cases to police. Moreover, inspectors did not have the authority to remove children or bonded laborers from exploitative situations. Despite high incidences of child and forced labor in agriculture and domestic work, the majority of provincial labor laws did not allow labor inspectors to inspect these worksites for infractions. In late 2019, the Chief Minister of Punjab announced labor inspections of factories would continue as normal throughout 2020, after a ban in 2019; however, officials did not report the identification of labor violations or indicators of trafficking through such efforts. Despite estimates of more than 264,000 child domestic workers in Pakistan and commonplace reports of physical abuse, sexual abuse, and forced labor by employers, provincial labor laws and protections did not extend to adult or child domestic workers. However, during the reporting period, the Islamabad government outlawed child domestic labor by adding it to the list of occupations defined as hazardous work under the 1991 Employment of Children Act. The Balochistan government banned employment of children younger than the age of 15 in coal mines via a notification to the provincial Chief Inspector of Mines in September 2020. Brick kilns fall under the Factories Act of 1934 and are subject to the same regulations as other factories, including workers' rights provisions. In February 2020, the Lahore High Court ordered the Punjab labor department to register all brick kilns within six months; in response, the government created a publicly accessible online registry of most of the brick kilns by the end of the reporting period, although some remained unregistered.

Provinces continued to use labor laws to investigate, prosecute, and convict offenders for child and exploitative labor offenses at

brick kilns. However, because such laws only prescribed fines and authorities did not refer these cases to police for criminal investigation, suspected traffickers did not receive sufficiently stringent sentences. Punjab reported prosecuting 3,953 brick kilns for lack of compliance with labor laws—the same number as in 2018—and imposed fines totaling 2.2 million PKR (\$13,770). This is a significant decrease from prosecution of 7,179 brick kilns in 2019, and a significant decrease in the amount of the penalties assessed, from 5.17 million PKR (\$32,360). Punjab continued to provide identity cards to brick kiln workers and birth registration for their children. KP, Punjab, and Sindh continued to fund and implement some multi-year programs focused on combating the worst forms of child labor and other labor abuses. The federal and provincial governments continued their nationwide child labor survey for a second year—the first since 1996—that will reach approximately 250,000 households. The governments allocated funds for the survey, and international organizations assisted with implementation. The labor survey has been delayed due to the pandemic.

BEOE issued licenses to private employment promoters and monitored workers who migrated through licensed agencies. The Emigration Ordinance of 1979 prohibited the role of unregulated and unregistered sub-agents; however, sub-agents continued to operate widely with impunity. The government allowed licensed employment promoters to charge migrant workers a service fee of 6,000 PKR (\$37.55) for a welfare fund to compensate workers' families in case of the workers' death abroad, and workers to pay all the costs associated with overseas employment. While the government stipulated employers should provide workers with a receipt for these costs, the government did not specify any cost limit and did not consistently review migrant workers' receipts. BEOE cancelled licenses of 10 registered employment promoters and suspended 21, compared with the cancellation of 28 licenses during the previous reporting period; BEOE did not provide details of the agencies' violations. In addition, BEOE reported sharing the information about 178 cases of illegal recruiters with the FIA. It was unclear on what charges BEOE registered these cases. The government continued to ban female migrant workers younger than 30 from migrating for domestic work and required females 30-35 to obtain special approval from OPHRD. The UN and members of civil society argued any ban on female migration increased the likelihood such women would migrate illegally and therefore heighten their vulnerability to human trafficking. BEOE required migrant workers to attend a pre-departure briefing at one of its seven offices that included information on what to do if the migrant worker encountered problems; however, observers asserted these centers did not provide sufficient information on the risks of, and assistance to combat, trafficking. Due to pandemic-related reductions in flights, fewer people traveled abroad for work.

In April 2019, the military announced it would bring more than 30,000 religious schools, including *madrassas*, under the government's control, some of which non-state armed groups used to forcibly recruit child soldiers. The government continued to host approximately 2.3 million Afghans with varying levels of legal protection. Through June 30, 2020, the government provided 878,000 with Afghan Citizen Cards (ACCs), which provided temporary legal protection from deportation under Pakistan's Foreigners' Act, and 1.4 million with an extension of proof of registration (POR) cards. The government did not extend the validity of either ACCs or PORs past June 2020. While the government issued a directive that agencies should not harass ACC and POR holders and should continue to honor the POR cards while the government decided whether to grant another extension, card holders reported hardships. For example, banks refused to allow refugees to conduct financial transactions, universities refused to enroll refugee students, and provincial authorities prevented refugees from crossing provincial borders. The government did not make efforts to reduce the demand for commercial sex acts. Pakistan is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Pakistan, and traffickers exploit victims from Pakistan abroad. The country's largest human trafficking problem is bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the terms of employment and ultimately entraps other family members, sometimes for generations. The practice remained widespread. Traffickers, including local government officials, force men, women, and children to work primarily in bonded labor in Sindh in agriculture and in both Sindh and Punjab in brick kilns. Traffickers also force men, women, and children to work to pay off exaggerated debts in other sectors in Sindh and Punjab and in Balochistan and KP in agriculture and brick kilns and, to a lesser extent, in fisheries, mining, and textile-, bangle-, and carpet-making. In agriculture, traffickers force workers to labor in wheat, cotton, and sugarcane, among other goods. Traffickers often did not provide workers with access to their expenditure and earnings receipts, so traffickers control how much money they earn, the accrual of interest on their debt, and when they have repaid the debt. Landlords exploit widespread illiteracy among workers and manipulate accounting records to continue the cycle of bonded labor. Many feudal landlords and brick kiln owners, who are traffickers that employ bonded laborers, are local government officials or use their affiliation with political parties to protect their involvement in bonded labor. Some landlords use armed guards to restrict bonded laborer's movements, and others buy and sell workers among one another. In some kilns that employ entire families, kiln owners have sold bonded laborers to repay a family member's outstanding debt. Observers reported employers in Sindh are moving carpet- and bangle-making productions into private homes to further increase the difficulty in monitoring labor conditions. Reports estimate more than 70 percent of bonded laborers in Pakistan are children. Traffickers also target lower-caste Hindus, Christians, and Muslims specifically for forced and bonded labor.

Traffickers buy, sell, rent, and kidnap children for forced labor in begging, domestic work, and small shops and in sex trafficking. According to an international report, there are 8.5 million domestic workers in Pakistan, including many children. Media reports cases of employers forcing children as young as 7 years old into domestic work, where they are often subjected to severe physical abuse, including torture, and sexual abuse; several government officials were among the suspected perpetrators. According to a prominent child rights NGO, the majority of children working in the streets in Pakistan are subjected to forced begging and are vulnerable to sexual exploitation, including sex trafficking. Begging ringmasters sometimes maim children to earn more money and sometimes force children to steal. Organized criminal groups force children into drug trafficking in Sindh and Balochistan. Due to the consistent lack of law enforcement efforts against those who exploited street children, including in forced labor and sex trafficking, traffickers operated openly and with impunity. Traffickers subject boys to sex trafficking around hotels, truck stops, bus stations, and shrines. Traffickers have forced Afghan, Iranian, and Pakistani children into drug trafficking in border areas and Karachi. In previous years, widespread sexual exploitation of boys in one coalmining community in Balochistan was reported. Boys as young as 6 years old from Balochistan, KP, and Afghanistan, are purportedly lured to work in the mines but subjected to sex trafficking; in some cases, parents are complicit in sending their children to the mines for sex trafficking. Within Pakistan, NGOs and police report some employers, including in restaurants and factories, require boy child laborers to provide sexual favors to obtain a job with the employer, to keep the job, and/or for accommodation. An NGO reported multiple cases of forced labor of students in government-run schools.

Some factories pay monthly bribes to labor department officials to avoid inspections. Illegal labor agents charge high recruitment fees to parents in return for employing their children, some of whom are subjected to forced labor and sex trafficking. Some police accept

bribes to ignore prostitution crimes, some of which may include sex trafficking, and some police may have refused to register cases of child sexual exploitation, including sex trafficking, without a bribe, according to NGOs. Some Pakistani traffickers lure women and girls away from their families with promises of marriage, create fraudulent marriage certificates, and exploit the women and girls in sex trafficking, including in Iran and Afghanistan. Traffickers targeted impoverished Christian communities to send females to China for arranged marriages. Upon arrival in China, hundreds of Pakistani women reported their "husbands" forced them into commercial sex. In other cases, traffickers, including some extra-judicial courts, use girls as chattel to settle debts or disputes. Some traffickers force victims to take drugs and exploit the drug addiction to keep them in sex trafficking.

The government provided material support to non-state armed groups that operated in Pakistan and Afghanistan and recruited and used child soldiers. Non-state militant groups kidnap children as young as 12, buy them from destitute parents, coerce parents with threats or fraudulent promises into giving their children away, or recruit children from *madrassas*; these armed groups force children to spy, fight, and conduct suicide attacks in Pakistan and Afghanistan. Traffickers have promised Pakistani boys admittance to Afghan religious schools but sold them to members of the Afghan security forces for *bacha bazi*.

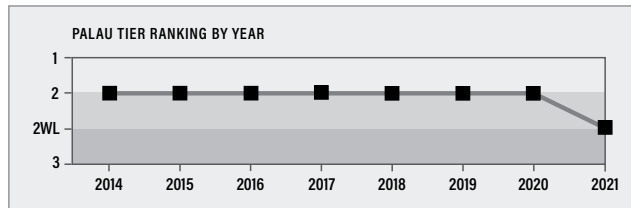
Pakistani men and women migrate overseas voluntarily, particularly to Saudi Arabia, the United Arab Emirates (UAE), other Gulf states, and Europe, for low-skilled employment such as agriculture, domestic service, driving, and construction work; traffickers exploit some of them in labor trafficking. False job offers, including fake modeling advertisements, sham recruitment agencies, and high recruitment fees charged by illegal labor agents or sub-agents of licensed Pakistani overseas employment promoters entrap Pakistanis in sex trafficking and bonded labor, including in Gulf countries. In 2020, foreign countries had more than 11,000 Pakistanis detained abroad, including more than 3,400 in Saudi Arabia. In many cases, observers alleged foreign law enforcement had arrested workers for fraudulent documents procured by recruitment agents or for lack of documents because their employers had withheld their documents—indicators of forced labor. Traffickers have exploited Pakistani girls in sex trafficking in Kenya and have forced Pakistani adults, including with disabilities, to beg in the UAE. Pakistani boys are vulnerable to sex traffickers in Greece. Some traffickers, including organized criminal groups, subject Pakistani adults and children to forced labor in domestic work, construction, and begging in Iran; some traffickers have targeted Pakistanis with disabilities for forced begging. Pakistan is a destination country for men, women, and children subjected to forced labor—particularly from Afghanistan, Bangladesh, and Sri Lanka. Chinese men working in construction may be vulnerable to forced labor in Pakistan. Traffickers exploit women and girls—and, to a lesser extent, boys—from Afghanistan, Iran, and other Asian countries in sex trafficking in Pakistan. Refugees and stateless persons from Afghanistan, Bangladesh, and Burma, as well as religious and ethnic minorities such as Christians and Hazaras, are particularly vulnerable to traffickers in Pakistan. Traffickers exploit Rohingya refugees in forced labor in Pakistan.

## PALAU: TIER 2 WATCH LIST

The Government of Palau does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included charging one government official with labor trafficking, conducting trafficking research with an international organization, and providing an identified victim with new employment. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government remained without standard



operating procedures (SOPs) for victim identification and referral to services, leading to insufficient identification and protection services and the penalization of potential victims. Palauan law seemingly allowed the prosecution of victims through vague language, and the government actively prosecuted and convicted multiple likely victims in 2020, including a child. Yet, for the second consecutive year, the government did not convict any traffickers. The government continued to not investigate indicators of trafficking in labor recruitment and contract violations experienced by many foreign workers. Official complicity continued to play a role in facilitating trafficking and hindered law enforcement efforts. Therefore Palau was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials, under trafficking laws, and sentence traffickers to adequate penalties, which should involve significant prison terms. • Develop, disseminate, and train officials on SOPs for the proactive identification of trafficking victims and their referral to protection services. • Amend anti-trafficking laws to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking crimes and allow the prosecution of victims for unlawful acts traffickers compelled the victim to commit. • Enforce the anti-trafficking laws punishing recruiters, employment agents, and labor officials for illegal practices that facilitate trafficking. • Increase resources for and develop victim protection and rehabilitation services, including long-term shelter options, interpretation services, and medical and psychological care. • Create and implement a system to proactively offer foreign trafficking victims job placements and work visa extensions. • Establish and implement witness confidentiality procedures. • Increase anti-trafficking awareness among vulnerable populations, including foreign migrant worker communities. • Establish a mechanism for the systematic monitoring of government anti-trafficking efforts.

### PROSECUTION

The government decreased law enforcement efforts. Sections 2106-2108 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 25 years' imprisonment, a fine of up to \$250,000, or both if the victim was an adult and up to 50 years' imprisonment, a fine of up to \$500,000, or both if the victim was under age 18. These penalties were sufficiently stringent, but by allowing for a fine in lieu of imprisonment for sex trafficking crimes these penalties were not commensurate with penalties prescribed for other serious crimes, such as rape. The Ministry of Justice's anti-human trafficking office (AHTO) investigated three potential trafficking cases, which included one case of labor trafficking and two cases of sex trafficking, compared with five potential trafficking case investigations in 2019 and 11 in 2018. The attorney general's office (AGO) did not initiate prosecutions of any alleged traffickers during the reporting period, compared with two prosecutions in 2019 and one in 2018. For the second consecutive year, the government did not convict any traffickers; the last conviction was in 2018. The government did not report any ongoing trafficking investigations from prior reporting periods. In a case from the previous reporting period with potential trafficking indicators, the government charged the defendant with travel document fraud; the government did not report the status of the case at the end of the reporting period. In a prosecution initiated in a prior reporting period, the court dismissed all trafficking charges; the government did not report a reason behind

the dismissal. Observers noted official complicity continued to play a significant role in facilitating trafficking, hindering law enforcement efforts to combat trafficking. The AGO charged the president of a state legislature with seven counts of labor trafficking in addition to 17 other charges including misconduct in public office and assault in the second degree; the case was ongoing at the end of the reporting period. In connection with one of the potential sex trafficking investigations, the government charged a state governor with non-trafficking related charges, including promoting prostitution and misconduct in public office; the case was ongoing at the end of the reporting period. Palauan authorities cooperated with foreign governments on ongoing international trafficking cases. In June 2020, the government conducted a workshop on online gambling, the fraudulent use of "front" businesses, and human trafficking for an unspecified number of local business stakeholders. In September 2020, an unspecified number of government officials participated in a virtual anti-trafficking training hosted by a foreign government. Despite these trainings, observers stated officials generally continued to lack an understanding of trafficking.

### PROTECTION

The government decreased efforts to protect victims. The AHTO, with assistance from an international organization, continued to develop a victim identification tool but reported pandemic-related travel restrictions delayed progress; consequently, the government remained without SOPs for victim identification and referral to services. Although the three new trafficking investigations involved 65 potential victims, the government reported identifying only one victim of labor trafficking – and the foreign national victim self-identified and sought help – compared with identifying four victims in 2019. In a prior reporting period, an international organization explained the small number of identified victims by stating only the most egregious cases of trafficking were likely to come to the attention of authorities because of the lack of proactive identification procedures and foreign migrant workers' reluctance to complain to authorities out of fear that such complaints would result in job termination and deportation.

Due to a lack of formal identification procedures and Palauan law, authorities penalized victims for crimes traffickers compelled them to commit. While the 2005 Anti-Smuggling and Trafficking Act granted victims immunity from prosecution for the "act of people trafficking," the vague language permitted prosecution for crimes traffickers compelled victims to commit, such as commercial sex or petty crime. In 2020, despite the case being investigated for sex trafficking, the government charged and prosecuted two potential victims for prostitution and violation of their work permit; one was convicted and sentenced, and one chose deferred prosecution. In addition, the government prosecuted 59 potential victims for immigration violations; one of the 59 charged was a child who did not have their passport in their possession and said they had been told to enter the country on a tourist visa. Ultimately, 57 of the 59 pled guilty, the child was charged in juvenile court, and one case was dismissed as circumstantial.

The government reported providing assistance to the one victim involved in either an investigation or prosecution, compared to six victims in 2019. Similar to prior reporting periods, the AHTO offered temporary shelter for trafficking victims; however, the identified victim stayed at a non-governmental facility. Investigators continued to employ local interpreters as needed in Bengali, Mandarin, and Tagalog. The government reported spending \$500 on victim assistance to remove the identified victim from an outer island; it did not report funding or providing any other emergency protective services to adult trafficking victims, such as medical or psychological care. As in prior reporting periods, the lack of support services reportedly led some victims to leave the country rather than pursue legal recourse.

For the second consecutive year, the government did not report funding an NGO to assist trafficking victims with legal counseling

and representation before labor and immigration hearings, compared with contributing approximately \$15,000 to an NGO for these purposes in both 2017 and 2018. Similar to previous years, the AGO did not request restitution for trafficking victims, reportedly due to an inability to submit admissible evidence. The government offered ad hoc short-term legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution; the attorney general could designate victims as “vulnerable,” making them eligible for alternate employment and accommodation assistance. The Division of Labor reported providing victims with temporary employment placements. The government assisted the identified victim with obtaining new employment. The judicial system did not keep victim identities confidential and in prior reporting periods, defendants in trafficking cases threatened witnesses.

## PREVENTION

The government slightly decreased efforts to prevent trafficking. The AHTO continued to lead the coordination of all national efforts to combat human trafficking. The AHTO was exclusively responsible for the implementation of the national action plan (NAP) and received funding from the National Congress. The AHTO also continued to oversee the Human Trafficking Task Force, which included members from civil society organizations, who assist victims of trafficking and recommend anti-trafficking programs and policies. The NAP expired in December 2019; similar to the previous reporting period, the government, with assistance from an international organization, reported it continued to update the NAP to include a five-year plan to address all forms of trafficking. Unlike the previous reporting period, the Division of Labor did not report conducting general public awareness activities on government policies regarding the employment of foreign workers; however, the Office of the Special Prosecutor continued public awareness campaigns on government corruption with a subsection focused on human trafficking. The government did not report conducting educational or public awareness campaigns for employers or labor recruiters. The government, in partnership with an international organization, conducted a research survey focused on trafficking knowledge, attitude, and practices; the survey included key findings, such as that only one-third of male respondents believed that trafficking took place in Palau and approximately half of the respondents were either unsure or unaware about the existence of a national law to protect trafficking victims within the country. The AHTO continued to staff a mobile phone number for trafficking tips with on-call AHTO investigators who spoke Palauan and English and received an average of three calls per month, resulting in one investigation during the reporting period.

In the previous reporting period, the government increased protections for foreign migrant workers by approving the labor division’s updated rules and regulations. The regulations included an amnesty period during the previous reporting period for nonresident workers in Palau without legal status to be placed under legal employment and new mechanisms to ensure employers had sufficient funds to cover wages and return tickets of migrant workers to prevent unauthorized deduction of wages. In addition, the regulations mandated that employers engaged in illegal recruitment of migrant workers could not hire new workers. The government did not report implementation of the law in any cases during the reporting period. In the previous reporting period, the government reported data collected from the foreign migrant workers who had applied for amnesty would be used to improve investigation of fraudulent recruiters and increase screening for trafficking among migrant workers; the government did not report any updates to using this collected data. The government did not make efforts to reduce the demand for commercial sex acts.

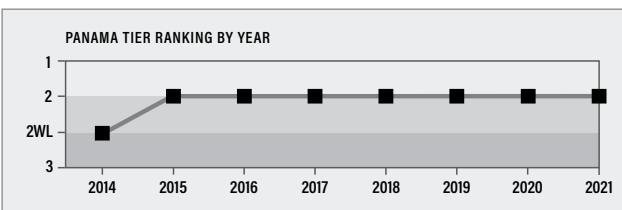
## TRAFFICKING PROFILE

As reported over the past five years, human trafficking of foreign victims occurs in Palau. Palau’s foreign population, about one-third of the country’s population of 21,400, is especially at risk for trafficking. Filipino, Bangladeshi, Nepali, Chinese, Thai, and Korean men and women pay thousands of dollars in recruitment fees and

willingly migrate to Palau for jobs in domestic service, agriculture, restaurants, or construction; upon arrival, traffickers exploit some in conditions substantially different from what had been presented in contracts or recruitment offers, and some become trafficking victims. Women from the Philippines and China are recruited to work in Palau as waitresses or clerks, but traffickers exploit some in sex trafficking in karaoke bars or massage parlors. Foreign workers on fishing boats in Palauan waters also experience conditions indicative of human trafficking. Cuban nationals working in Palau may have been forced to work by the Cuban government. Natural disasters and climate-induced displacement significantly increases Palauans’ vulnerability to trafficking due to a loss of livelihood, shelter, or family stability. Official complicity plays a role in facilitating trafficking. Authorities have investigated government officials – including labor, immigration, law enforcement, and elected officials – for complicity in trafficking crimes.

## PANAMA: TIER 2

The Government of Panama does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating more traffickers, granting residency and work permits for foreign trafficking victims, and providing additional food and hygiene support to trafficking victims during the pandemic. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Panama remained on Tier 2. Authorities prosecuted and convicted fewer traffickers and identified fewer potential trafficking victims. The government did not amend the anti-trafficking law to remove the requirement of movement to constitute a trafficking crime. The government did not establish a planned trafficking-specific shelter. Authorities reported instances of abuse in National Secretariat for Children, Adolescents, and the Family (SENNIAF) shelters, which may have heightened children’s vulnerability to trafficking.



## PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute and convict alleged traffickers, including those involved in child sex tourism. • Proactively identify trafficking victims, including among migrants, domestic workers, and other vulnerable groups. • Remove the requirement of movement from the statutory definition of trafficking in persons under the criminal code. • Amend the anti-trafficking law to include force, fraud, or coercion as essential elements of the crime rather than aggravating factors. • Allocate dedicated funding for specialized victim services, including through the special fund for trafficking victims and monetary support for civil society organizations. • Train law enforcement and prosecutors to investigate and prosecute traffickers using the trafficking offense rather than a lesser offense. • Establish and fund the specialized trafficking shelter. • Increase training for government officials in victim identification and referral, including proactive screening of vulnerable populations such as migrants and individuals in commercial sex. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Inform foreign victims of their rights as trafficking victims, including access to temporary residency permits and services. • Develop and disseminate a procedural manual to guide prosecutors and judges in trafficking cases. • Support

victims' applications for restitution from the courts and train judges to understand the importance of financial restitution in trafficking cases. • Use existing laws and regulations to revoke the licenses of fraudulent recruiters.

## PROSECUTION

The government decreased prosecution efforts. Article 456 of the penal code did not criminalize all forms of sex trafficking and labor trafficking because it required movement to constitute a trafficking offense. It prescribed penalties of 15 to 20 years' imprisonment for trafficking offenses involving an adult victim and 20 to 30 years' imprisonment for those involving a child victim or other aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation, inconsistent with international law. The government charged some child sex traffickers with non-trafficking offenses, which carried lighter sentences. Article 180 criminalized commercial sexual exploitation with penalties of seven to nine years' imprisonment and a fine of 5,200 balboas (\$5,200). Article 186 criminalized purchasing commercial sex acts from a child and prescribed penalties of five to eight years' imprisonment.

Authorities initiated investigation of 29 trafficking cases (21 for sex trafficking and eight for labor trafficking) involving 16 suspects, compared with five trafficking investigations (four for sex trafficking and one for labor trafficking) involving 12 suspects in 2019 and 32 investigations (25 for sex trafficking and seven for forced labor) involving 19 suspects in 2018. Officials reported ongoing investigations of seven cases from previous reporting periods. The government prosecuted three alleged traffickers (two for sex trafficking and one for labor trafficking), compared with prosecuting 10 alleged traffickers in 2019 and 12 in 2018. One accused trafficker awaited trial in a prosecution initiated prior to 2020. The government convicted three traffickers—one labor trafficker and two sex traffickers—compared with convicting 13 sex traffickers in 2019 and eight traffickers—seven sex traffickers and one labor trafficker—in 2018. Authorities described the labor trafficking conviction as the first under the anti-trafficking law since Panama converted to an adversarial system in 2016. The courts sentenced the convicted labor trafficker to 80 months' imprisonment and required restitution to the victim, an indigenous child forced into domestic servitude largely without pay and barred from attending school. Of the three convicted traffickers, courts convicted two of commercial sexual exploitation under Article 180, which carried lower penalties than the anti-trafficking statute; however, it did not acknowledge that the exploitation in this case likely amounted to trafficking under international law. Authorities reported a trafficker from mainland China convicted in 2019 appealed his case; the courts upheld the conviction and reaffirmed the 25-year sentence imposed.

Officials reported courts closed for approximately three months due to pandemic-related restrictions. When courts reopened, trafficking cases proceeded slowly; officials attributed the delay to resource limitations and shifting priorities during the pandemic. Most investigations and hearings proceeded virtually and under altered conditions. The government reported pandemic-related illness affecting key personnel may have hindered anti-trafficking efforts. To mitigate the spread of COVID-19, the government closed most commercial establishments and enacted stringent movement restrictions based on gender, limiting men and women to two-hour outings on alternate days of the week. These movement restrictions were in place for seven months. Restrictions did not apply to law enforcement activity, but the government diverted officers and other staff from regular duties, including investigating trafficking crimes, to enforce the restrictions. Observers reported a lack of procedural guidelines for judges and prosecutors occasionally hindered successful convictions.

The government reported reviewing a border official's conduct for signs of official complicity or negligence in connection with the official's decision to allow an alleged trafficker to enter the country with a child he claimed to have adopted without verifying the adoption's validity. The government requested the National Migration Service (SNM) update its standard operating procedures (SOPs) to prevent recurrence but did not pursue further action against the official; the SNM had not updated its SOPs at the conclusion of the reporting period. Media reports cited allegations of sex trafficking in SENNIAP shelters; the government reported it could not substantiate the allegations. Otherwise, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

The government reported cooperating with Costa Rica in the repatriation of a trafficking victim. Panama also hosted the first bilateral meeting, conducted virtually, under the 2018 anti-trafficking memorandum of understanding (MOU) with Colombia; under the MOU, the government collected statements from four Colombian victims in Panama, which allowed Colombian law enforcement to initiate a parallel investigation after the alleged trafficker returned to Colombia. The government offered several trainings for law enforcement and other officials, including specialized training on combating trafficking during the pandemic, for officers at the Ministry of Public Security. The government offered anti-trafficking training to the National Migration Service, covering trafficking awareness, identifying victims, and victim assistance over multiple sessions; the Ministry of Justice requested and received training in best practices in human trafficking cases for more than 70 officials. Other trainings targeted specialized law enforcement units, such as the National Police's intelligence division. The government led most trainings but accepted support from international organizations in the form of guest speakers and facilitators; due to the pandemic, the government conducted most trainings virtually in 2020.

## PROTECTION

The government decreased protection efforts. The government identified six trafficking victims in 2020, after screening 11 potential victims for trafficking indicators; this compared with 61 potential trafficking victims (22 confirmed trafficking victims) in 2019 and 46 potential trafficking victims in 2018. The government indicated that it screened potential victims to confirm their status as trafficking victims in a process that could take several months; victims could access shelter and other services while their status was pending. The government had not yet processed all 61 potential victims identified in 2019. Of the six identified victims in 2020, three were sex trafficking victims and one was a labor trafficking victim; authorities identified the other two individuals as victims of "slavery," a form of exploitation which could amount to trafficking. Officials ultimately identified the five other potential victims as victims of other crimes, such as migrant smuggling or labor exploitation. Anti-trafficking officials referred these victims to the appropriate authorities for further assistance.

Officials referred all victims to the Technical Unit for Attention and Protection of Victims and Witnesses (UPAVIT), which provided legal and other assistance to victims of all crimes and physical protection to victims, witnesses, and experts. The government had guidelines for victim identification and protection, which outlined the formal procedures, internal processes, and training materials used by referring officials and UPAVIT. The National Anti-Trafficking Commission supplied an identification form to assist officials who encountered potential trafficking victims; however, observers noted the form's distribution was incomplete, leaving some potential victims vulnerable to misidentification. In 2020, UPAVIT provided services to 25 victims, including several victims identified in previous reporting periods. The government trained representatives from the women's institute and the Ministry of Security on victim protection and services. Anti-trafficking officials reported significant challenges in identifying victims under the government's pandemic-related movement restrictions, due in part to the additional limitations on victims' freedom of movement and



shifts in traffickers' tactics to evade mandatory closures of bars and brothels. The government suggested unidentified trafficking victims may have departed Panama on pandemic-related humanitarian evacuation flights but did not report efforts to screen this population for trafficking indicators.

The government maintained the Special Fund for Victims of Trafficking in Persons mandated by the anti-trafficking law and established an office to manage trafficking funds, but the government did not allocate funding specific to the anti-trafficking commission or victim services. As a result, agencies drew from their general budgets to fund the anti-trafficking commission and the provision of food, shelter in hotels, transportation, and psychological and legal services for potential victims. Eight victims participated in hospitality sector vocational training during 2020. During the pandemic, the government coordinated biweekly or monthly deliveries of food and hygiene items to victims and their families. In 2020, UPAVIT reported \$3,800 in expenditures for services to trafficking victims, a significant decrease from the \$54,540 reported in 2019. The government diverted \$57,000 in funds allocated to victim protection to purchase personal protective equipment for law enforcement officials during the pandemic; the government had previously coordinated with UNODC to designate these funds to establish a shelter for trafficking victims. There were no dedicated shelters for trafficking victims. As a result, authorities commonly placed victims in hotels and covered the cost of the hotel rooms. The government could also refer victims to migrant or women's shelters run by NGOs. In 2020, the government arranged for one victim to stay in a hotel while awaiting repatriation; another victim elected to remain in the migrant shelter where officials identified her as a trafficking victim. Victims sometimes chose to return to their home countries or reside with family or friends rather than stay in hotels, potentially inhibiting victim-witness support in pending trafficking cases. The government could refer child trafficking victims to SENNIAP and its network of shelters administered by NGOs and religious organizations. However, in 2020, observers and former shelter officials alleged widespread abuse in SENNIAP facilities, including mistreatment of children with disabilities and sexual abuse. An independent investigation verified the pattern of abuse perpetrated by staff and other residents, but other allegations remained unsubstantiated, including accusations and rumors of sex trafficking associated with the agency's shelters. Officials reported the shelter most commonly serving child trafficking victims was not implicated in the investigation. Observers reported SENNIAP's budget was insufficient to support restructuring or other largescale efforts to reduce residents' risk of suffering abuse, which heightened their vulnerability to trafficking.

Foreign national victims were eligible for short-term humanitarian visas, temporary residency permits extendable up to six years, and work permits. The anti-trafficking commission provided legal assistance to victims seeking no-cost residency or work permits. Many administrative offices associated with the issuance of visas and permits closed during the pandemic; however, the anti-trafficking commission ensured victims could apply for and receive these documents throughout the year. During the reporting period, the government issued 17 provisional humanitarian visas and 11 work permits to trafficking victims, compared with 20 visas and nine work permits in 2019. Officials also renewed work permits for two additional victims but did not report issuing any permanent residency permits to trafficking victims in 2020, compared with 13 in 2019. The government provided 90-day temporary visas to three victims awaiting identity documents. The government helped to repatriate one Costa Rican victim exploited in Panama; an international organization funded the repatriation of one Panamanian victim exploited in trafficking abroad. The government made available specialized interview rooms to allow victims to provide testimony privately to minimize the risk of re-traumatization and allowed prosecutors to request hearings be closed to the public, but it did not report using either provision in 2020. The government seized assets derived from human trafficking activities and allocated the proceeds to services for trafficking victims. The law allowed victims to request restitution through a complaint or

civil suit; lawyers from the anti-trafficking commission were available to assist victims seeking restitution. Eight trafficking victims filed for restitution in criminal cases. In one instance, the courts ordered a convicted trafficker to pay \$2,000 in restitution to the child victim. The remaining seven victims' requests awaited final rulings at the end of the reporting period. Sixteen labor trafficking victims claimed compensation from their traffickers through a separate administrative process.

## PREVENTION

The government slightly decreased prevention efforts. The anti-trafficking commission was the lead agency for anti-trafficking efforts and was responsible for implementing the 2017-2022 national anti-trafficking action plan through a yearly operation plan. The anti-trafficking commission coordinated the government's anti-trafficking efforts during the reporting period and the Ministry of Security's anti-trafficking office led the commission's day-to-day activity; the commission did not hold any meetings during 2020. The government carried out awareness campaigns outlined in the action plan with the assistance of international organizations. In 2020, these campaigns included an anti-trafficking drawing contest for school-aged children, awareness presentations for 30 staff members of a hotel chain, and numerous anti-trafficking spots on television and radio channels. The government reported the identification of one victim through these activities, an LGBTQI+ individual who attended an anti-trafficking workshop and later called a hotline to self-identify as a victim of trafficking. The government operated several hotlines, including a national police hotline to receive tips and a 311 number for the public to report possible cases or request inspections of businesses, but it did not report the number of calls received related to trafficking. The Ministry of Security partnered with an NGO to launch an online anonymous reporting portal for criminal activity, including trafficking.

The Ministry of Labor collected regular reports from all registered recruitment agencies; national laws and regulations provided the authority to revoke the licenses of fraudulent recruiters and recruitment fees, but the government did not report enforcing them. During the pandemic, the government allowed employers to terminate employee contracts without penalty in sectors where telework was not feasible; because migrants were overrepresented in these sectors and limited by border closures and movement restrictions, this policy may have contributed to increased trafficking vulnerability for migrants. The government did not make efforts to reduce the demand for commercial sex acts. The government did not report any activities associated with the Panamanian Commission against Sexual Exploitation Crimes campaign against the sexual exploitation of children or the Ministry of Education's anti-trafficking "liaison" program in 2020, whereas it conducted 49 anti-sexual exploitation workshops and several anti-trafficking seminars for teachers through these programs in 2019.

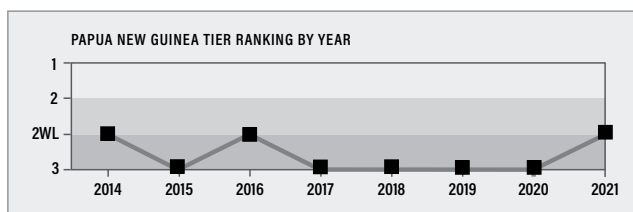
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Panama, and to a lesser extent, traffickers exploit victims from Panama abroad. Most identified trafficking victims are foreign adults exploited in sex trafficking, especially women from South and Central America. However, traffickers also exploit Panamanians in sex trafficking in Panama, the Caribbean, and Central and South America. Cuban nationals working in Panama may have been forced to work by the Cuban government. Traffickers exploit children in forced labor, particularly domestic servitude, and sex trafficking in Panama. Children living in shelters were vulnerable to recruitment by traffickers. Traffickers exploit transgender individuals in sex trafficking due in part to increased vulnerability because of discrimination and high demand for commercial sex acts from this population. Venezuelan and Nicaraguan migrants were increasingly at risk for both sex and labor trafficking. Traffickers exploit some adults from Central America who transit Panama en route to the Caribbean or Europe in sex trafficking or forced labor in their destination countries. Migrants experienced increased vulnerability to trafficking during

the pandemic. Traffickers exploit indigenous females from rural, impoverished border areas of the country in forced labor. Traffickers exploit Central and South American, Chinese, and Vietnamese men in forced labor in construction, agriculture, mining, restaurants, door-to-door peddling, and other sectors using debt bondage, false promises, exploitation of migratory status, restrictions on movement, and other means. Traffickers have forced victims to consume illegal drugs as a coercive measure. Traffickers typically exploit sex trafficking victims in bars and brothels; however, officials reported an increase in sex trafficking in beauty parlors, spas, houses rented by traffickers, and private homes. Traffickers utilize social media and messenger apps to recruit victims. Men from the United States have been investigated as child sex tourists in Panama. Government officials have been investigated and arrested for alleged involvement in trafficking.

## PAPUA NEW GUINEA: TIER 2 WATCH LIST

The Government of Papua New Guinea 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Papua New Guinea was upgraded to Tier 2 Watch List. These achievements included the government convicting its first trafficker since its inclusion in the 2007 Trafficking in Persons Report, the utilization of standard operating procedures to identify and refer three potential victims for protective services, and the continued advancement of a trafficking prosecution initiated in a previous reporting period. Despite these achievements, the government did not report any new investigations and, for the fourth consecutive year, did not report any new prosecutions. Endemic corruption among officials, particularly in the logging sector, continued to facilitate vulnerability to sex trafficking and forced labor among foreign and local populations. An acute lack of financial and human resources dedicated to anti-trafficking efforts, as well as very low awareness among government officials and the public, continued to hinder progress.



### PRIORITIZED RECOMMENDATIONS:

Update, disseminate, and systematically implement existing standard operating procedures (SOPs) for victim identification, referral, and protection and widely train police, immigration, and customs enforcement officers on the SOPs. • Investigate and prosecute trafficking offenses and sentence convicted traffickers to significant prison terms, including victims' family members and officials who facilitate or directly benefit from trafficking. • Amend the criminal code to criminalize child sex trafficking without elements of force, fraud, or coercion in accordance with the 2000 UN TIP Protocol. • In collaboration with civil society, screen for trafficking indicators among vulnerable groups, including internally displaced persons, Chinese nationals on Chinese government-affiliated projects, communities located near commercial forestry operations, children in communities marked by inter-tribal conflict, and individuals—including children—apprehended for illegal fishing, desertion from foreign-registered fishing vessels, illegal logging, illegal gold panning, or immigration crimes, and ensure all identified victims are referred to appropriate

services. • Increase protective services for victims of trafficking in coordination with NGOs and international organizations. • Institute a policy framework recognizing that traffickers often compel victims to commit crimes and increase intra-governmental coordination to protect victims from arrest, deportation, or other punishment for unlawful acts traffickers compelled them to commit. • Clarify who has the authority to designate an individual as a trafficking victim and simplify the process for doing so. • Allocate resources, including dedicated staff, to government agencies to finalize and implement an updated national action plan and SOPs. • Increase collaboration with civil society groups, the private sector, and religious and community leaders to raise awareness of and reduce demand for commercial sex acts and forced labor, especially of children. • Take steps to eliminate recruitment or placement fees charged to workers by labor recruiters and ensure any recruitment fees are paid by employers. • Strengthen the National Anti-Human Trafficking Committee (NAHTC) by regularizing its meetings and functions, designating senior officials to represent their agencies, increasing awareness of and participation in the committee by civil society and protection stakeholders, and allocating resources for its activities. • Accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government increased law enforcement efforts. The Criminal Code Amendment of 2013 criminalized most forms of sex trafficking and all forms of labor trafficking and prescribed penalties of up to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking.

In November 2020, the government obtained its first trafficking conviction since the enactment of its 2013 law; this conviction concluded a long-running sex trafficking prosecution. The court convicted the defendant on six counts of trafficking and one count of rape. In December 2020, the court sentenced the trafficker to seven concurrent sentences (one for each count) of 20 years' imprisonment. The trafficker was incarcerated at the end of the reporting period. The government's prosecution of an alleged trafficker in connection with the same case remained pending at the end of the reporting period. The government did not report any new trafficking investigations, and for the fourth consecutive year, it did not report any new prosecutions. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking and related crimes remained significant concerns, inhibiting law enforcement action during the year.

An international organization provided anti-trafficking training to 34 judicial officials, and the government provided some logistical support for those events. National and provincial officials' limited understanding of trafficking continued to hinder effective law enforcement activity. Enforcement agencies and most government offices remained weak as a result of underfunding, corruption, cronyism, a lack of accountability, and a promotion system based on patronage. Observers reported resources and institutional capacity among law enforcement and other government agencies were redirected or constrained as a result of the pandemic, which may have adversely affected the government's ability to detect and address trafficking. The government reported, due to the pandemic, a notable decrease in all criminal investigations and a reduction in the number of cases heard by the courts due to adjustments in court schedules. Observers also ascribed poor prosecutorial efforts to widespread observance of customary justice practices, fear of retribution, distrust of law enforcement among victims, and insufficient resources and political will among law enforcement to conduct investigations, particularly in rural areas.

## PROTECTION

The government maintained inadequate efforts to protect victims. The government has SOPs for victim identification and referral and reported modest implementation, but authorities continued to lack a written guide as recommended in the national action plan, and general awareness of the SOPs among front-line officers was limited. In addition, the SOPs contained inadequate or no measures to screen for trafficking indicators among adults arrested for commercial sex or among LGBTQI+ individuals. The government reported its efforts to collect victim information and conduct screening were hindered by movement restrictions and the closure of government offices due to the pandemic. During the reporting period, authorities identified three potential trafficking victims referred through the SOPs for assessment—the same number as in 2019. The government provided limited medical and child protective services to the three female child victims; all other victim protection services were provided by an NGO. The government did not report further demographic details on the victims, including nationality. The government did not have a structured plan to monitor, secure, identify, or refer victims among vulnerable communities or among communities displaced as a result of conflict or natural disasters. Logging and mining sites primarily operated in remote regions with limited or no government oversight. The government conducted some enforcement activities against illegal logging sites but did not report or make available information on any efforts to identify sex or labor trafficking victims at such sites. During the reporting period, the government seized at least one foreign fishing vessel and arrested nine crew members for illegal fishing; the crew members were deported after paying fines. The government did not report whether victim assessments had been conducted in the case. In previous reporting periods, the government provided law enforcement agencies rapid screening forms and related victim identification training; however, police continued to rely upon foreign expert assistance to identify victims. International organizations reported identifying 10 potential victims in the reporting period.

Civil society organizations provided medical and short-term shelter services to victims without financial or in-kind support from the government. Women and child victims could receive services through NGO-run gender-based violence programs; and while male victims could receive ad hoc services through NGOs, there were no government- or NGO-services specifically tailored to the needs of trafficking victims. The victim identification procedures included guidance for protecting foreign victims from punishment for immigration crimes the victims' traffickers forced them to commit; however, authorities likely punished or deported some victims for such crimes due to ineffective victim identification, poor interagency coordination, and a lack of clarity over who had the authority to verify an individual as a victim of trafficking and put in place protections against deportation or prosecution. Observers reported that a law allowing officials to apprehend foreign fishermen for desertion in port may have dissuaded some victims of forced labor from escaping and reporting their abuses. In prior years, authorities arrested and prosecuted children who were forced to pan for gold in areas where this activity was illegal; the government last reported efforts to screen these children for trafficking indicators in 2017. The law provided legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, but the government did not report offering this protection to any victims in 2020. The law lacked provisions for victims to seek compensation through civil suits.

## PREVENTION

The government modestly increased efforts to prevent trafficking. The NAHTC continued to lack sufficient resources and commitment from the government. The NAHTC did not meet during the reporting period, reportedly due to pandemic measures; however, the NAHTC was largely inactive prior to the pandemic. The government did not appoint specific committee members to represent relevant agencies and effectively excluded non-governmental stakeholders. Some key interagency stakeholders and responsible senior government

officials were unaware of its existence. During the reporting period, the government commenced work to update its national action plan but did not provide detailed information of the status of that work or on continued efforts to implement the existing national action plan. For the first time since 2012, the government reported modest efforts to increase trafficking awareness. On the country's national day against human trafficking, authorities sponsored an article in a national newspaper to increase general trafficking in persons awareness as part of the government's 20 Days of Human Rights Activism campaign. After the December 2020 sentencing of the trafficker, the judge in the case made a widely reported public statement urging increased trafficking awareness among the general public. The government reported conducting its first trafficking-related research without assistance from international organizations to assess the scope of domestic servitude cases involving girls, although it did not release the findings to the public.

The government did not operate or support an anti-trafficking hotline. The government did not have effective policies to regulate foreign labor recruiters or hold them liable for fraudulent recruitment practices. With no more than two labor inspectors per province, inadequate resources, and endemic corruption, the government did not take adequate steps to prevent forced labor in the highly vulnerable logging industry. To the contrary, authorities reportedly issued forestry permits in violation of preexisting land ownership rights and without further oversight, leading to the displacement and heightened vulnerability of the land's previous occupants and to increased risk of labor exploitation among forestry workers. Furthermore, the government did not report its regulation of recruitment fees, which continued to contribute to debt-based coercion among foreign workers. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to decrease the demand for commercial sex acts. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Papua New Guinea, and traffickers exploit victims from Papua New Guinea abroad. Traffickers use Papua New Guinea as a transit point to exploit foreign individuals in other countries. Traffickers exploit foreign and local women and children in sex trafficking, as well as forced labor in domestic service, the tourism sector, manual labor, forced begging, and street vending. According to international NGO research conducted in previous years, approximately 30 percent of Papua New Guinean sex trafficking victims are children under the age of 18, with some as young as 10 years old. Immediate family or tribe members reportedly exploit children in sex trafficking or forced labor. Some parents force children to beg or sell goods on the street, and some sell or force their daughters into marriages or child sex trafficking to settle debts, resolve disputes between communities, or support their families. The closing of traditional travel routes due to pandemic-related border control restrictions and the imposition of new and complex requirements for entry may have increased vulnerability to trafficking among foreign migrant workers. Anecdotal reports show an increase in online child sexual exploitation, some of which may be child sex trafficking, in connection with an increased use of the internet during the pandemic.

Marriages in Papua New Guinea commonly involve a "bride price" of money or chattel paid to the wife's family by the husband's family, who use the bride price as debt to compel the woman to remain in abusive or servile marriages. Some parents reportedly transfer their children—some as young as 12—to other families via informal paid adoption arrangements that, absent monitoring or registration practices, increase their risk of trafficking; this is particularly prevalent among girls, whom adoptive families often seek out as potential sources of future bride-price income. Young girls sold into polygamous marriages may be forced into domestic service for their husbands' extended families or exploited in sex



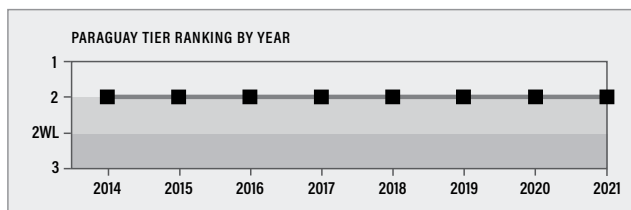
trafficking. Within the country, traffickers lure children and women with promises of legitimate work or education to travel to different provinces, where they are exploited in sex trafficking or domestic servitude. Men reportedly engage in transactional sex with girls as young as 15 in exchange for money, gifts, or mobile phone credits. Tribal leaders reportedly trade the exploitative labor and service of girls and women for guns, to forge political alliances, and to settle disputes with one other. Traffickers subject Papua New Guinean children to forced criminality in illegal gold panning. Boys as young as 12 reportedly experience conditions indicative of forced labor as porters. Adolescent boys are also increasingly involved in inter-tribal and intercommunal armed conflict, possibly via forcible recruitment by local leadership. Individuals—particularly women and girls—displaced as a result of frequent natural disasters and communal conflict are at higher risk of trafficking due to poor or nonexistent IDP camp security and loss of livelihoods. International observers report increasing intercommunal tensions resulting from displacement have led to more Papua New Guinean women and girls facing “sorcery” accusations from men in an attempt to psychologically coerce them into forced labor or sex trafficking.

Malaysian and Chinese logging companies arrange for some foreign women to enter the country voluntarily with fraudulently issued tourist or business visas; this practice may also be present at other internationally owned logging sites. After their arrival, many of these women—from countries including Indonesia, Malaysia, Thailand, China, and the Philippines—are turned over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites and exploit them in sex trafficking and domestic servitude. Sex traffickers also reportedly exploit foreign children in Papua New Guinea. Chinese nationals working in Papua New Guinea may have been forced to work by Chinese companies, including state-owned enterprises. Traffickers force Chinese, Malaysian, and local men to work at commercial mines and logging camps. Burmese, Cambodian, Chinese, Malaysian, Vietnamese, and local men and boys seeking work on fishing vessels go into debt to pay recruitment fees, which vessel owners and senior crew manipulate to coerce them to continue working indefinitely through debt bondage in Papua New Guinea’s exclusive economic zone and in other maritime territories, particularly in tuna fishing. These fishermen may face little to no pay, contract switching, wage garnishing or withholding, harsh working and living conditions, restricted communication, and threats of physical violence as coercive tactics to retain their labor. Often with direct government support, companies reportedly compel these workers to carry out illegal logging and fishing activities, making them vulnerable to arrest. Government officials reportedly facilitate trafficking by accepting bribes to allow undocumented migrants to enter the country or ignore trafficking situations, and some may exploit sex trafficking victims or procure victims for other individuals in return for political favors or votes. Corruption among forestry officials in particular may be permissive of forced labor among loggers and sex trafficking in communities situated near logging sites; some of these officials reportedly accept bribes to issue logging permits in violation of environmental standards and land ownership rights, leading to displacement and concomitant loss of livelihood that make some communities more vulnerable to exploitation.

## PARAGUAY: TIER 2

The Government of Paraguay 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Paraguay remained on Tier 2. These efforts included identifying significantly more trafficking victims; implementing a unified approach to victim identification in government quarantine facilities; opening temporary shelters for quarantining

child trafficking victims; establishing a new entrepreneurial grant program for trafficking victims; and passing a new national action plan to combat trafficking in persons, the first such plan to receive presidential approval as required for full implementation. However, the government did not meet the minimum standards in several key areas. Services for all victims remained inadequate, cooperation with civil society remained inconsistent, use of the identification protocol and referral mechanism was ad hoc, and the anti-trafficking unit was under-resourced. Although the government identified more victims, its victim services infrastructure was insufficient to meet the needs of this large group. The government’s anti-trafficking law did not align with international law.



### PRIORITIZED RECOMMENDATIONS:

Expand access to adequate specialized victim services, including for male victims. • Investigate and prosecute alleged traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Fund and implement the 2020-2024 national action plan. • Train officials to consistently utilize victim identification protocols and referral mechanisms to increase proactive identification of trafficking victims. • Increase engagement with civil society actors to complement the government’s efforts to prevent trafficking and protect victims and encourage regular civil society participation in the interagency roundtable. • Increase funding and staffing for the Paraguayan National Police Anti-Trafficking Unit (PNPTU). • Revise the definition of human trafficking under law 4788/12 to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP Protocol. • Adopt reforms to eliminate abusive practices and working conditions that may amount to trafficking in the *criadazgo* (child servitude) system. • Establish the national anti-trafficking secretariat, as required by law. • Train law enforcement officials to bolster understanding that child sex tourism is human trafficking. • Improve interagency coordination and develop a case management database for trafficking cases. • Establish adequate penalties to deter child labor violations.

### PROSECUTION

The government maintained prosecution efforts. The Comprehensive Anti-Trafficking Law 4788 of 2012 criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years’ imprisonment for cases involving adult victims and two to 20 years’ imprisonment 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. Inconsistent with international law, Law 4788/12 established the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime; penalties were increased to two to 15 years’ imprisonment under such circumstances. Article 139 of the penal code, which relates to pimping crimes, could be used to prosecute child sex trafficking offenses; it prescribed penalties of eight years’ imprisonment for offenses involving children, which are significantly lower than the penalties described under the anti-trafficking law.

The PNPTU was responsible for investigating trafficking crimes, while the Anti-Trafficking Unit (ATU) was the lead prosecuting agency. In 2020, authorities initiated 106 trafficking investigations, 35 for sex trafficking and 71 for forced labor, compared with 141 investigations in 2019 and 110 investigations in 2018. Officials continued to investigate 75 ongoing cases initiated in past years. Authorities filed preliminary

charges against 21 suspected traffickers, compared with 53 in 2019, and 25 in 2018. There were 206 ongoing trafficking prosecutions initiated in previous reporting periods, where in 2019 there had been 127 such ongoing cases. Judges convicted three traffickers, all on sex trafficking charges, under Law 4788/12, and reported convicting six additional individuals of trafficking-related crimes, some of which may have amounted to trafficking under international law. This compared with 22 trafficking and trafficking-related convictions in 2019 and 15 in 2018. These traffickers received sentences ranging from five to 12 years' imprisonment; those individuals sentenced under related charges received sentences ranging from 24 to 42 months' imprisonment. Paraguayan courts closed from April 2020 to December 2020 as a public health precaution during the pandemic, limiting prosecutors' ability to try and convict traffickers, but resumed adjudication under modified conditions in January 2021.

Anti-trafficking law enforcement operated with low budgetary allocations for a third consecutive reporting period. The PNPTU's staff modestly increased to 41 specialized trafficking officers in 2020, compared with 36 officers in 2019, 38 in 2018, and 50 in 2017. Observers indicated the unit needed more staff and additional offices in high-risk areas, such as the international airport, to adequately perform its duties. From April to December 2020, the government directed law enforcement officials to work from home to mitigate the impacts of the pandemic, where limited access to sensitive materials and rolling blackouts hindered investigations. In 2020, the ATU cooperated with Argentina, Brazil, and Spain on four trafficking investigations, particularly in the Tri-Border Area.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement activity. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, though observers continued to allege some officials displayed complicity indicators, particularly border agents. Such allegations included officials taking bribes from massage parlors and brothels where trafficking crimes allegedly occurred, agents issuing passports for Paraguayan trafficking victims exploited abroad, and facilitating sex trafficking of women and girls on barges operating along the Paraguayan River.

## PROTECTION

The government increased protection efforts. The government lacked a centralized database to aggregate efforts across ministries and could not provide comprehensive data on victim protection. There were three agencies involved in victim identification: the ATU, the Ministry of Women's Affairs (MWA), and the Ministry of Children and Adolescents (MINNA). The government reported identifying 299 trafficking victims in 2020. By comparison, the government reported identifying 86 victims in 2019 and 70 victims in 2018. Traffickers exploited more than 150 of the victims identified in 2020 in forced labor. More than 80 percent of trafficking victims identified in 2020 were child victims. Among the 299 victims identified, there were 42 women, 187 girls, one man, and 69 boys. The government attributed the notable increase in victims identified to implementing routine screening for returning migrants required to quarantine in government facilities before entering the country to prevent the spread of COVID-19; in these facilities, officials from several agencies utilized common guidelines to identify potential victims of trafficking, with particular attention to unaccompanied children. The government had a formal victim identification protocol and national referral guide for prosecutors, police, labor inspectors, and border officials; however, use of these tools was inconsistent and ad hoc. In practice, only some government entities had protocols for the proactive identification of victims.

There were three dedicated shelters for female trafficking victims, one managed by the MWA for adults and two shelters for child victims managed by MINNA; one of MINNA's shelters was co-managed by an NGO. MWA could also serve female trafficking victims at its two

domestic violence shelters. Although the government identified significantly more victims in 2020, its shelter capacity was insufficient to accommodate the large number of victims needing care. In response to increased victim identification, MINNA established two temporary shelters at the border to allow child trafficking victims to quarantine separately from the general population. These facilities could accommodate approximately 40 children at one time. Otherwise, MINNA reported referring 26 child victims to its shelter services, compared with 44 in 2019 and 48 in 2018. Observers reported pandemic-related safety protocols may have contributed to limited capacity, as well as reduced turnover, in shelters. During the quarantine period required for child trafficking victims identified at the border, officials from the public defender's office conducted psychosocial evaluations to determine whether the children could safely return to their families. Where there were no concerns victims' families were complicit in their trafficking, the public defender's office was responsible for organizing a safe return, including travel and chaperone, if necessary; the government released most child trafficking victims to the care of family or guardians. The ATU coordinated direct cash transfers and food assistance for 39 victims, and the MWA provided similar support to 11 victims. In addition to shelter and food, the government provided psychological support, social assistance, legal advice, and reintegration programs for some victims. The government implemented a new entrepreneurial program for trafficking victims in 2020, awarding small business seed grants to six female victims. The government did not have a shelter to assist male trafficking victims; however, the ATU could provide psychological assistance, food, and immediate shelter at hotels on an ad hoc basis before facilitating the return of male victims to their community of origin. In December 2020, the government established an interagency working group to ensure provision of services to trafficking victims outside of government shelters. The government did not have significant engagement with civil society. Aside from some funding provided to the NGO operating the MINNA shelter, the government did not provide assistance to NGOs contributing to the protection of victims. Lack of substantive cooperation with civil society also limited the government's ability to provide comprehensive care. The overall quality of care for victims was inadequate due to limited resources and the lack of qualified personnel. The ATU continued to provide basic assistance to trafficking victims due to insufficient victim services provision by other parts of the government. However, the ATU did not receive government funding for victim assistance and relied on occasional allocations from a victims services fund managed by an international organization to assist victims. This funding supported the government's case-by-case provision of food assistance, direct cash transfers, and reintegration programming for trafficking victims. Government officials reported funding was insufficient to assist victims adequately. In 2020, the government authorized emergency budgetary reallocations to fund pandemic measures; although these redistributions did not target anti-trafficking activities, the reshuffling prevented confident reporting on the funds ultimately available to combat human trafficking, though most observers agreed they were diminished. MINNA provided approximately \$38,500 in 2020 to the NGO that operated the specialized shelter for underage victims, compared with approximately \$50,000 in 2019. The government helped repatriate at least one victim in 2020, compared with five in 2019 and five in 2018. Authorities did not provide government officials any training on victim protection for the fourth consecutive year.

## PREVENTION

The government modestly increased its prevention efforts. The Directorate for the Attention of the Overseas Paraguayan Community (DACPE) was the government entity responsible for coordinating anti-trafficking programs and convening an ongoing interagency roundtable that included intermittent participants from 16 government agencies. In 2020, the roundtable held 14 sessions, compared to six in 2019. Of these 14 virtual meetings, most were committee meetings to finalize the draft national action plan. Law 4788/12 did not require participation of civil society in the roundtable, and authorities provided them a limited role. The

roundtable's plenary sessions were officially open to civil society, but a number of NGOs reported they did not receive consistent notification of meetings. Poor and informal interagency coordination limited the government's ability to monitor, collect, and report statistics. Several observers reported the absence of a dedicated agency limited the effectiveness of anti-trafficking efforts. Two NGOs served as liaisons between the roundtable and civil society. After several years of deliberation, the president approved a 2020-2024 national action plan to combat trafficking in persons, the first national action plan thus approved; officials reported implementation would begin in 2021. The government lacked a national anti-trafficking secretariat, despite the 2012 law mandating its creation. Although the government's engagement with civil society on trafficking issues was limited, observers noted, the interagency roundtable demonstrated increased openness to NGO participation, particularly welcoming NGO contributions in the development of the national action plan.

The government did not allocate funds for public awareness campaigns; instead, it relied on civil society, businesses, and trade unions to run campaigns in high-risk areas. However, the government continued to post brochures and posters in bus terminals, airports, and border crossings to promote awareness of trafficking, and two agencies expanded social media awareness campaigns in response to decreased use of public venues during the pandemic. The government maintained hotlines to report crimes against women and children, including trafficking, as well as a webpage for trafficking and exploitation complaints. Authorities did not provide a comprehensive report on trafficking calls received via these sources. In prior years, the government operated an email inbox and a phone app version of the hotline to facilitate digital complaints but did not report any complaints received via these means in 2020. The Ministry of Labor's 21 labor inspectors conducted 464 worksite inspections. Although labor inspections focused heavily on pandemic sanitation protocols in 2020, inspectors identified at least eight child labor violations, some of which may have amounted to trafficking. Observers noted the monetary fines commonly levied against employers for child labor violations were not sufficient to discourage the practice. The government did not make efforts to reduce the demand for commercial sex acts; however, a recent revision to the tax code prevented brothels from claiming legitimate business status through the payment of taxes. Additionally, the government did not identify or investigate crimes of child sex tourism in Ciudad del Este and the Tri-Border area as trafficking crimes. The Ministry of Foreign Affairs trained diplomatic and consular staff on anti-trafficking laws, protocol, and interagency coordination. However, the government did not provide anti-trafficking training for all diplomatic personnel deployed abroad.

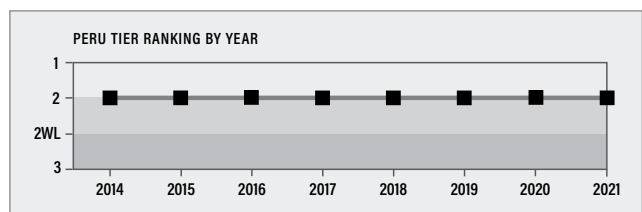
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Paraguay, and traffickers exploit victims from Paraguay abroad. The practice of compelling children to labor as domestic workers, *criadazgo*, is perhaps the most common form of trafficking in the country. Middle- and upper-income families in both urban and rural areas take on children, almost exclusively from impoverished families, as domestic workers and provide varying compensation that includes room, board, money, a small stipend, or access to educational opportunities. An estimated 47,000 Paraguayan children work in situations of *criadazgo*; many of these children are highly vulnerable to sex and labor trafficking. Although *criadazgo* mainly affects young girls, boys are increasingly at risk. Traffickers exploit children from rural areas in sex trafficking and forced labor in urban centers. Indigenous persons are particularly vulnerable to trafficking. Boys are often victims of forced labor in agriculture, domestic service, criminality, and in some cases as horse jockeys. Traffickers exploit Paraguayan women and girls in sex trafficking within the country, and transgender Paraguayans are vulnerable to sex trafficking. In the Chaco region, traffickers exploit adults and children in debt bondage.

Traffickers increasingly utilize social media to recruit victims. Children engaged in street vending and begging and working in agriculture, mining, brick making, and ranching are vulnerable to trafficking. Paraguayan victims of sex trafficking and forced labor have been identified in Argentina, Brazil, Chile, China, Colombia, Mexico, Spain, and other countries. Traffickers recruit Paraguayan women as couriers of illicit narcotics to Europe and Africa, where they subject them to sex trafficking. Traffickers move female trafficking victims regionally and to Europe via transit countries including Argentina, Bolivia, Brazil, and Spain. Paraguayan women and girls are vulnerable to sex trafficking on ships and barges navigating the country's major waterways. Traffickers exploit Paraguayan children in forced labor in the cultivation and sale of illicit drugs in Brazil. Foreign victims of sex and labor trafficking in Paraguay are mostly from other South American countries. The lack of regulatory measures, insufficient transnational cooperation, and the fluidity of illicit goods and services contributed to increased trafficking risk in and around the Tri-Border Area between Argentina, Brazil, and Paraguay. Civil society and victims reported instances of officials—including police, border guards, judges, and public registry employees—facilitating sex trafficking, including taking bribes from brothel owners in exchange for protection, extorting suspected traffickers to prevent arrest, and producing fraudulent identity documents.

## PERU: TIER 2

The Government of Peru 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Peru remained on Tier 2. These efforts included opening four new specialized anti-trafficking prosecution offices, hiring more anti-trafficking police, and referring 96 girls to specialized government shelters for child trafficking victims. The government passed legislation strengthening compensation provisions for trafficking victims, and it increased training for prosecutors and judges. However, the government did not meet the minimum standards in several key areas. Authorities prosecuted and convicted fewer traffickers than in the previous reporting period, and services for adult victims, boys, LGBTQI+ individuals, and labor trafficking victims remained inadequate. Although authorities opened several investigations into public officials for alleged complicity in trafficking crimes, the government did not prosecute or convict any complicit officials. The government cut its budget for anti-trafficking activities for a third consecutive year, and government funding for combating trafficking was severely inadequate.



### PRIORITIZED RECOMMENDATIONS:

Increase overall resources to fight all forms of human trafficking and allocate dedicated anti-trafficking budgets for member entities of the multisectoral commission, as called for in law. • Finalize and implement a National Policy Against Trafficking to sustain and strengthen whole-of-government efforts to combat trafficking beyond expiration of the current national action plan. • Increase efforts to prosecute both sex and labor trafficking crimes; convict and punish traffickers, including complicit officials; and apply adequate sentences to convicted traffickers. • Increase funding for comprehensive victim services—to include



legal, medical, psychosocial, shelter, case management, educational or vocational—and provide services to more Peruvian and foreign victims. • Increase the availability of services to meet the needs of adult victims, boys, LGBTQI+ individuals, and labor trafficking victims. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with the penalties prescribed for other grave crimes, such as rape. • Proactively screen members of vulnerable groups, including individuals in commercial sex and displaced Venezuelans, for trafficking indicators and refer suspected victims to protection services. • Increase and institutionalize reintegration services for child victims transitioning out of shelter care and other victims who decline or lack access to shelter accommodation. • Dedicate more resources to planning multisectoral, intelligence-driven law enforcement operations that include arrangements for prompt removal of victims to secure locations segregated from traffickers, victim-centered interviews, quick transition to care and shelter for identified victims, and contingency planning to avoid holding victims in police stations. • Strengthen and institutionalize training for police, prosecutors, and judges on enforcing anti-trafficking laws and employing victim-centered trauma-informed procedures. • Ensure all officials apply a definition of trafficking consistent with international law so that all victims exploited in sex or labor trafficking receive access to appropriate justice and protection. • Improve data collection systems to collect and report comprehensive, harmonized, and disaggregated data on anti-trafficking law enforcement and victim protection efforts. • Conduct outreach and prevention programs targeted to at-risk populations, including rural indigenous communities, using culturally appropriate methods and local languages. • Enforce laws against crimes that facilitate trafficking, such as fraudulent job recruitment, recruitment fees, illegal mining and logging, and counterfeit operations.

## PROSECUTION

The government maintained prosecution efforts. In March 2021, the government amended the penal code, relocating and renumbering various provisions. Article 129 (previously Article 153) of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for offenses involving adult victims, 12 to 20 years' imprisonment for offenses involving victims between the ages of 14 and 18 years old, and a minimum of 25 years' imprisonment for offenses involving victims younger than the age of 14. 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. The law defined trafficking broadly to include all forms of labor exploitation and illegal adoption or child selling without the purpose of exploitation. The penal code also included 15 separate offenses for different forms of exploitation including "forced labor," "slavery and other forms of exploitation," and ten crimes involving sexual exploitation. Officials often classified trafficking victims and charged trafficking cases under exploitation laws, many of which overlapped significantly with one another and with Article 129 (previously 153). Many officials only applied trafficking statutes to crimes that occurred prior to exploitation. The government continued to introduce the new Criminal Procedure Code in 32 of 34 judicial districts, which allowed authorities to initiate trafficking prosecutions without a victim complaint.

Anti-trafficking police conducted 65 operations in 2020, resulting in 214 detentions in the first three quarters of the year, compared with 186 operations and 364 detentions in 2019 and 158 operations and 423 detentions in 2018. Nearly half the operations were conducted in January and February 2020. At the onset of the pandemic, the government directed police, including anti-trafficking units, to enforce its mitigation and public health measures. The government did not provide adequate personal protective equipment to police, and high rates of sickness and death among police further diminished their capacity to investigate trafficking crimes in 2020. Specialized prosecutors participated in 214 anti-trafficking operations and detained 179 suspects, compared with 252 operations and 209 suspects detained in 2019 and 201 operations and 151 suspects detained in 2018. In 2020, authorities prosecuted at least 44 suspects and convicted 29 traffickers,

compared with 67 suspects prosecuted and 55 traffickers convicted in 2019 and 142 suspects prosecuted and 74 traffickers convicted in 2018. Judges issued 15 acquittals. The government did not report sentencing data for convicted traffickers. Courts and prosecutors offices ceased operations for two months between March and May 2020 and operated at reduced capacity for the remainder of the reporting period. Public health measures such as strict restrictions on movement limited prosecutors' access to case files and related documents, which were only available in hard copy, and high infection rates among public officials—including specialized prosecutors—further diminished the government's capacity to prosecute traffickers. The judiciary developed a system to hear cases online, but implementation of this new platform slowed the pace of prosecutions.

The government maintained specialized anti-trafficking police units in all 25 of Peru's regions as well as Metropolitan Lima, and increased the units' ranks from 394 to 448 officers; the size, capacity, and budget of these units varied widely across regions and some regions with a high prevalence of trafficking had few specialized officers. The government allocated 1.5 million soles (\$414,480) to these units, which was insufficient for the needs of training, operations, office equipment, and technology. The government did not enforce a ministerial resolution requiring anti-trafficking police to remain in their units for at least two years, and frequent turnover among police limited specialized units' effectiveness in investigating trafficking. In 2020, the government hired four prosecutors to open specialized prosecution offices in four additional regions, bringing the total to 39 specialized anti-trafficking prosecutors across 12 regions. NGOs and government officials reported judges often considered recruitment to be an essential element of a trafficking crime; required proof of force, fraud, or coercion for child sex trafficking crimes; or reduced trafficking charges to lesser crimes. In its March 2021 penal code updates, the government created a new section entitled "Crimes Against Human Dignity" to include all forms of trafficking and 15 types of exploitation; local experts reported this change may influence officials to better apply these laws in cases involving psychological coercion rather than physical restraint. The government conducted two weeklong virtual courses on prosecuting trafficking cases for more than 700 participants. In addition, the government partnered with an international organization to deliver in-depth training through certification programs for judges and prosecutors to improve their capacity to implement trafficking laws; in 2020, 49 prosecutors and 111 judges completed six-week and eight-week training programs, respectively. Although several ministries collected data to track their anti-trafficking law enforcement and victim protection efforts, the government lacked a coordinated data collection system, making it difficult for authorities to verify statistics, assess efforts, and respond to trends. Peru's overlapping legal framework further complicated data collection efforts, as authorities often charged trafficking cases as other offenses.

The government acknowledged official complicity in trafficking crimes and corruption at all levels of the Peruvian law enforcement and criminal justice systems hampered efforts to hold traffickers accountable. Police officers, including members of specialized anti-trafficking units, allegedly accepted bribes from traffickers to avoid conducting investigations. The alleged complicity of some police, along with poor communication, bred mistrust between police and prosecutors at both the national and regional levels and undermined the effectiveness of anti-trafficking law enforcement efforts. Although the government did not prosecute or convict any officials for trafficking-related complicity in 2020, authorities opened several investigations of government employees for alleged complicity in trafficking crimes. In December 2020, prosecutors led an operation that resulted in the detention of two anti-trafficking police officers and two other government officials for providing protection to alleged traffickers and allowing them to operate with impunity. In a high-profile case in October 2020, the government detained seven police officers for involvement in a child sex trafficking operation run by a well-known singer. The case of a former police chief and

noncommissioned officer, arrested in 2019 for human trafficking and corruption, remained under investigation.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims, although services for some groups remained limited. Specialized anti-trafficking police units identified 640 suspected victims in 2020, compared with 1,054 in 2019 and 1,600 in 2018. These victims included 385 adults (all women) and 255 children (118 girls and 137 boys); 561 were Peruvian and 79 were from other countries. Specialized prosecutors reported identifying 470 victims in 2020; the government provided updated data for victims identified by prosecutors in 2019 (1266) and 2018 (1189). Of these, 411 victims were female and 59 were male; 244 were children and 226 adults; 402 were Peruvian and 68 were from other countries (45 from Venezuela, seven from Ecuador, one from Colombia, one from Bolivia, and 14 from other countries not specified). The government did not report the extent to which victim identification statistics overlapped between police and prosecutors, nor did it collect data on victims identified through other sources. With assistance from an NGO, the government published new identification guidelines for municipal inspectors, healthcare providers, and frontline police officers.

Authorities referred all child victims to the Ministry of Women and Vulnerable Populations (MIMP), which coordinated shelter or family care and provided legal, social service, psychological, and reintegration assistance to victims. MIMP operated specialized units for assisting children in need of special protections, including all child trafficking victims; in 2020, MIMP created six additional specialized units bringing the total to 25 units across all of Peru's regions. These units assisted 223 children (204 Peruvian, 15 Venezuelan, two Ecuadorean, and two Colombian), and authorities referred 96 girls to specialized trafficking victim shelters in 2020, compared with 130 child victims assisted and 114 girls referred to specialized shelters in 2019. MIMP operated seven specialized shelters exclusively for girls exploited in sex trafficking (including some whom authorities classified as sexual exploitation victims) in four regions (Cusco, Lima, Loreto, and Puno); in total, these facilities could accommodate 130 children. Services and staffing in the shelters were generally robust, with the inclusion of a full-time attorney, medical personnel, and psychologist. At the onset of the pandemic, shelters closed to non-residents, limiting the services available to victims. With support from an international organization, the government made technological improvements to shelters and began offering victims virtual counseling sessions, legal services, and communication with their families through part of the year.

The anti-trafficking law required the government to protect victims by providing temporary lodging, transportation, medical and psychological care, legal assistance, and reintegration assistance; several ministries provided these services to victims, but the government did not wholly fulfill this mandate. The government had an intersectoral protocol for providing protection to trafficking victims and several ministries had internal protocols for victim care, but authorities implemented them unevenly due to insufficient financial and human resources and coordination challenges. The government offered specialized trafficking victim services for girls exploited in sex trafficking, while other victims could access services for victims of gender-based violence or other forms of government and NGO support. MIMP operated 52 residential centers for children that could accommodate child trafficking victims, including boys, but these shelters were not exclusively for human trafficking victims and services in these facilities were lacking. Women could access legal, psychological, and social services—but not overnight accommodation—through MIMP's nationwide network of Emergency Centers for Women, but the government did not collect data on the number of trafficking victims the centers assisted. The government added 51 new emergency centers in 2020, bringing the total to 446, though they were temporarily closed between March and May 2020 following the onset of the pandemic. Numerous civil society

organizations provided assistance to trafficking victims, including two NGOs that were members of the government's multisectoral commission against trafficking, and approximately 70 private shelters accepted trafficking victims. Adult victims, labor trafficking victims, and male victims had few shelter options, and reports indicated that authorities often denied men other services; there were no shelters that accepted men. The government provided limited access to services for LGBTQI+ victims; authorities frequently discriminated against LGBTQI+ individuals and typically did not admit transgender victims to government shelters. The government acknowledged inequity in service provision to LGBTQI+ victims, particularly transgender children, and sought assistance from an international organization to develop policies and trainings for service providers on providing comprehensive, specialized services for LGBTQI+ child trafficking victims. Foreign victims were generally eligible for the same services as Peruvian victims, but the government did not specify whether it referred any foreign victims to government shelters. Foreign victims were eligible for temporary and permanent residency status under Peruvian refugee law, but the government did not report whether it granted any trafficking victims residency during the year.

Criminal justice officials often did not employ victim-centered methods and at times they conducted anti-trafficking operations without adequate resources, such as vehicles to transport victims or safe places to screen potential victims, isolate them from suspects, and provide immediate care. The Public Ministry's Victim and Witness Assistance Unit (UDAVIT) provided short-term care for 529 victims and coordinated referrals to other service providers immediately following some law enforcement operations; in comparison, UDAVIT assisted 920 victims during the previous reporting period. NGOs reported insufficient funding and a lack of training on victim-centered methods limited UDAVIT's capacity to provide consistent, high-quality care to victims. Local experts reported UDAVIT sometimes made services contingent on victims providing statements to investigators. Police and prosecutors did not effectively identify indicators of trafficking among women in commercial sex, and officials did not effectively distinguish between victims of trafficking and similar crimes – leaving some victims unidentified and without access to comprehensive trafficking victim services. Victim services were not immediately available following law enforcement operations on nights and weekends.

UDAVIT operated 23 emergency spaces that could provide short-term accommodation to women and children who were participating in investigations and prosecutions. The government assigned victims a legal advocate from the Ministry of Justice and Human Rights, to safeguard their legal rights and guide them through the legal system, after authorities initiated a prosecution. The government had 336 legal advocates, including nine that specialized in trafficking. LGBTQI+ individuals experienced discrimination from law enforcement and were often re-victimized during the criminal justice process. Some victims provided statements through interviews in secure Gesell chambers, and authorities developed a system to adapt the protection measures provided by Gesell chambers to online platforms during virtual proceedings. A lack of incentives to participate in investigations and limited access to practical services, such as alternative livelihood development, led many adult victims to decline government services. Officials cited the lack of adequate protective services as a key impediment to their ability to effectively combat trafficking in Peru, and insufficient services left some groups at high risk of re-trafficking.

March 2021 updates to the penal code established minimum criteria a judge should consider when awarding compensation to trafficking victims and granted authority for the government to confiscate a trafficker's property to fulfill payment obligations. However, the government did not report whether any courts ordered or victims received compensation in 2020. The government reported assisting foreign trafficking victims to remove fines or other penalties they may have incurred from undocumented entry; however, due to inadequate victim identification procedures, authorities may have fined or penalized some unidentified trafficking victims for unlawful acts traffickers

compelled them to commit. At times, authorities placed child victims in police stations among children apprehended for crimes, where victims faced conditions similar to detention while waiting for referral to shelter.

## PREVENTION

The government maintained prevention efforts. The government's multisectoral commission against trafficking, led by the Ministry of Interior (MOI) and comprised of 13 government agencies and two NGOs, continued to coordinate implementation of the national action plan against human trafficking, in effect through 2021. The commission drafted a National Policy Against Human Trafficking, but did not submit the final draft for congressional approval during the reporting period. Pandemic-mitigation measures and political instability limited the capacity of the multisectoral commission to effectively coordinate activities during the reporting period. The government did not submit an annually-mandated report to congress on its progress toward implementation of the national action plan, due each September. The government allocated a specific line-item budget of 2.35 million soles (\$649,350) to the MOI for anti-trafficking efforts in 2020, a significant decrease from approximately 4 million soles (\$1.11 million) allocated in 2019 and other ministries funded anti-trafficking activities through their general budgets. A 2019 law required the commission to prepare, and the Ministry of Economy and Finance (MEF) to prioritize, a multisectoral budget request that included dedicated anti-trafficking budgets for member entities of the multisectoral commission; MOI submitted this request to MEF in January 2020, but MEF did not approve it during the reporting period. Officials reported inadequate funding hindered their ability to effectively combat human trafficking, especially victim protection efforts.

The government had a separate commission, inter-ministerial protocol, and national plan for combating forced labor and child labor. Labor inspectors had a mandate to monitor employment agencies for compliance with regulations against charging workers recruitment fees or retaining workers' identity documents or personal items, and the government reported labor inspectors referred cases of fraudulent recruitment to specialized anti-trafficking prosecutors. However, the government did not report whether it took enforcement action against employment agencies for any of these practices during the reporting period. The government maintained labor inspection units that specialized in forced and child labor; in 2020, these units participated in at least one joint operation with specialized anti-trafficking police that led to identification of trafficking victims. In October 2020, Peru's congress approved legislation granting domestic workers basic employment rights and legal protections—such as minimum wage and maximum working hours—equivalent to those of other workers, decreasing their vulnerability to exploitation. Under an agreement with the Cuban government, the Peruvian Ministry of Health committed to paying a \$2,000 monthly stipend to each member of a Cuban medical mission working in Peru between June and December; the direct payments to personnel may have decreased their vulnerability to being exploited in forced labor by the Cuban government.

The government operated two 24-hour telephone hotlines for the public to report suspected cases of trafficking, though they could only accommodate Spanish speakers. In response to an increase in calls from the public during the pandemic, MOI increased funding for one of the lines and trained 85 percent of its operators during the reporting period. With support from an NGO, MIMP produced and published online a guide for children to recognize the risks of human trafficking during the pandemic. In June 2020, the government partnered with civil society organizations to deliver a three day virtual training to 44 journalists from across the country to improve their knowledge and strengthen methods for covering trafficking. The MOI conducted two digital awareness campaigns to provide information on trafficking, reaching 400 community leaders, parents, and students in Lima and a nearby city, and it organized a digital campaign to raise awareness among children of the risks of exploitation through

online platforms. National and regional authorities participated in a nationwide multi-platform media campaign run by an international organization, aimed at influencing public opinion to reduce social tolerance of trafficking.

The government made strong efforts to issue national identity documents to all Peruvian citizens, including through programs designed to reach remote, indigenous communities where trafficking risks were high; the pandemic slowed these efforts during the reporting period. The government did not permit transgender individuals to change their gender on identity documents; this lack of access to accurate documentation increased their vulnerability to exploitation. The government did not report efforts to prevent child sex tourism, although border closures and travel restrictions in response to the pandemic halted tourism for much of the year. The government conducted law enforcement operations and made arrests for illegal mining and logging, crimes which fueled the demand for sex and labor trafficking.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Peru, and traffickers exploit victims from Peru abroad. Traffickers exploit Peruvian and foreign women and girls, and to a lesser extent boys, in sex trafficking within the country; traffickers increasingly recruit victims through social media platforms, often through false employment offers or deceptive romantic relationships. Traffickers lure Peruvian, Venezuelan, and Bolivian women and girls to remote communities near mining and logging operations through false promises of lucrative employment opportunities and exploit them in sex trafficking after arrival. Tourists from the United States and Europe purchase sex from child trafficking victims in areas such as Cusco, Lima, and the Peruvian Amazon. In the Loreto region, criminal groups facilitate transportation of foreign tourists by boat to remote locations where traffickers exploit women and children in sex trafficking in venues on the Amazon River. Traffickers exploit Peruvian and foreign adults and children in forced labor in the country, principally in illegal and legal gold mining and related activities, logging, agriculture, brick-making, unregistered factories, counterfeit operations, organized street begging, and domestic service. Traffickers subject Peruvians to forced labor in gold mines and service jobs in nearby makeshift camps; traffickers compel victims through deceptive recruitment, debt-based coercion, isolation and restricted freedom of movement, withholding of or non-payment of wages, and threats and use of physical violence. Traffickers subject children to forced labor in begging, street vending, domestic service, cocaine production and transportation, and other criminal activities. Remaining members of the narcoterrorist organization Shining Path use force and coercion to subject children and adults to forced labor in agriculture, cultivating or transporting illicit narcotics, and domestic servitude, as well as to carry out terrorist activities, and at times recruit children using force and coercion to serve as combatants or guards.

Indigenous Peruvians, many of whom live in remote areas with limited access to government services, are particularly vulnerable to trafficking. LGBTQI+ Peruvians are vulnerable to trafficking, including re-exploitation; transgender women and girls also lack access to accurate documentation and are at particularly high risk. Since 2016, more than 1,000,000 Venezuelans fleeing the humanitarian crisis in their country have entered Peru; Venezuelan adults and children are vulnerable to sex and labor trafficking—often lured through false employment offers—en route to or after arrival in Peru. Among the 85 Cuban medical professionals the government contracted to assist during the pandemic, some may have been forced to work by the Cuban government. The pandemic's negative impact on economic opportunity exacerbated existing risks among vulnerable communities and led to an increased number of individuals vulnerable to trafficking. Pandemic-mitigation measures increased risks among children who were not able to leave their homes or attend school for much of the year, especially LGBTQI+ children or others who ultimately fled abusive or difficult situations in their

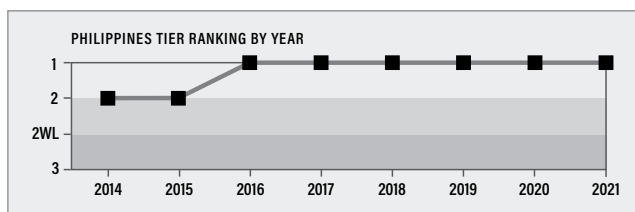


homes. Local experts report an increase in online sexual exploitation of children, in which traffickers sexually exploit children in live internet broadcasts in exchange for compensation. Illicit activity, including sex and labor trafficking, is common in regions of the country with limited permanent government presence, including remote mining and logging areas and the Valley of the Apurímac, Ene, and Mantaro Rivers (VRAEM). Illegal mining and logging operations fuel the demand for sex and labor trafficking in Peru.

Traffickers exploit Peruvian women and children in sex trafficking in other countries, particularly within South America. Also, they exploit women and girls from neighboring countries in Peru. NGOs and foreign authorities report traffickers exploit transgender Peruvians in sex trafficking in Argentina, Italy, and Sweden. Traffickers subject Peruvian adults and children to forced labor in other South American countries, the United States, and other countries. NGOs and government officials reported that official complicity in trafficking crimes and widespread corruption in Peruvian law enforcement and judicial systems continue to hamper anti-trafficking efforts.

## PHILIPPINES: TIER 1

The Government of the Philippines fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Philippines remained on Tier 1. These efforts included prosecuting more traffickers than the previous reporting period, including significantly more defendants charged with using child soldiers and sentencing the majority of convicted traffickers to significant terms of imprisonment. The government also increased the number of prosecutors assigned to anti-trafficking task forces and the number of staff to its anti-trafficking coordination body. The government opened a specialized shelter and one-stop service center in Manila and provided assistance to more than 1,000 victims. Although the government meets the minimum standards, it did not convict any officials for complicity in trafficking crimes and did not vigorously investigate labor trafficking crimes that occurred within the Philippines or provide training to labor inspectors on the indicators of trafficking. The government also identified fewer victims than the previous reporting period and resources for law enforcement and specialized services for victims remained inadequate.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict complicit officials and labor traffickers. • Strengthen the capacity of local government units to provide reintegration services for trafficking survivors, including trauma-informed care, job training, and in-country employment. • Provide increased support to government and NGO programs that provide specialized care for trafficking victims, including child victims of online sexual exploitation. • Establish and implement a process to ensure systematic and ongoing input from a diverse community of survivors on the design, implementation, monitoring, and evaluation of anti-trafficking policies and programs. • Increase efforts to ensure victims receive court-ordered restitution and compensation ordered through civil judgments. • Increase resources for anti-trafficking task forces

to conduct timely investigations, coordinated operations, and prosecutions while providing robust victim and witness assistance services. • Increase efforts to identify and assist labor trafficking victims, including by providing training to law enforcement, social service providers, and labor inspectors on indicators of trafficking. • Provide increased resources for law enforcement units designated to investigate all forms of trafficking. • Consistently implement the coordinated interagency response to providing services to returning Filipinos who experienced sex and labor trafficking overseas. • Create a central database for information on illegal recruiters and human trafficking cases to facilitate interagency coordination in detecting, investigating, and prosecuting traffickers.

### PROSECUTION

The government maintained law enforcement efforts. The 2003 and 2012 anti-trafficking acts criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment and fines of between 1 million and 2 million pesos (\$20,760 to \$41,520). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In response to pandemic-related restrictions, which resulted in court closures, the Supreme Court issued a circular to facilitate the continuation of court filings and proceedings through email and video conferencing, which enabled the government to secure some trafficking convictions through video conferencing. However, equipment and stable internet connections were not consistently available, especially for victim-witnesses. Law enforcement authorities conducted 248 anti-trafficking coordinated operations and investigated 233 cases of alleged illegal recruitment, compared with 482 investigations reported in 2019. The government initiated prosecution of 377 alleged traffickers (an increase from 266 in 2019); these included 36 labor trafficking defendants (24 in 2019), 272 sex trafficking defendants (239 in 2019), and 69 defendants charged with using a child for soldiering (three in 2019). The government convicted 73 traffickers under the anti-trafficking act and related laws (89 traffickers in 2019). Most of the convicted traffickers subjected children to sex trafficking, including 25 who sexually exploited children online (compared to 32 in 2019); three committed labor trafficking (five in 2019). The courts sentenced nearly all of the sex traffickers convicted under the anti-trafficking act to 15 years' imprisonment or more and fines ranging from 500,000 to 2 million pesos (\$10,380 to \$41,520); 16 received a life sentence and fines of 2 million to 5 million pesos (\$41,520 to \$103,790). The court sentenced six sex traffickers under related cybercrime laws to varying terms of imprisonment: four years, 15 years, life imprisonment, and *reclusión perpetua* (permanent imprisonment) with fines ranging from 500,000 to 2 million pesos (\$10,380 to \$41,520). Of the three labor traffickers convicted under the anti-trafficking act, the court sentenced one trafficker to 15 years' imprisonment and a fine of 1 million pesos (\$20,760); the government did not report sentencing information for the other two labor traffickers.

The Department of Justice (DOJ) continued to oversee and support operations and training for 24 interagency anti-trafficking task forces (a DOJ-led task force, a national interagency task force, 16 regional task forces, and six air and seaport task forces, including the reactivated task force at Manila's international airport). Designated prosecutors led the task forces with the assistance of prosecutors who worked on trafficking cases in addition to their regular workloads; they were responsible for enhancing law enforcement efforts and ensuring the reporting, referring, and filing of trafficking cases. DOJ approved a 59 percent increase in the number of prosecutors assigned to the task forces during the reporting period, increasing the number of prosecutors from 236 in 2019 to 376 in 2020. The government conducted trainings on online sexual exploitation of children (OSEC) for law enforcement and prosecutors and worked with NGOs to provide training on investigating labor trafficking of Filipino overseas workers. In 2020, the Philippine National Police (PNP) conducted nine trafficking seminars for 322 officers, as well as three courses for investigators. Department of Social Welfare and

Development (DSWD) field offices conducted training and webinars for more than 1,000 officials, which focused primarily on OSEC. Local governments also funded three online trainings conducted by an NGO to improve the capacity of law enforcement to identify and investigate OSEC. With support from a foreign government, DOJ and the national prosecutions service worked to develop online learning materials to improve the capacity of prosecutors to pursue trafficking cases. In addition, the National Bureau of Investigation (NBI) worked to develop a basic and advanced program of instruction for its trafficking course.

Through continued operation of the Philippine Internet Crimes Against Children Center, the PNP Women and Children's Protection Center (PNP-WCPC) and the NBI Anti Human Trafficking Division (NBI-AHTRAD) partnered with foreign law enforcement agencies and an NGO to improve the effectiveness of investigations of OSEC. The PNP led the investigation of most OSEC cases and operated regional WCPC cyber protection units focused specifically on OSEC crimes. Police and prosecutors continued the use of recorded child victim interviews at the inquest stage and in some trials, which reduced the number of times officials interviewed victims and the potential for re-traumatizing children who served as witnesses. Courts continued to use plea bargaining in human trafficking cases, particularly in OSEC cases, which significantly decreased the time to reach case resolution and further reduced the potential for re-traumatizing child witnesses in trials, many of which involved traffickers who were family members. The Inter-Agency Council Against Trafficking (IACAT) continued to use the prosecutor's trafficking case management system to monitor case progress and outcomes. In September 2020, as part of a project to improve the pace and monitoring of trafficking prosecutions, the Office of the Court Administrator (OCA) of the Supreme Court issued a circular directing judges and court clerks to submit copies of decisions involving violations of the trafficking law to IACAT. Despite these advances, government agencies continued to report the need for additional anti-trafficking law enforcement personnel, funds for operations, and equipment for forensic analysis of digital evidence due in part to the extremely high volume of cybercrime tips related to child sexual exploitation the DOJ Office of Cybercrime (OOC) received each month. During the March to May 2020 government-mandated, community-wide quarantines, OOC reported receiving a 264 percent increase in online tips related to child sexual exploitation compared with the same time period in 2019, which further exacerbated the need for additional resources. Slow moving courts, the need for additional training on handling digital evidence in hearings and trials, and too few prosecutors also hindered the effective and timely prosecution of trafficking crimes. NGOs reported police did not take sufficient steps to investigate and arrest purchasers of commercial sex, including foreign sex tourists and those who purchased commercial sex acts from trafficking victims, and often did not question customers who were present during operations in entertainment establishments. However, the government convicted six foreign nationals who entered the Philippines for the purpose of engaging in child sex tourism. Philippine officials continued to cooperate with foreign governments on the investigation and prosecution of trafficking cases.

Reports of immigration, police, and other officials complicit in trafficking continued. IACAT established a working group to draft guidelines on the identification and monitoring of trafficking-related corruption cases. The government transferred a prosecution initiated in the previous reporting period involving a police officer for cyber-facilitated sex trafficking to a new region to ensure an impartial prosecution; the case remained ongoing at the close of the reporting period. DOJ continued to investigate nine Bureau of Immigration (BI) officers for facilitating the illegal airport departure of potential trafficking victims. According to media reports, BI investigated allegations that at least 28 immigration officials facilitated the exploitation of 44 Filipinas in trafficking in Syria. The government filed corruption charges against 18 immigration officials who allegedly received kickbacks for ensuring the entry of migrant workers at airports and arrested an NBI official who received bribes from the

immigration officials for not pursuing criminal charges against them. Prosecutors filed charges against a police officer who aided a suspected trafficker to avoid prosecution. The government did not convict any officials for complicity in trafficking crimes during the reporting period.

## PROTECTION

The government maintained protection efforts. The government lacked a reliable mechanism to consolidate statistics on the total number of victims identified and assisted. However, Philippine law enforcement reported identifying 1,216 victims of trafficking during operations, compared with 1,443 victims in 2019. The government did not report how many potential trafficking victims the IACAT Sea/Air Task Forces identified through operations or deferred departures, compared to 2,500 in 2019. The BI Travel Control and Enforcement Unit (TCEU) identified and referred 295 potential victims of trafficking to IACAT task forces, compared with 337 potential victims of trafficking and 92 potential victims of illegal recruitment in 2019. The Department of Foreign Affairs (DFA) foreign missions, primarily in the Middle East and Asia, identified 2,429 potential Filipino trafficking victims (6,772 in the preceding period). The vast majority of these victims reported experiencing illegal recruitment; fewer than 10 were victims of sex trafficking. The Commission on Filipinos Overseas (CFO) Actionline against Human Trafficking received 2,849 calls, and it identified and assisted 15 potential human trafficking victims and eight OSEC victims.

The government allocated 22.9 million pesos (\$475,370) to implement DSWD's recovery and reintegration program for trafficked persons, a decrease from 24.4 million pesos (\$506,510) in 2019. DSWD implemented the national referral system, maintained the national recovery and reintegration database, and continued to operate 44 residential care facilities that provided services to victims of trafficking and other forms of exploitation. Of these facilities, 24 served children, 13 served women, four served older persons, one served men, and two operated as temporary processing centers. In December 2020, ICACT opened its Trafficking in Persons center in metro Manila, which will serve as a specialized shelter for trafficking survivors and a one-stop service center for reporting potential cases of trafficking and providing referrals without the need for victims to contact multiple agencies. During the reporting period, the center provided temporary accommodation for potential victims prior to their referral to other shelters pending the results of COVID-19 testing. The government continued the construction of a shelter for men in region nine where armed conflict continued; however, the construction of a temporary shelter and one-stop center near a regional international airport was temporarily halted as the government diverted funding to its pandemic response. DSWD reported serving 1,205 trafficking victims, of whom 849 were female and approximately 75 percent were adults, compared with 2,194 victims served in 2019. Of these, the government reported 629 victims of labor trafficking, 361 victims of sex trafficking, including 157 child victims of online sexual exploitation, and five children engaged in armed conflict; it was unclear if the remaining 207 victims faced forced labor or sex trafficking. DSWD provided psychosocial support and trauma-informed assistance to all survivors. Services also included case management, temporary shelter; livelihood assistance; education/skills training; hygiene kits; referral; victim/witness assistance; airport assistance; transportation assistance; home visits; medical assistance; and financial assistance. DSWD referred trafficking survivors to the local social welfare and development office in their community for follow up services, which observers noted often lacked the personnel and resources to provide individualized case follow up. Staff permitted adult victims residing in shelters to leave unchaperoned, provided there were no threats to their personal security or psychological care issues. DSWD assisted foreign national victims, including through temporary shelter and psycho-social intervention, and coordinated repatriation with the relevant foreign embassies. The government continued to partner with NGOs for specialized residential care and reintegration services for child victims of OSEC; however, pandemic-related restrictions

impacted the ability of NGOs to provide support during in-person operations and shelter visits, and most assistance was provided virtually or through phone calls. Such specialized assistance services as well as reintegration follow up services and job training and placement remained inadequate to address the needs of adult trafficking victims.

The government continued to support victims who served as witnesses during trials, and hired one additional victim-witness coordinator during the reporting period. Seven regional task force victim-witness coordinators provided trauma-informed support and assistance, including by providing continuous support throughout the criminal justice process, to 130 victims (291 in 2019). Eleven trafficking victims entered the witness protection program in 2020 (40 in 2019), which included housing, livelihood and travel expenses, medical benefits, education, and vocational placement. In addition, the DOJ operations center personnel provided transportation and security that enabled 74 victims to participate in case conferences and hearings. The government could award compensation to trafficking victims through its crime victims' compensation program. The government did not report any orders of restitution paid by traffickers to victims of trafficking, and NGO observer reported that although judges could award victims compensation for damages, victims almost never received damages in practice and courts lacked effective mechanisms to collect damages from traffickers.

DFA, in collaboration with the IACAT and its member agencies, implemented whole-of-government procedures to ensure interagency coordination of services for repatriated Filipino trafficking victims. The government continued to deploy DSWD social workers in Philippine diplomatic missions in Hong Kong, Kuwait, Malaysia, Qatar, Saudi Arabia, South Korea, and the United Arab Emirates. DFA allocated 1 billion pesos (\$20.76 million) for the Assistance to Nationals Fund (ATN), which covered assistance such as airfare, meal allowance, shelter, medical care, and other needs of overseas Filipino workers (OFWs). DFA reported only partial expenditures from the ATN totaling 28.38 million pesos (\$589,130) for the reporting period. DFA did not report expenditures under its Legal Assistance Fund for OFWs, to which it allocated 200 million pesos (\$4.15 million) for legal assistance. DFA provided nine Philippine overseas missions with funds to support shelters or temporary accommodations for Filipino trafficking victims awaiting the resolution of their cases or their repatriation. In 2020, DFA reported assisting 2,575 potential victims of human trafficking identified by overseas missions in 2020, of which the majority experienced illegal recruitment, a significant decrease compared to 3,581 victims of trafficking and 4,479 victims of illegal recruitment assisted in the previous reporting period. DSWD social workers, responsible for assisting distressed overseas Filipinos and their families, assisted 1,133 victims of trafficking or illegal recruitment, compared with 2,788 in 2019. Social services provided to OFW trafficking victims included coordination with the host government, contract buy-out, shelter, provision of personal necessities, medical aid, financial assistance, payment of legal fees, repatriation, and referral to appropriate agencies. With donor support and in cooperation with an NGO, the IACAT operated the Task Force Against the Trafficking of Overseas Filipino Workers, which assisted 1,230 Filipino domestic workers repatriated from the Middle East in 2020 who reported experiencing indicators of trafficking. DFA also reported assisting in the repatriation of 327,511 Filipino workers who had lost their jobs or had not been paid wages as a result of the pandemic; however, the overseas workers task force and immigration officers experienced difficulties screening repatriated workers for indicators of trafficking due to health and safety protocols implemented in response to the pandemic. Following media reports that Filipina trafficking victims seeking shelter at the Philippines Embassy in Syria faced abuse from embassy staff members, DFA launched an investigation into the allegations, recalled five staff members, and repatriated the 34 victims in February 2021.

## PREVENTION

The government increased its efforts to prevent trafficking. IACAT, the

lead coordinating body responsible for overseeing and monitoring implementation of the government's anti-trafficking efforts and which the secretaries of DOJ and DSWD chaired and co-chaired respectively, convened two regular and two special-topic meetings during the reporting period to share information and coordinate policies. Three NGOs participated as members of IACAT, which also involved additional NGOs, private sector representatives, and survivors in technical working groups and other fora. IACAT conducted three virtual focus group discussions with survivors to seek feedback on protection services, case management, and to identify gaps in the provision of services. The government decreased the IACAT Secretariat's budget to 65.2 million pesos (\$1.35 million) from 92.9 million pesos (\$1.93 million) in 2019. However, a congressional initiative resulted in the addition of 8 million pesos (\$166,070) to IACAT's budget for in 2020. In addition, IACAT increased its staff from 116 to 142 employees. In partnership with an NGO, IACAT organized and co-hosted a virtual summit to gather relevant stakeholders and experts to share best practices in combating the online sexual exploitation of children, including internet-facilitated trafficking. However, NGOs noted insufficient resources within the government's anti-trafficking structures, especially for law enforcement, specialized trainings, and support services, and for ensuring local government units implemented trafficking laws.

IACAT, its member agencies, and anti-trafficking regional task forces continued to lead national, regional, and local-level trafficking awareness raising events. The government hosted a webinar to raise awareness of forced labor in the fishing industry and to discuss the government's response to the issue. The government launched the Barangay IACAT to serve as a platform for educating local governments units and the public about trafficking and how to report cases. CFO operated a hotline and DFA Office of Migrant Workers Affairs maintained a HELP Facebook page for Filipinos working abroad who were in distress and their families to request assistance. The Department of Labor and Employment (DOLE) overseas labor officers continued to review overseas Filipino workers' labor contracts and assist them with labor contract violations and allegations of abuse. In October, DOLE issued regulations that required employment agencies applying for an operating license to provide an affidavit stating they would not engage in or facilitate acts involving trafficking, illegal recruitment, or violations of child labor laws, as well as a similar order for employers of domestic workers. POEA also filed 508 administrative charges against licensed recruitment agencies for disallowed practices, resulting in the cancellation of 22 agencies' licenses, compared with 1,107 and 16 in the previous reporting period, respectively.

The lack of a centralized database tracking illegal recruitment and human trafficking continued to hamper the government's efforts to prevent trafficking and hold traffickers accountable. The labor inspectorate was underfunded and understaffed, and the government did not report providing training for labor inspectors to identify indicators of trafficking, which may have impeded the government's ability to identify potential cases of forced labor. The government did not prioritize identifying forced labor on fishing vessels and employed notably few inspectors dedicated to conduct inspections on fishing vessels. Labor inspections were suspended during community-wide quarantines related to the pandemic from March through May 2020; full inspections resumed from August onwards. Despite conducting more than 13,900 labor inspections, the government reported identifying only four child labor violations in 2020. The government's interagency child labor quick action teams removed 18 children from hazardous and exploitative work situations, including six victims of sex trafficking. DOLE did not close any establishments involved in child sex trafficking, compared with three closures in 2019.

The BI-TCEU continued to screen departing passengers and deferred the departure of 11,706 passengers (31,211 in 2019), including 294 potential victims of trafficking, due to incomplete or suspicious travel documents or misrepresentation. BI stopped 35 foreign registered sex offenders from entering the country. The government did not make



efforts to reduce the demand for commercial sex acts. POEA reviewed 19 bilateral labor agreements with other countries and signed three new bilateral agreements. DOJ hosted a webinar in October 2020 to introduce government officials to initiatives aimed at addressing human trafficking in public procurement and supply chains.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Philippines, and traffickers exploit victims from the Philippines abroad. The government processes approximately 2.3 million new or renewed contracts for Filipinos to work overseas in nearly 170 countries each year; however, temporary travel restrictions related to the pandemic prevented many Filipino workers from departing for overseas employment during the reporting period. A significant number of Filipino migrant workers become victims of sex trafficking or labor trafficking in numerous industries, including industrial fishing, shipping, construction, manufacturing, education, home health care, and agriculture, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly in the Middle East and Asia, but also in all other regions. Traffickers, typically in partnership with local networks and facilitators and increasingly using social networking sites and other digital platforms, recruit unsuspecting Filipinos through illegal recruitment practices such as deception, hidden fees, and production of fraudulent passports, overseas employment certificates, and contracts to exploit migrant workers in sex and labor trafficking. In January 2021, media reported traffickers fraudulently recruited dozens of Filipino domestic workers to work in the United Arab Emirates but instead transported them to Damascus for forced domestic work. Using tourist visas available in Middle East countries where many Filipinos work in household service jobs, traffickers lure children from remote areas of Mindanao and other regions then sell them to employment sponsors who exploit them. Traffickers also use student and intern exchange programs, and fake childcare positions as well as porous maritime borders to circumvent the Philippine government and destination countries' regulatory frameworks for foreign workers and evade detection. Traffickers exploit Filipinos already working overseas through fraudulent employment offers to work in another country. Traffickers took advantage of the absence of adequate immigration personnel at smaller airports in the Philippines.

Forced labor and sex trafficking of men, women, and children within the country remains a significant problem. Traffickers exploit women and children from rural communities, conflict- and disaster-affected areas, and impoverished urban centers in sex trafficking, forced domestic work, forced begging, and other forms of forced labor in tourist destinations and urban areas around the country, and exploit men in forced labor in the agricultural, construction, fishing, and maritime industries, sometimes through debt-based coercion. NGOs and government officials continued to report cases in which family members sold children to employers for domestic labor or sexual exploitation, and there are reportedly hundreds of thousands of children involved in selling and begging on the streets who are at risk to exploitation. One study found that approximately 50,000 Filipino children are employed as domestic workers in the Philippines, including nearly 5,000 who are less than the age of 15. A significant percentage of working children faced hazardous working conditions, including in mines, factories, and farms, where they likely experienced indicators of forced labor. Indigenous persons and many of the approximately 340,000 internally displaced persons in Mindanao are at risk of trafficking, including through fraudulent promises of employment. Non-state armed groups operating in the Philippines, including the New People's Army, Maute Group, the Moro National Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters, recruit and use child soldiers, at times through force, for combat and noncombat roles. The Islamic State reportedly subjects women and girls to sexual slavery.

Traffickers exploit Chinese and other Asian women in commercial sex in locations near offshore gaming operations that cater to Chinese

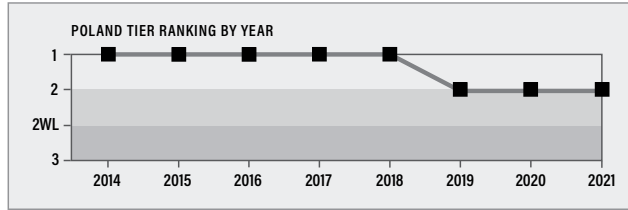
nationals; however, the pandemic resulted in a massive departure of Chinese nationals employed in offshore gaming operations during the reporting period which resulted in deceased reports of sex trafficking among this community. Sex trafficking also occurs in tourist destinations, such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao, where there is a high demand for commercial sex acts. Although the availability of child sex trafficking victims in commercial establishments declined in some urban areas, child sex trafficking remains a pervasive problem, typically abetted by taxi drivers who have knowledge of clandestine locations. Many sex tourists in the Philippines are convicted or charged sex offenders or pedophiles in their home countries and are most commonly citizens of Australia, Japan, New Zealand, the United Kingdom, and the United States with an increasing number of reports from Canada, Morocco, Iraq, and Denmark. Filipino men also purchase commercial sex acts from child trafficking victims. Law enforcement information indicates that the Philippines is one of the largest known sources of online sexual exploitation of children, in which traffickers sexually exploit children, individually and in groups, in live internet broadcasts in exchange for compensation wired through a money transfer agency by individuals most often in another country, including the United States, Australia, Canada, and the United Kingdom. The traffickers are often parents or close relatives who operate in private residences or small cyber cafes and many child victims, girls and boys, are younger than 12 years. Identified hotspots for this form of sex trafficking in Luzon and Visayas include Iligan, Lapu-Lapu, Pampanga, Quezon City, Malabon, Pasig, Taguig, and Caloocan. Reports cited a nearly 265 percent increase in unconfirmed reports of online child sexual abuse during the pandemic. Economic impacts of the pandemic, combined with an increased amount of time children spent at home, resulted in an increasing number of families to force their children into online sexual exploitation.

Officials, including those in diplomatic missions, law enforcement and immigration agencies, and other government entities, allegedly have been complicit in trafficking or allowed traffickers to operate with impunity. Some corrupt officials allegedly accept bribes to facilitate illegal departures for overseas workers, operate sex trafficking establishments, facilitate production of fraudulent identity documents, or overlook illegal labor recruiters. Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims. Some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services. There were anecdotal reports that police and local government units subjected individuals who had voluntarily surrendered to officials in relation to the government's anti-drug campaign to forced labor.

## POLAND: TIER 2

The Government of Poland 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Poland remained on Tier 2. These efforts included convicting more traffickers at the final instance level, revising victim identification and referral standard operating procedures (SOPs) for police and border guards, and launching a new awareness campaign to improve identification of victims among foreign migrants. The government also published a manual for employers to assist them in identifying forced labor in their businesses and supply chains. However, the government did not meet the minimum standards in several key areas. The government prosecuted fewer traffickers and prosecutors continued to classify trafficking crimes as lesser crimes. The government also identified fewer victims and did not increase

resources for victim services, thereby constraining overall protection efforts. Government efforts to identify and protect child victims and to identify forced labor victims remained inadequate and authorities lacked a central mechanism to cross-reference and consolidate law enforcement statistics.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking crimes, particularly forced labor cases, and sentence convicted traffickers to significant prison terms. • Increase training for prosecutors and judges on the importance of prosecuting under the anti-trafficking statute, the severity of trafficking crimes, and a trauma-informed, victim-centered approach to conducting trials. • Increase funding for comprehensive victim services, including specialized accommodation for child and male victims. • Proactively identify labor trafficking victims, including by strengthening the capacity of the Labor Inspectorate to identify victims of forced labor and refer them to services. • Increase training for law enforcement on the element of coercion in trafficking crimes to ensure that victims are not penalized for crimes their traffickers compelled them to commit. • Improve central operational coordination and data collection for anti-trafficking activities. • Establish procedures or specialized units to ensure trafficking cases are handled by trained prosecutors. • Appoint trauma-informed officials to conduct child victim witness interviews in a child-friendly manner. • Increase efforts to identify child sex trafficking victims and victims among vulnerable groups, particularly unaccompanied children and migrants.

### PROSECUTION

The government maintained law enforcement efforts. Article 189a of Poland's penal code criminalized sex trafficking and labor trafficking and prescribed punishments of three to 15 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 189a replaced Article 253 of the criminal code, which prosecutors could still use in cases that started when Article 253 was in effect. Article 253 of the criminal code also prescribed punishments of three to 15 years' imprisonment. In addition, Article 203 criminalized inducing an adult into prostitution through force, fraud, or coercion, and Article 204.3 criminalized inducing a child into prostitution; both articles prescribed punishments of one to 10 years' imprisonment.

The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics and did not consistently disaggregate sex and labor trafficking data. Law enforcement authorities initiated 22 investigations under Article 189a (22 in 2019 and 33 in 2018); five were for sex trafficking, eight for forced labor, and nine for multiple forms of exploitation. Prosecutors initiated 46 investigations from cases referred by police and border guards (67 in 2019 and 79 in 2018) and prosecuted 20 defendants under Article 189a (46 in 2019 and 47 in 2018); 12 were for forced labor and eight for sex trafficking. The government also investigated 16 cases and prosecuted four defendants under Article 203 or Article 204.3, compared with 25 cases investigated and 27 defendants prosecuted in 2019. In one case, the court placed a defendant indicted for exploiting at least 100 victims for forced labor in pre-trial detention. Due to pandemic-related restrictions and subsequent information processing delays, the government did not report overall first and final instance (appeals) conviction data for 2020; however, the National Prosecutor's Office (NPO) reported 12 final convictions under Article

189a (compared with 10 final convictions under Articles 189a and 253 in 2018, the most recent year for which data was available); eight for sex trafficking, one for forced labor, and three for other forms of exploitation. In the previous reporting period, first-level courts issued 31 convictions under Article 189a and 20 convictions under Article 203. According to media reports, in one case an appeals court sentenced three traffickers to three and a half, six, and seven years' imprisonment for forcing a victim into commercial sex. In a separate case, media reported an appeals court sentenced one trafficker to one and a half years' imprisonment for exploiting 18 Ukrainian victims for forced labor. The government reported that law enforcement efforts were diverted to pandemic-related activities throughout the year and up to nine percent of the police force contracted COVID-19. Moreover, courts considerably limited their operations during the first months of the pandemic, and law enforcement was limited in its ability to collect evidence and interview victims and witnesses; one NGO reported that the legal validity of online interpreter-aided testimony was unclear under the law, leading the police to not register some potential trafficking crimes.

The National Police maintained an anti-trafficking department with 11 officers, along with 17 regional offices, each with three to eight officers investigating trafficking, child pornography, and child sexual abuse. The Central Bureau of Investigations maintained an anti-trafficking coordinator at its headquarters and in each of its 17 regional branches, and the Border Guard operated a specialized central team and had 10 regional anti-trafficking coordinators. Each regional prosecutorial office had a trafficking expert to assist local prosecutors who could assume responsibility for more complex cases. Although the NPO monitored all trafficking cases throughout the country, cases had to be classified as trafficking in the investigation stage to enter the monitoring system. Experts reported district prosecutors often qualified trafficking as lesser offenses, such as pimping or violation of workers' rights. Observers noted it was difficult to meet the evidentiary threshold to prosecute a crime under the trafficking statute. The NPO continued using a formal mechanism established in 2018 for law enforcement to refer discontinued or dismissed trafficking investigations and prosecutions for review to the prosecutor responsible for coordinating trafficking investigations. However, an NGO reported there was no formal mechanism for civil society to refer cases to the NPO for reconsideration. The police referred 11 cases to NPO (seven in 2019); NPO agreed with the police that five cases potentially involved trafficking (six in 2019), and all five cases remained under investigation at the end of the reporting period. NPO requested additional information from the police on three of the cases and had not decided the remaining three cases by the end of the reporting period.

Observers reported that despite the continued increase in labor trafficking in Poland, the government rarely prosecuted forced labor cases due to the difficulty in collecting evidence in these cases, the low number of victims who self-identify as forced labor victims, and a lack of political will to prioritize a form of trafficking that largely affects foreign migrants or Polish citizens residing abroad. Moreover, the law did not have a clear definition of what constitutes forced labor in the criminal code, which contributed to law enforcement's under-identification of labor trafficking, and prosecutors and judges often lacked expertise in labor trafficking cases. Additionally, observers reported prosecutors and judges lacked familiarity with victim-centered approaches, the impact of trauma on victims, and the severity and complexity of the crime. Observers reported the frequent rotation of government officials focused on trafficking, both at the national and provincial levels, negatively impacted the government's understanding of the complexity of the crime. Many of the government's institutionalized training programs for police, border guards, prosecutors, judges, consular officers, asylum officers, and labor inspectors on various anti-trafficking issues, including SOPs, victim interviews, joint investigations, and other basic and specialized training, were conducted fully or partially online due to the pandemic. The government did not report any investigations, prosecutions, or convictions of government employees complicit in

trafficking crimes. Authorities collaborated on investigations with counterparts in the United Kingdom (UK), Germany, and other EU countries, and prosecutors issued a European Arrest Warrant for a suspected trafficker residing in the UK.

## PROTECTION

The government demonstrated mixed protection efforts; while it revised SOPs to improve victim identification efforts, during the reporting year it identified far fewer victims. The National Police and Border Guard identified 82 potential victims (221 in 2019 and 162 in 2018) and referred 39 to care facilities (104 in 2019 and 47 in 2018); the government reported all victims were offered services, but some chose not to accept them. Observers reported pandemic-related restrictions were largely to blame for this decrease, and an NGO stated police capabilities were reduced during the year. The Office for Foreigners identified two asylum applicants as potential trafficking victims—one forced begging victim from Moldova and one sex trafficking victim from Ukraine. The National Intervention-Consultation Center for Victims of Trafficking (KCIK), run by two government-funded NGOs, provided assistance to 166 potential victims (226 in 2019 and 168 in 2018), including 40 victims of sex trafficking, 70 victims of forced labor (including three for forced criminality, one for domestic service, and one for forced begging), and 56 victims of other types of exploitation; 102 were female and 64 were male and 109 were foreign victims. Police reported regularly conducting investigations at escort agencies to proactively identify potential sex trafficking victims. The government maintained SOPs for the identification, referral, and support of trafficking victims, including standardized indicators and specific indicators to identify child victims. The government revised the SOPs for the National Police and Border Guard in 2020 to improve identification and referral efforts, and the Ministry of Interior (MOI) designed a poster with a list of trafficking indicators to assist police and border guards with identifying potential trafficking victims. However, police and prosecutors acknowledged authorities lacked the expertise to identify forced labor and child victims, particularly among unaccompanied children. As in the previous two years, labor inspectors did not identify any victims in 2020 and noted challenges in determining whether an offense constituted a violation of workers' rights or forced labor. Law enforcement used indicators with sample questions focused on freedom of movement but did not take psychological coercion or subtle forms of force into consideration. The Ministry of Family and Social Policy conducted a training session for 30 social workers focused on victim identification, crisis intervention, and cooperation with other institutions on victim protection. Civil society representatives reported effective cooperation with the national police and border guard on victim referral procedures during the reporting period.

KCIK provided adult and minor victims with medical and psychological care, shelter, legal counseling, welfare support, reintegration services, and referrals to orphanages and foster care for child victims. KCIK operated two shelters for adult female victims, a small shelter for men with capacity to accommodate three adult male victims, and rented apartments for victims who did not prefer shelters. The government allowed victims to seek employment and work while receiving assistance and leave the shelters unchaperoned and at will; shelters and housing were available for victims with disabilities. The government provided specialized shelter and housing to 42 victims in 2020 (58 in 2019). Victims also could receive general assistance (social, medical, psychological, legal) in 168 crisis intervention centers operated and funded by local governments, 20 of which maintained staff trained on assisting trafficking victims; KCIK arranged accommodations for 23 victims using crisis centers and other locations (54 in 2019).

Funding for victim services remained stagnant for the sixth year following a 10 percent increase in 2015. In 2020, the government allocated 1.1 million zloty (\$296,260) to two NGOs that run KCIK, the same amount as in 2019 and 2018. The government also allocated

80,000 zloty (\$21,550) to train welfare assistance personnel on identification of victims and provision of assistance to trafficking victims and witnesses, the same amount as in 2019. Experts said limited government funding for victim assistance constrained service provision, particularly outside of Warsaw and Katowice. Shelter capacity for male victims was insufficient given the increasing number of male labor trafficking victims. Observers expressed concern the national system for child victim assistance did not properly address the needs of unaccompanied children and noted the government placed unaccompanied child victims in foster families or orphanages unprepared to assist child victims. All foreign victims from outside the European Economic Area (EEA) formally identified by law enforcement were entitled to social welfare benefits, including crisis intervention assistance, shelter, meals, necessary clothing, and financial assistance; in the first six months of 2020, 16 non-EEA national victims received assistance, compared with 20 in the first six months of 2019 (32 total in 2019). Victims from the EEA had access to the full scope of welfare benefits offered to Polish citizens if they could prove habitual residency, but NGOs reported some victims, particularly from Romania and Bulgaria, were unable to prove this through the required documentation; in 2020, KCIK provided assistance to six EEA nationals (four Bulgarians and two Romanians).

Authorities reported screening individuals in vulnerable populations, including individuals in commercial sex and migrants, when detaining and arresting. Foreign victims were entitled to a three-month reflection period, during which they could stay legally in Poland to decide whether to assist in the criminal process; 11 victims used this benefit during the reporting period (120 in 2019). Foreign victims were eligible for a residence permit valid for up to three years, which entitled them to work, and could apply for permanent residency; authorities granted residence permits to 15 foreign victims in 2020, including nine from Uganda, two each from Colombia and the Philippines, and one each from India and Ukraine. The government coordinated with an international organization to repatriate two foreign victims (three in 2019), one to Bulgaria and one to Colombia. Polish law permitted victims to provide testimony via video or written statements; audio-video recording of testimony was obligatory for victims younger than 15 years of age and for victims of sexual crimes, including sex trafficking. The government reported the majority of victims identified by prosecutors agreed to cooperate in investigations of their traffickers. However, experts noted law enforcement and prosecutorial interview techniques lacked a trauma-informed approach, hindering opportunities to build rapport with traumatized victims, who then were less likely to provide reliable testimony. NGOs reported judges interviewed children and did not receive training on child-friendly, victim-centered, or trauma-informed interviewing techniques, which re-traumatized victims. Prosecutors rarely requested restitution in criminal proceedings but a court awarded 1,000 zloty (\$269) in compensation to each of six victims (eight in 2019). Victims also could receive compensation in civil suits; the government did not report if any victims filed such suits during the reporting year.

## PREVENTION

The government modestly increased prevention efforts. The MOI maintained an advisory body, chaired by the Minister of Interior and including interagency and civil society representatives, that was tasked with evaluating the implementation of anti-trafficking projects, monitoring national action plan (NAP) implementation, and preparing annual reports. Civil society continued to express concern that this body lacked authority and could not compel government agencies to provide resources for anti-trafficking efforts. The advisory body met twice during 2020, as did three of its working groups. In January 2021, one of these working groups met to develop a victim identification and referral SOP for labor inspectors, to complement SOPs already in place for the National Police and Border Guard. MOI organized two virtual meetings with provincial-level interagency anti-trafficking teams, resulting in the establishment of a special working group tasked with improving provincial teams' efficiency and



increasing the exchange of best practices. The Council of Ministers formally approved the 2019-2021 NAP in April 2020, although it had previously been approved in 2018 by an inter-ministerial group. For the third consecutive year, the government allocated 135,000 zloty (\$36,360) for the implementation of the NAP. MOI published an annual implementation report and maintained a web portal with relevant statistics, publications, and information on victim assistance. The government lacked a central mechanism to cross-reference and consolidate trafficking-related statistics, hindering officials' ability to assess the scope of trafficking and the efficacy of law enforcement efforts. The government launched an awareness campaign targeting migrants at risk of being exploited in Poland by placing billboards with a hotline number in three languages throughout a city and airport and displaying a banner with a message in nine languages on the government's online visa application portal. The government created a leaflet in four languages for migrants at risk of exploitation and coordinated with NGOs and the UK to place posters on online job advertisement portals with information on legal employment in Poland and abroad, risk factors for trafficking, and assistance resources. Provincial-level interagency anti-trafficking teams in all 16 regions continued prevention and public awareness campaigns, including by distributing leaflets and showing a mobile exhibition on forced labor. Observers noted these provincial-level anti-trafficking teams were uncoordinated and uneven in their effectiveness.

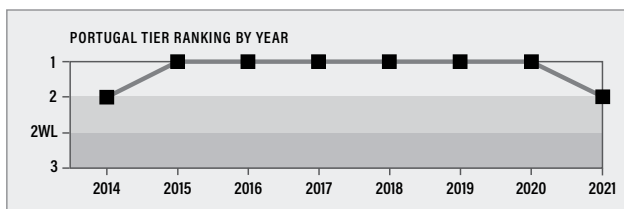
A government-funded NGO operated a 24-hour hotline for trafficking victims and witnesses, which received 9,504 calls (6,899 in 2019); the hotline did not maintain statistics on how many calls were trafficking-related or resulted in investigations and victims identified. Local authorities could ban employers previously convicted of trafficking from hiring foreigners; the government did not report whether any entities were banned. The National Labor Inspectorate (NLI) reported 54 job recruitment agencies to local authorities for operating illegally; the government removed 19 job recruitment agencies from the official registry of legally operating recruitment agencies (39 in 2019). Due to pandemic-related restrictions, NLI inspections were limited to emergency situations for four months of 2020. The NLI conducted 429 inspections of job recruitment agencies (651 in 2019) and reported one case of potential trafficking involving Ukrainian migrant workers. The regional prosecutor's office declined to continue the investigation; after an appeal from the NLI a first instance court upheld the decision in February 2021 to discontinue the case. Additionally, the NLI continued distributing information leaflets in English and Ukrainian that were created for a 2017-2019 awareness campaign targeting employers and workers to encourage legal employment among migrant workers, in particular from Ukraine, and to provide practical information to employers on legally hiring foreign workers. NLI branch offices conducted several activities throughout the year to promote legal employment and raise awareness about forced labor, including by participating in radio and television programs to discuss the protection of labor laws and providing counseling services to employment offices on legal employment and forced labor indicators. Additionally, an interagency advisory body within the Ministry of Development Funds and Regional Policy published a manual for employers on how to identify victims and prevent forced labor in businesses and supply chains; the manual includes questionnaires employers can use to identify potential victims. In cooperation with civil society, the government held a workshop in October 2020 for the business community to review the new manual and provide practical guidelines for its implementation. However, observers reported authorities took six to 12 months to issue combined residence and work permits to migrants, who often worked illegally during this time and were vulnerable to exploitation. MOI participated in a Council of the Baltic Sea States (CBSS) taskforce that updated the region's transnational referral mechanism, as well as in a CBSS project to review national legislation, court cases, and possible obstacles in combating labor trafficking. 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 Poland, and traffickers exploit Polish victims abroad. Traffickers exploit Polish women and children in sex trafficking within Poland and other European countries, notably France and Germany. Traffickers exploit men and women from Poland for forced labor in Europe, primarily Western and Northern Europe and in particular Germany, Norway, Sweden and the UK. Traffickers exploit women and children from South America and Eastern Europe—particularly Bulgaria, Romania, and Ukraine—in sex trafficking in Poland. Labor trafficking is increasing in Poland; victims originate from Europe, Asia, South America, and Africa. Traffickers increasingly exploit migrants in forced labor among Poland's growing Ukrainian, Belarusian, Filipino, and Vietnamese populations, particularly in agriculture, restaurants, construction, domestic work, and the garment and fish processing industries. Observers reported the pandemic increased migrant workers' vulnerability to trafficking; the number of potential Ukrainian victims exploited in trafficking in Poland and seeking assistance upon their return to Ukraine increased twofold in 2020. Traffickers recruit children, particularly Roma, for forced begging in Poland.

## PORTUGAL: TIER 2

The Government of Portugal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating more suspects and awarding restitution to victims. The government also updated its national referral mechanism and issued slightly more residence permits to trafficking victims than the year prior. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic on the government's anti-trafficking capacity. The government prosecuted fewer suspects and did not report convicting any traffickers at the time of this report. The government identified significantly fewer victims for the second consecutive year and the fewest since 2008. The government did not identify any Portuguese or child victims as a result of ongoing gaps in victim identification. The government also continued to lack legal safeguards to protect victims from prosecution for crimes their traffickers compelled them to commit. Therefore Portugal was downgraded to Tier 2.



## PRIORITIZED RECOMMENDATIONS:

Improve efforts to proactively identify victims within the country, including Portuguese nationals, children, and sex trafficking victims, by systematically training government officials, particularly immigration police, labor inspectors, and law enforcement, on proactive victim identification among vulnerable groups. • Vigorously investigate, prosecute, and convict traffickers, including complicit officials and sentence those convicted to significant prison terms. • Coordinate the collection of trafficking data across the government, including for convictions and sentencing, and improve documentation of the use of victim services. • Enact a legal provision on the non-punishment of victims to ensure that trafficking victims are not inappropriately penalized for unlawful acts traffickers compelled them to commit, including administrative and immigration-related offenses. • Increase victims' access to restitution, including by training

police, prosecutors, and magistrates on victims' right to restitution.

- Allow formal victim identification and referral from entities other than the police, including civil society, social workers, and health care professionals.
- Implement strong regulations and oversight of labor recruitment companies that are consistently enforced by investigating fraudulent labor recruitment and ensuring cases with indicators of labor trafficking are prosecuted under the trafficking statute.
- Allocate additional resources and capacity for labor inspectors to detect labor trafficking.
- Utilize the witness protection program for trafficking victims.
- Enforce the law prohibiting recruitment fees charged to workers and ensure any recruitment fees are paid by employers.

## PROSECUTION

The government decreased law enforcement efforts. Article 160 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Some child sex trafficking offenses could also be prosecuted under Article 175, which addressed pimping crimes; it prescribed penalties of one to 10 years' imprisonment. Article 159 prohibited slavery and prescribed penalties of five to 15 years' imprisonment.

In response to the pandemic, the government ordered a national lockdown for three months in 2020. However, it categorized actions related to anti-trafficking as an essential activity and orders mandating restricted movement did not apply to trafficking victims in emergency situations. Additionally, although some procedural changes were required, the government reported that anti-TIP officials, units, and coordinating bodies continued to operate during the reporting period, allowing anti-trafficking efforts to continue unimpeded, including investigations and criminal proceedings in courts. The government did not have specialized investigation units dedicated to human trafficking, but the government reported there were several teams who had received special training to investigate trafficking. In 2020, the government initiated a total of 82 human trafficking investigations (42 for sex trafficking and 40 for labor trafficking) with an additional 95 ongoing cases from prior years (23 for sex trafficking and 72 for labor trafficking); compared with 63 in 2019, 114 in 2018, and 103 in 2017. Authorities prosecuted 23 defendants in 2020 based on preliminary data provided, a significant decrease compared with 58 in 2019. In 2020, the government did not report convicting any traffickers; a decrease compared with three in 2019 and 25 in 2018. The investigation and prosecution of a Portuguese consular officer, who was indicted in 2019 on several charges including human trafficking and falsification of documents, continued during the reporting period; the diplomat allegedly committed the trafficking crime, which involved a housekeeper, while in Guinea-Bissau. In 2020, the government co-organized and led six online training events for more than 163 migration professionals; immigration officials provided training on human trafficking to 101 consular officers and an unknown number of regional law enforcement officials. A government-funded NGO developed and delivered a training program for 87 participants in the law enforcement, social work, health, education, justice, and employment sectors. The government also provided a webinar to 81 labor inspectors on labor trafficking in 2020, as well as a training on trafficking indicators to 16 law enforcement officials.

## PROTECTION

The government decreased protection efforts. In 2020, authorities identified 13 confirmed victims and NGOs identified 13 presumed victims, a decrease for the second consecutive year and the fewest total victims since at least 2008. This number compared with 45 confirmed victims and 33 presumed victims in 2019 and 49 confirmed and 203 presumed in 2018. Of the confirmed victims, five were female sex trafficking victims, and eight were male labor trafficking victims. Five of the confirmed trafficking victims were from Romania, seven were from Pakistan, and one was unidentified. Of the presumed victims, 10 were female, and three were male; at least eight were from India;

and at least nine were exploited in labor trafficking. Experts raised concerns regarding gaps in the government's efforts to proactively identify trafficking victims—the government did not identify any Portuguese victims in 2020 and, unlike 2019, the government also did not identify any child victims. The government continued to utilize its national victim identification and referral mechanism, which was widely used and distributed to all front-line officials who had a role in victim identification and referral, including NGOs, social service workers, and health care workers. The government updated the referral mechanism in 2020 to include new organizations providing services to trafficking victims. The government's Observatory on Trafficking in Human Beings continued to distribute checklists to law enforcement, NGOs, health care professionals, labor inspectors, and social workers on identifying victims of sex trafficking and forced labor, including victims of forced begging and criminality. The government continued to provide a victim identification handbook to labor inspectors. Upon encountering a potential victim, law enforcement personnel conducted an initial standardized risk assessment and systematically referred individuals deemed vulnerable or at risk to one of five regional multidisciplinary NGO teams to receive specialized shelter and assistance. The multidisciplinary teams included psychologists and social workers. Front-line responders, including police and NGOs, could identify and refer presumed victims to services, but only law enforcement officials could formally "confirm" an individual as a trafficking victim. Police, judges, and prosecutors determined whether to confirm a victim by analyzing evidence and the presence of trafficking indicators. GRETA reported there was no timeline for authorities to confirm official victim status; the process depended on the duration of the related prosecution.

In 2020, the government maintained 2019 funding amounts for trafficking shelters, victim repatriation, and the multidisciplinary regional teams at €1.5 million (\$1.84 million), with €1.5 million (\$1.84 million) earmarked each year through 2022. Adult victims and their minor children had the right to shelter; health care; psycho-social, legal, and translation and interpretation services; a reintegration program; and education and employment training. The government referred 23 total victims (17 male and six female) to shelter services in 2020, a decrease compared with 57 in 2019. The government also enrolled four trafficking victims in its reintegration program, which included accommodation in an independent apartment. However, aside from shelter and reintegration, the government did not report how many victims utilized other available services provided by the shelters during the reporting period. The government had a total of five government-funded NGO-operated shelters exclusively for trafficking victims—two for adult female victims and their minor children, two for adult male victims, and one for children. In response to the pandemic, the government implemented additional protective measures for human trafficking victims in shelters, including social distancing and quarantine rooms, which may have reduced overall capacity. Adult victims could leave the shelters at will unless authorities determined victims' safety was at risk. Child victims received care under Portugal's child protection system or through its shelter for child trafficking victims, which could accommodate up to seven children.

Courts permitted some victims of crime to testify by deposition or video conference, but the government did not report whether this protection was extended to any trafficking victims during the reporting period. The government had a comprehensive witness protection program that could be utilized by trafficking victims, but it did not report whether any were afforded this protection during the reporting period. The government offered victims a reflection period of 30 to 60 days, during which they could recover before deciding whether to cooperate with law enforcement. The law also provided for a one-year residence permit for victims based on cooperation with law enforcement or a personal situation regarding their security, health, family situation, or vulnerability; authorities could renew this permit indefinitely. In response to the pandemic, the government issued an order to grant foreign national victims with pending applications permanent residency. Of the 25 permits requested by trafficking victims in 2020, 20 temporary residence permits were

issued to victims from Guinea, India, Nepal, Pakistan, and Senegal; an increase compared with 16 residence permits issued in 2019. Courts awarded restitution to at least five victims from four cases in 2020, an increase compared with none reported in 2019. Portuguese law allowed victims to file civil suits against their traffickers, but the government did not report awarding damages to any victims during the reporting period. Victims could seek compensation from the government if the convicted trafficker was unable to pay the awarded damages, but the government did not report providing any compensation to trafficking victims during the reporting period and GRETA noted this rarely occurred. NGOs reported many victims were unwilling to come forward and cooperate with authorities for fear of prosecution. GRETA reported the lack of a specific provision in Portuguese law protecting victims from prosecution for unlawful acts traffickers compelled them to commit could leave victims vulnerable to individual prosecutors' decisions to bring charges.

## PREVENTION

The government maintained prevention efforts. The government's multi-stakeholder anti-trafficking network, led by the national rapporteur on trafficking, included representatives from various central and local government agencies and three NGOs, met an unknown number of times in 2020. The government had a national anti-trafficking action plan for 2018-2021, which the National Rapporteur, under the auspices of the Commission for Citizenship and Gender Equality, monitored and coordinated. In 2020, the government launched a national anti-trafficking public awareness campaign that targeted potential trafficking victims and front-line officials and aimed to increase cooperation with NGOs, international organizations, universities, and health centers. The campaign included web conferences with high-level participation, events in all five regions by the multidisciplinary NGO teams, and the dissemination of 296 victim identification cards to law enforcement agencies, social workers, and health professionals. The National Commission for the Promotion of the Rights and the Protection of Children and Young People published materials highlighting the risks of trafficking on its website, which targeted children, parents, and civil society. The government also created a second website, available in several languages, that targeted migrants and aimed to disseminate information to trafficking victims during the pandemic. A government-funded NGO trained 250 victim support officers, health professionals, and social workers on trafficking prevention, available services to victims, and how to raise awareness of human trafficking.

Temporary employment agencies required a license to operate and were prohibited from charging a recruitment or placement fee to workers. Though illegal, the immigration and border service asserted that this practice still frequently occurred; recruitment companies would charge foreign workers for the issuance of employment contracts, social security registration, transportation, lodging, gas, water, and electricity, deducting funds directly from their salaries, which could increase vulnerability to debt bondage. Portuguese law criminalized passport withholding and contract switching; however, fraudulent labor recruitment remained a concern during the reporting period. GRETA noted a need to strengthen monitoring and regulation of temporary employment and recruitment agencies, especially those employing and recruiting domestic workers. Though the government made efforts to raise awareness among labor recruiters and brokers during the reporting period, including through the continued offering of workshops on corporate social responsibility pertaining to the prevention of human trafficking, the government did not report any efforts to investigate or prosecute labor recruitment agencies for fraudulent recruitment or labor trafficking. While labor inspectors could refer suspected labor trafficking cases to the police, the government did not have a dedicated budget or staff to detect labor trafficking cases. The government did not report the number of labor inspections conducted in 2020, nor if any labor trafficking victims were identified as a result. Labor inspectors frequently conducted joint inspections with the immigration and border service when foreign workers were present, which may have

intimidated undocumented potential victims and posed a barrier to the identification of victims. The government, in partnership with international organizations, provided international anti-trafficking training to Tunisia and Morocco, as well as to Angola, where the government provided training to 50 police officers and magistrates. The government also signed a bilateral cooperation agreement in December 2020 with the Government of Cabo Verde's Observatory for Monitoring and Identification of Trafficking Victims, though no concrete results were reported. The government did not make efforts to reduce the demand for commercial sex acts. Each of the five multidisciplinary government-funded NGO teams operated a hotline available 24 hours a day and in several languages, additionally there was a shelter and protection center phone line also operated by a government-funded NGO and a government hotline for children in danger; however, the government did not report how many calls these received and how many, if any, trafficking victims it identified through any of the hotlines in 2020.

## TRAFFICKING PROFILE

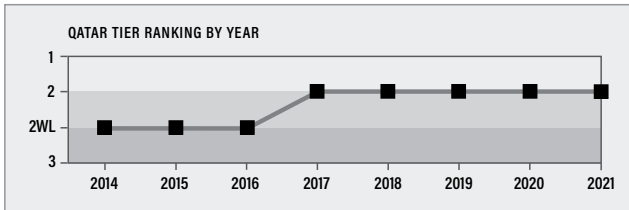
As reported over the past five years, human traffickers exploit domestic and foreign victims in Portugal, and traffickers exploit victims from Portugal abroad. The majority of trafficking victims are from India, Moldova, Pakistan, and Romania, but victims also originate from West Africa, Eastern Europe, Asia, and Latin America, specifically Brazil. Labor traffickers exploit foreign victims in agriculture, construction, and domestic service; seasonal migrant workers are especially vulnerable. Traffickers transport victims to farms located in the interior of the Alentejo region or western Portugal, where they are comparatively isolated. Cubans working in Portugal may have been forced to work by the Cuban government before the Government of Portugal ended the use of Cuban medical professionals in December 2019. A few doctors reportedly remained in the country until their contracts ended in 2020. Traffickers often use fraudulent recruitment methods to exploit Portuguese victims in restaurants, agriculture, and domestic service, primarily in Portugal and Spain. Sex traffickers exploit foreign women and children, mostly from Africa and Eastern Europe, and Portuguese women and children within the country. Sex traffickers have exploited Portuguese citizens in other countries, mostly in Europe. Traffickers exploit children from Eastern Europe, including Romani children for forced begging and forced criminal activity in Portugal. Authorities report traffickers facilitate the transfer of asylum-seeking women and children, many from West Africa, to Portugal; traffickers obtain false documents before moving them to other European countries for sex trafficking. Sub-Saharan trafficking networks increasingly use Portugal as a route into the Schengen area to exploit children for both sex trafficking and forced labor. Traffickers sometimes exploit soccer players in labor trafficking; these victims, including some children, are often from Brazil.

## QATAR: TIER 2

The Government of Qatar 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Qatar remained on Tier 2. These efforts included reporting its first forced labor conviction under the anti-trafficking law and identifying more victims and referring them to care at the new trafficking shelter. The government announced and implemented reforms to its sponsorship system, including the removal of the No Objection Certificate (NOC) to allow all workers to transfer jobs at any time during their contract period. It also began to allow its Qatar Visa Centers (QVCs) in critical labor-source countries to process domestic worker visa applications to minimize contract switching for foreign workers vulnerable to trafficking. However, the government did not meet the minimum standards in several key areas. The government



did not routinely investigate crimes such as employer passport retention, withholding of wages, labor violations, and complaints of abuse as potential trafficking crimes. Although the government had formal victim identification and referral procedures, not all officials systemically used them, which may have left trafficking victims unidentified and unable to receive protection services. Authorities also reportedly arrested, detained, and deported potential trafficking victims for immigration violations, prostitution, or fleeing their employers or sponsors, including in cases where victims have been compelled to do so.



### PRIORITIZED RECOMMENDATIONS:

Increase the number of trafficking investigations, especially by investigating passport retention, withholding of wages, labor violations, and complaints of abuse as potential trafficking crimes.

- Expand training for law enforcement to better identify potential trafficking cases.
- Increase efforts to prosecute trafficking offenses, particularly forced labor crimes, and to convict and punish traffickers under the anti-trafficking law.
- Increase the capacity of the specialized trafficking units within the Public Prosecutors Office (PPO) and Ministry of Interior (MOI) and ensure the units exclusively handle cases with a trafficking nexus.
- Undertake serious efforts to prevent penalization of trafficking victims by screening for trafficking indicators among those arrested for immigration violations or prostitution, or those who flee abusive employers and face counter charges and deportation.
- Routinely apply and widely disseminate formal procedures to proactively identify and refer to care victims of all forms of trafficking, including Cuban medical professionals, and institute regular trainings for all officials on how to employ these procedures systematically.
- Continue to implement reforms to the sponsorship system by streamlining exit and transfer procedures to mitigate the burden on workers and prohibit employers from filing absconding charges or canceling residency permits in retaliation for workers utilizing these reforms.
- Develop standard operating procedures and institute trainings for officials to fully implement the 2018 domestic worker law.
- Broaden implementation of the Labor Dispute Resolution Committees (LDRCs) to expedite cases pertaining to contract or employment disputes and increase the capacity of LDRCs to refer suspected trafficking cases for criminal investigative proceedings.
- Provide adequate staff and resources to manage the 14 existing Qatar Visa Centers to reduce instances of contract substitution.
- Ensure the Wage Protection System covers all companies and individuals.

### PROSECUTION

The government increased overall anti-trafficking law enforcement efforts. The 2011 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to seven years' imprisonment and a fine of up to 250,000 Qatari riyal (QR) (\$68,680) for offenses involving adult male victims, and up to 15 years' imprisonment and a fine of up to 300,000 QR (\$82,420) for offenses involving adult female or child victims. Heads of recruiting agencies found guilty of trafficking faced up to five years' imprisonment and a fine of up to 200,000 QR (\$54,950). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Under Law number 4 of 2009, the government criminalized the confiscation of workers' passports by a sponsor, punishable by a maximum fine of 25,000 QR (\$6,870).

During the reporting period, the government investigated and prosecuted two sex trafficking cases and convicted three individuals, two for forced labor and one for violating the domestic worker law. The government reported it investigated and prosecuted one case for sex trafficking and one case for forced labor during the previous reporting period; it did not report any convictions. Despite pandemic-related court closures from March 15 to June 1, the government reported the investigation of two sex trafficking cases and subsequent referral to the PPO for criminal proceedings under the anti-trafficking law; both cases remained ongoing at the close of the reporting period. In a case stemming from the previous reporting period, the Criminal Court charged two Pakistani citizens under the anti-trafficking law for forced labor and sentenced the defendants to 10 years' imprisonment, a fine of 200,000 QR (\$54,950) each and deportation from Qatar upon completion of their sentences. One of the defendants reportedly hired two domestic workers in Pakistan and brought the workers with her to Qatar, where she forced them to work without pay and physically abused them for several years in her home; according to case details, the second defendant also lived in the home. Additionally, the court ruled that both defendants pay the victims 1 million QR (\$274,730) each in compensation. This case was Qatar's first forced labor conviction; in the previous reporting period, the government did not report any convictions for sex or labor trafficking. In August 2020, the first instance Criminal Court convicted a Qatari national, for the first time, for violating the domestic worker law and sentenced her to one year imprisonment for physically abusing three domestic workers and denying the workers freedom of movement outside of her home. The PPO filed a separate case for forced labor under the anti-trafficking law, but the case was archived after the victims accepted financial compensation in return for dropping the charges. The PPO prosecuted a variety of cases exhibiting trafficking indicators under the labor laws, residency laws, or the penal code; these cases included 13 instances of violence against domestic workers, 20 cases of passport confiscation, and 66 cases of visa fraud. The government reported it issued verdicts in three cases of violence against domestic workers under the penal code, 12 verdicts for passport confiscation under the Labor Law, and 37 verdicts for visa fraud under the Residency Law; it solely administered fines in all of these verdicts, while the remainder of cases remained pending in the prosecution stage.

The LDRCs received 2,679 labor-related complaints, from which ensued 2,214 judiciary verdicts (down from 7,561 verdicts out of 11,703 complaints the previous reporting period, a 78 percent drop in complaints), and the remainder resulted in out-of-court settlements or archived grievances due to incomplete evidence. The significant drop in labor-related complaints was likely a result of the closure of the LDRCs for most of the reporting period (between March and December 2020) due to the pandemic; they only reopened at 30 percent capacity after December. The government reported it launched a hotline so workers could continue to submit complaints during the reporting period while the LDRCs were closed; however, the government did not report how many complaints the hotline received or the outcome of these grievances, including whether any were referred for further investigation or criminal prosecution. In most workplace grievances, the government reported it issued verdicts in favor of the employees and not their employers. Prior to reaching LDRC, a worker could file a complaint with the Ministry of Administrative Development, Labor and Social Affairs (MADLSA) where the complaint had to be resolved amicably within one week or MADLSA would refer the complaint to the committee. The law mandated the LDRCs to reach resolution within three weeks for any contract or labor dispute, which aimed to help reduce the heavy financial burdens placed on laborers often left without income or housing while waiting on case closure. NGOs and media sources consistently reported that cases took significantly longer to resolve in practice and in many instances of non-payment or delayed payment of wages, the worker did not receive the wages they were owed. Additionally, the government did not report if the LDRCs had a mechanism to refer any of the complaints received that had trafficking

indicators to the MOI for further investigation; and as the committees almost exclusively handled cases of non- or delayed payment of wages, a trafficking indicator, potential victims of forced labor may not have been identified during the reporting period. The government did not report investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses.

Several government entities did not routinely categorize forced labor as human trafficking, but rather as criminal assaults and immigration or labor law violations. Prosecutors almost universally used the Qatari penal code to address trafficking crimes rather than the anti-trafficking law due to perceived swiftness and higher likelihood of successful prosecutions under charges that were easier to prove and more straightforward, which weakened deterrence of the crime. Consequently, authorities rarely punished traffickers with dissuasive penalties. Instead, authorities prosecuted victims regularly for immigration and prostitution violations, rather than identifying them as trafficking victims and referring them to care. The government lacked a clear and efficient judicial process to prosecute trafficking crimes or enforce labor law violations, and its primary solution for resolving labor violations continued to be a transfer of employer sponsorship, mandated back payment of wages, fines, and blacklisting of companies. One prosecutor within the PPO specialized in trafficking crimes, and the government continued to build up its dedicated trafficking police and prosecution units; however, because the units received all cases related to violations of residency and labor law, their capacity to focus solely on trafficking cases remained low.

As in previous years, the National Human Rights Committee alongside other government entities financed and conducted specialized, extensive trainings on trafficking issues. The Police Training Institute of the Ministry of Interior (MOI) held an unknown number of courses and workshops for officers and staff, including departments of passports, border crossings, search and follow-up, human rights, and criminal investigations, which investigate and deal with trafficking cases. The government coordinated with an international organization and NGOs to improve training programs for government workers in disciplines with a trafficking nexus, such as labor inspection. The Institute for Public Administration delivered a comprehensive three-day training on trafficking, specifically on identifying potential cases of forced labor, to all inspectors; the institute subsequently adapted the training for the Labor Relations Department and the staff of the MADLSA complaints hotline. During the reporting period, the NCCHT organized and coordinated two training sessions and workshops on trafficking issues with a foreign embassy in Doha on investigative techniques and best practices for interviewing potential trafficking victims, attended by an unknown number of staff.

## PROTECTION

The government maintained mixed protection efforts. It identified and referred more victims to its trafficking-specific shelter and provided alternative accommodation to victims despite pandemic-related shelter closures, but officials did not consistently use standard procedures to identify victims and refer them to care, increasing the possibility that authorities wrongfully penalized some unidentified trafficking victims. The government continued to use its trafficking-specific shelter designated for both male and female victims, which consisted of six refurbished villas for a maximum capacity of 200 residents, managed by the Qatari Red Crescent Society through an agreement with the government. The shelter was equipped with a health center, computer lab, dining facility, and laundry room, and had a budget of nearly \$823,000 per annum. Victims could receive counseling and leave freely; officials assisted them with repatriation, if desired.

During the reporting period, the government identified and referred 35 trafficking victims for housing and protective services, compared to 10 victims identified and referred to care in the last reporting period. The government did not provide disaggregated data on victim nationality or type of trafficking for the current reporting

period. The government reported the trafficking shelter was closed from March to September 2020 due to an outbreak of COVID-19 infections among the shelter's residents and the government's desire to use the shelter as temporary living quarters for COVID-19 patients. The government reported that while the shelter was shut down, officials temporarily referred victims to foreign embassies, while others who were infected received free medical services regardless of legal status. The government-funded Aman Protection and Social Rehabilitation Center continued to provide basic medical care, social services, psychological treatment, housing, repatriation assistance, and reintegration for female and child victims of domestic abuse, including female workers who fled their sponsors. During the reporting period, the center provided shelter to a total of 71 victims of domestic violence, which included 42 Qataris and 29 foreign nationals. The Aman Center (Aman) could host victims of trafficking in coordination with the National Committee to Combat Human Trafficking (NCCHT) but did not report if it identified any of the 71 vulnerable women and children as trafficking victims during the reporting period. Aman provided repatriation assistance to those who wished to return to their home countries. Aman had a budget of approximately \$3.8 million annually. Residents had the right to leave of their own volition without supervision, although chaperones were on call in the event security was needed; residents also could access the shelter even if their employers filed charges against them. Several foreign diplomatic missions ran all-purpose shelters for their female nationals, including Indonesia, Kenya and Philippines, which an unknown number of trafficking victims used.

The government had formal victim identification procedures and a referral mechanism, but not all officials systematically followed these procedures. The government previously revised its victim referral mechanism to coordinate victim identification and referral efforts between the government and NGOs; the referral system included the provision of shelter, health care, and legal assistance to trafficking victims. The Ministry of Labor worked with the embassies of labor-source countries to determine which cases it should refer to the trafficking shelter. Some officials reportedly used an existing manual to identify potential trafficking victims, but law enforcement personnel and other government entities did not report proactively screening for any trafficking indicators among vulnerable populations, including domestic workers, who the labor laws typically isolated and excluded from some protections. However, during the reporting period, the NCCHT worked with an international organization to produce a booklet for use by officials who may come into contact with potential trafficking victims; the booklet highlighted key trafficking legislation and information on how to recognize the crime and identify victims, as well as their rights. Generally, some government agencies did not categorize the abuse of domestic workers as forced labor or human trafficking cases due to a lack of evidence or witnesses and therefore sometimes failed to identify victims; however, some domestic workers voluntarily left the country in lieu of filing complaints or pursuing charges against their traffickers.

Systemic hurdles continued to limit victim protection and access to justice, especially for domestic workers, who remained highly vulnerable to forced labor. The March 2018 Domestic Worker Law stipulated that domestic workers were required to have government-verified contracts; to receive adequate employer-provided food, accommodation, medical benefits, one day off per week, limited 10-hour workdays, sick leave, return flight tickets once each year, three weeks paid vacation per year, and full end-of-service payments; to be guaranteed access to the dispute resolution committees to resolve workplace grievances; and to be given allowances to leave their employers in cases of exploitation or violation of contract terms. However, lack of clarity in the law, inadequate mechanisms to enforce the provisions, and obstacles in reporting violations continued to leave this population at risk for forced labor and without care or justice. NGOs reported concerns that the 2018 law left several provisions vague, including mechanisms to ensure employers actually paid workers or provided entitled annual leave; additionally, details on the allotted weekly day off and food and accommodation standards

were limited. The law did not refer to paid overtime and allowed for a workday that exceeded the 10-hour limit if there was an agreement between the employer and employee. According to the law, employers who breached their obligations on key provisions related to working hours, living conditions, weekly rest day, annual leave, and end of service benefits should receive a fine, which could be doubled if the employer failed to pay the worker on time; the government convicted one Qatari employer for violating the domestic labor law by physically abusing three domestic workers during the reporting year but did not report if it fined other employers for violating other provisions of the law. The government reported MADLSA inspectors could not conduct inspections in private residences without written permission from the PPO, limiting its ability to enforce protections outlined in the law and identify key trafficking indicators or potential trafficking victims from inspections. Although domestic workers have been able to file grievances with the LDRCs since 2018, workers rarely filed complaints due to prolonged court proceedings, the uncertainty the employee would receive the wages they were owed even if the dispute ended in the employee's favor, fear of retaliation from employers, and the limited scope in types of complaints the committees handle.

Because officials did not widely use formal identification and screening procedures, some unidentified trafficking victims may have been detained and deported for contravening Qatari labor and immigration laws, even for unlawful acts traffickers compelled them to commit. The legal system lacked adequate privacy laws to protect victims against potential retribution and often did not provide adequate assistance or protection for victims during legal proceedings. Victims who lodged complaints were sometimes the subject of spurious countercharges by their employers that resulted in administrative deportation proceedings. Officials reported it did not consider "absconding" charges until after the resolution of existing labor disputes or criminal proceedings, including trafficking crimes, although labor attachés and worker advocates noted that in practice it was often difficult for workers to overcome the burden of such charges. Police often detained workers without legal status for immigration violations and fleeing their employers or sponsors, including potential trafficking victims. Police sometimes detained workers for their sponsors' failure to register them or renew their residency documents as required by Qatari law. Authorities sometimes charged potential sex trafficking victims with *zina* (sex outside of wedlock) and subsequently deported them. The government generally encouraged victims to testify against their traffickers by providing free legal counseling, ensuring their safety, and allowing them to pursue financial compensation. However, authorities did not offer such protections in all cases, and many workers still opted to return home rather than remain in the country to assist prosecutors in convicting traffickers. Through the MOI, victims could change employers in cases of violated contractual terms, such as employers not paying the victim or forcing them to work excessive hours. The government did not report how many victims received legal support or were granted transfer-of-employer approval during the reporting year. During the reporting period, the MOI reported having transferred 2,902 workers who suffered some form of abuse or violation of their contracts in 2020, down from 6,531 workers in the previous reporting period; however, the government did not report if any of these workers were trafficking victims. Interior officials had the authority to extend the residency of a domestic worker pending the resolution of a case but did not report if it provided any workers this service during the reporting period. The law stated the complaining party could reside in Qatar pending resolution of legal proceedings. The government reported it did not deport those who faced retaliation or retribution in their country of origin.

## PREVENTION

The government increased efforts to prevent trafficking. The NCCHT reportedly met monthly to implement its National Action Plan to combat trafficking, which spanned from 2019-2022 and prioritized prevention, protection, prosecution, and regional and international

cooperation. During the previous reporting period, the Supreme Judiciary Council began drafting its own strategic action plan with specific goals related to trafficking, increasing judicial awareness, and enhancing practices to identify and address forced labor cases; however, the council did not report whether its own action plan was completed or if it had begun to be implemented during the year. During the reporting period, the government coordinated with an NGO and an international organization to launch a campaign specifically designed for domestic workers and their employers to raise awareness on precautions related to the pandemic, best practices and guidance on how to contact the COVID-19 hotline and the MADLSA hotline for labor complaints through text messages in English, Arabic, Urdu, Nepali, Bengali, Tamil, Sinhala, Malayalam, Telugu, Hindi, Swahili, Bahasa, and Tagalog. The messages also reminded workers of their rights and employers of their legal obligations under the domestic workers law. The government and its partners sent a total of 1.85 million text messages to domestic workers in Qatar and 92,620 text messages to employers of domestic workers. The campaign included an awareness raising video that officials disseminated in conjunction with International Domestic Workers Day in June 2020. Additionally, the government launched a series of public service announcements on traditional and social media on how to identify forced labor indicators, such as passport confiscation. In coordination with an international organization, labor inspectors disseminated a flyer on passport confiscation and promoted it through social media in conjunction with World Day Against Trafficking in Persons. The QVCs, established to help regulate the recruitment process in eight critical labor-source countries, organized two awareness campaigns during the reporting period on worker rights in Qatar. The government maintained its publication and distribution of manuals for expatriates in Arabic, English, and several labor-source country languages on proactive victim identification, domestic worker rights, and ways to combat trafficking in Qatar. It continued to publish and disseminate "worker rights" pamphlets in English, Arabic, Hindi, Bengali, Nepali, and Tagalog that contained relevant articles from the labor and sponsorship laws. In March 2020, the Government Communications Office and MADLSA launched a messaging service on an internet communications platform to clarify Qatar's labor law and regulations for employers and employees. Officials maintained multiple hotlines for use by vulnerable migrant workers, including trafficking victims; as in the previous year, the government did not report how many calls the lines received.

The government continued to implement its January 2020 decision to extend the abolishment of the exit permit requirement to additionally allow workers not protected under the labor law, including domestic workers, workers of ministries and other government entities, public institutions, sea and agriculture workers, and workers employed in casual work, to depart Qatar without employer approval at any time during the course of an employment contract. Employers in the private sector still had the right to designate as critical no more than five percent of their workforce, who required employer approval prior to exiting the country; however, domestic workers could not be deemed critical. As of August 2020, MADLSA had approved 42,171 requests for exit permit exemptions. NGOs continued to express concern with a condition of the decision that required domestic workers to inform their employer in person 72 hours prior to their departure, as this requirement could give time to an abusive employer to use retaliatory measures against workers, such as filing absconding charges to stop the worker from leaving Qatar. Other NGOs reported that some immigration officials still required employers to complete paperwork before allowing workers to leave the country, suggesting that awareness of the decision was low across government agencies.

In August 2020, through the amendment of the labor law by Law No. 18 of 2020 and the amendment of the Sponsorship Law by Law No. 19 of 2020, the government announced the abolishment of the NOC, which allowed all workers, including domestic workers, to change jobs without the permission of their employers after fulfilling certain conditions – including completing a probationary



period and serving notice. Workers could electronically notify their employers of their desire to quit, giving them the notice period mandated by the law before moving to a new job. The worker could initiate the transfer through MADLSA's digital system, which notified the employer of the transfer and through which the worker could submit the required documents to begin the process. The worker would receive notification that the transfer was complete via text message from MADLSA, and the new employer then would initiate a digital employment contract for the new job for the worker to sign. Upon authentication of the digital contract, the worker could begin working for the new employer. Since August 2020, MADLSA reported more than 100,000 workers had initiated an employment transfer. The government included a provision in these amendments to ensure all workers could change jobs without the notice period if the employer did not fulfill their legal obligations to the worker, such as endangering the worker's health, assaulting the worker, or misrepresenting contract terms. However, media sources and NGOs reported several obstacles during implementation of the reform; such as instances of employers retaliating against an employee who initiated a transfer by canceling their visa or filing an absconding charge prior to the transfer being completed – rendering the worker illegal and at increased risk of trafficking, detention, or deportation. Moreover, some workers did not seek transfers for fear of threats and retaliation from their employer; NGOs reported officials of labor-source country embassies advised workers, especially domestic workers, to continue in their current employment if they were paid on time and there was no threat to life. Overall, NGOs reported that although the removal of the exit permit and the abolishment of the NOC were improvements, the sponsorship system would continue to persist as long as both the employee's work and residence visas were tied to an employer and employers could continue to file absconding charges against a worker as a retaliatory measure.

The government continued to employ its Wage Protection System (WPS), which required employers to pay workers electronically on a timely basis in accordance with the labor law and automatically flagged instances of wage abuse. The government reported 97 percent of laborers in Qatar were registered in the WPS at the close of the reporting period; however, it reported 83 percent of laborers actually received payments via the system, while more than 65,000 companies were registered for wage disbursements through this mechanism during the reporting year. The WPS continued to exclude workers not covered by the Labor Law, including domestic workers, sea and agricultural workers, government employees, casual workers, and workers in the petroleum sector. However, in April 2020, MADLSA and the Qatar Central Bank adopted measures to promote and facilitate domestic workers' access to bank accounts, thereby enhancing their wage protection and lessening their risk to exploitation and potential instances of forced labor; an international organization also reported that a proposal to extend coverage of the WPS to domestic workers was under deliberation at the close of the reporting period. MADLSA's Wage Protection System Unit worked to detect non-compliance in the WPS and subsequently penalize companies and employers; however, MADLSA's enforcement efforts depended on the PPO and lacked the formal authority to issue fines or other stringent penalties. Accordingly, during the reporting year, MADLSA blacklisted 6,743 companies for non-compliance with the WPS, which barred the companies from placing public bids, applying for bank loans, seeking new projects, or recruiting new employees and transferring employees. MADLSA could refer companies to the PPO for criminal proceedings, and in severe cases of non-compliance, the PPO could penalize a company through fines. However, referrals to the PPO were rare – as wage abuse cases could be very lengthy in court. The government did not report if it referred any of the blacklisted companies to the PPO for criminal prosecution, or if it classified any as potential trafficking cases. In August 2020, the government announced a non-discriminatory minimum wage through Law No. 17 of 2020, which came into force in March 2021, applying to all workers in all sectors, including domestic workers; MADLSA reported the new law would positively affect 300,000 workers. In

addition to the basic minimum wage, the law required employers to ensure that workers have decent accommodations and food, and the law stipulated allowances employers must provide for those provisions. Although this law could likely improve living conditions of workers, and thereby lessen their vulnerability to exploitation and abuse, experts have claimed the strength of the WPS's monitoring system would determine the success of the minimum wage, and that penalties would need to become more stringent and applied more swiftly to ensure compliance.

During the reporting year, MADLSA reported conducting 27,996 worksite and 7,963 accommodations visits, which resulted in 4,026 violation reports and referrals to the PPO, up from 2,553 reported violations during the previous reporting period. The government blacklisted 136 recruitment agencies and temporarily closed 263 worksites for violation of summer work hours; however, analogous to previous years neither MADLSA nor the PPO investigated any of these cases as potential trafficking crimes. As in previous years, the government was unable to provide data on the following: the number of domestic worker complaints, non-payment of wages filings, and other migrant worker-reported grievances related to the inspections. The government continued to work with ILO's Doha office to strengthen anti-trafficking operating capacity and generate sustainable labor reform efforts throughout Qatar. The government maintained 50 bilateral agreements and five memoranda of understanding with labor-source countries that addressed recruitment issues and worker rights, and it worked with individual countries to certify vetted labor recruitment offices to reduce fraud or excessive debts that could facilitate labor trafficking.

In the previous reporting period, the government opened 14 QVCs in eight critical labor source countries (providing 80 percent of the total workforce in Qatar), to include Bangladesh, India, Pakistan, and Sri Lanka. The centers were responsible for finalizing all procedural elements pertaining to labor recruitment, including fingerprinting, medical examinations, verifying educational certificates, signing contracts in local languages, issuing Qatari residency permits prior to source country departure, opening bank accounts for workers, and attempting to ensure employers pay all fees. The QVCs aimed to reduce instances of contract-switching, in which recruiters lured workers under one contract in home countries and subsequently forced them to sign new ones with lower wages once in Qatar by ensuring one unified contract was concurrently filed abroad and in Qatar. In January 2021, the QVC in Dhaka, Bangladesh began to process work visas for domestic workers; in addition, the MOI announced it planned to include issuance of domestic worker visas at other QVC locations. Previously, the QVCs did not accommodate domestic worker applications. 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 foreign victims in Qatar. Men and women from Bangladesh, Cameroon, India, Indonesia, Kenya, Nepal, Nigeria, Pakistan, Philippines, Sri Lanka, Sudan, Uganda, and other countries voluntarily migrate to Qatar as unskilled laborers and domestic workers, often paying illegal and exorbitant fees to unscrupulous recruiters in their home countries, thereby increasing their vulnerability to debt bondage. Many migrant workers subsequently face conditions indicative of labor trafficking, to include restricted movement, delayed salaries or payment withholding, denial of employment-associated benefits, passport confiscation, and threats of deportation; in a small number of cases, migrant workers face physical, mental, and sexual abuse as well as threats of serious physical or financial harm. Anecdotally, sex traffickers force some women who migrate for legitimate employment offers to engage in commercial sex. As of February 2021, the government reported that there were no DPRK workers remaining in Qatar. Cuban nationals working in Qatar may have been forced to work by the Cuban government.

Qatar's unskilled migrant workers are the largest group at risk of trafficking; those employed as domestic workers remain the most vulnerable. Unscrupulous recruiters in source countries and employers in Qatar exploit economic migration to prey on prospective workers. Predatory recruitment agencies in labor-sending countries extract inflated fees from aspiring migrant workers or lure them to Qatar with fraudulent employment contracts, rendering workers vulnerable to forced labor once in the country. Among foreign workers, female domestic workers are particularly vulnerable to trafficking, as Qatar's culture of privacy can lead to isolation in private residences because officials lack authority to enter them. Since January 2020, domestic workers have the right to leave the country without permission from their employers; and since August 2020, domestic workers have the right to change employers at any time under certain conditions without permission from their employers. Despite this, awareness and enforcement of the law providing these rights remain limited. Additionally, individuals in Qatar sell "free" visas to migrants and occasionally demand regular payments, enabling migrant workers to work illegally and without legal recourse against their respective sponsors. Many businesses reportedly fail to pay their expatriate employees in a timely manner or at all, forcing workers to choose between leaving the country with heavy debts or staying in Qatar with the hope of eventually being paid.

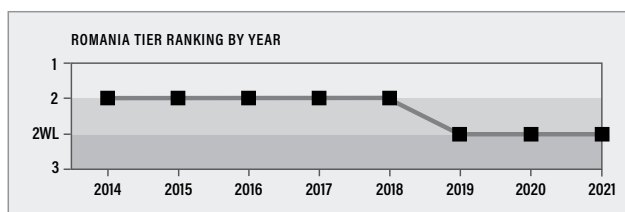
The pandemic increased the vulnerability of low-income workers in Qatar. The government adopted measures in March 2020 to ease the negative financial effects of the pandemic on businesses, which allowed employers to reduce salaries, alter contract terms, and change workers' employment status from active to indefinite paid leave. Additionally, workers of cleaning companies stopped receiving wages for months due to pandemic-related restrictions. Terminated workers were unable to return to their home countries due to lack of flights, and many were forced to stay in Qatar for months without pay. The government reported it did not deport residents who were unable to work, but it did not provide amnesty to those who lost their migration status due to job loss. Although the government implored companies to continue paying workers during the pandemic, it did not require companies to do so, and job loss and non-payment of wages forced many workers to seek informal employment, increasing their vulnerability to exploitation and trafficking. The government reported it provided healthcare services cost-free for all workers in Qatar, regardless of nationality.

Qatar's employment-based sponsorship system, which continues to undergo significant reform, continues to place control disproportionately in the hands of employers, who have unilateral power to cancel residence permits; up until the current reporting period, employers were also able to prevent workers from changing employers and deny permission for them to leave the country. Debt-laden migrants who face abuse or are misled often avoid reporting their exploitation due to fear of reprisal or deportation, the protracted recourse process, or lack of knowledge of their legal rights, thereby exacerbating or prolonging their forced labor situation. Many migrant workers often live in confined, unsanitary conditions, and many complain of excessive working hours and hazardous working conditions. Reports allege the vast majority of expatriate workers' passports were in their employers' possession, despite laws against passport confiscation.

## ROMANIA: TIER 2 WATCH LIST

The Government of Romania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating more trafficking cases; convicting more traffickers; and establishing a dedicated unit for prosecuting trafficking crimes composed of seven prosecutors. Additionally, the government issued regulations for minimum

standards for licensed service providers assisting child trafficking victims and signed cooperative agreements with the Bucharest municipal government and the Romanian Orthodox Church, laying the foundation for a joint project establishing a future shelter for repatriated victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Alleged complicity in trafficking crimes persisted, particularly with officials exploiting children while in the care of government-run homes or placement centers. Authorities identified fewer trafficking victims and did not adequately screen for trafficking indicators or identify victims among vulnerable populations, such as asylum-seekers, individuals in commercial sex, or children in government-run institutions. Moreover, the government did not provide sufficient funding for assistance and protection services, leaving most victims without services, susceptible to re-traumatization, and at risk of re-trafficking. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Romania was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Romania remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Proactively identify potential victims, especially among vulnerable populations, such as asylum-seekers, individuals in commercial sex, and children in government-run institutions, through enhanced training for police officers and labor inspectors on recognizing indicators of exploitation. • Vigorously investigate and prosecute trafficking cases under the trafficking statute and punish convicted traffickers, including complicit officials, with significant prison sentences. • Significantly increase the quality and availability of specialized victim services for adults and children, including by training local child protection officers who work with victims and ensuring they have the necessary resources, such as funding. • Amend legislation to allow for financial support to NGOs for victim services and develop and institute a formal mechanism for administering the funds. • Expand efforts to train officials involved in judicial proceedings, particularly judges, on working with trafficking cases and victims, sensitivity to trafficking issues, and understanding all forms of trafficking. • Increase the number of police officers investigating trafficking crimes and financial investigators specializing in trafficking cases. • Increase efforts to enforce child labor laws, especially in rural areas and where social welfare services lacked personnel and capacity to address violations. • Develop an integrated system of public records and government databases for prosecutors to identify and seize traffickers' assets. • Significantly increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion and integrate that understanding of psychological coercion and the related trauma and impacts on victims into government-wide responses. • Permit authorities to sanction recruiting agencies for practices contributing to trafficking, such as charging workers with recruitment fees. • Increase the quality of psychological counseling and improve access to medical assistance for victims. • Provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions. • Revise the restitution mechanism to include minimizing court fees and increasing efforts to ensure victims receive reparation.

## PROSECUTION

The government increased law enforcement efforts. Articles 210 and 211 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment for offenses involving an adult victim and five to 10 years' imprisonment for those involving a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. On November 2, 2020, the government passed amendments to the penal code that increased the penalties prescribed for trafficking offenses involving child victims, which were previously the same as those involving adult victims. However, the amendment also inadvertently shortened the statute of limitations for all trafficking crimes involving children committed prior to the adoption of the amendment. In an effort to correct the error, Parliament adopted a new law on November 29, 2020, which returned the statute of limitations to its original form for any cases arising after that date. However, all cases occurring prior to November 29, 2020, would remain subject to the shortened statute of limitations, thereby negatively affecting the government's ability to prosecute these crimes.

The Organized Crime and Terrorism Investigation Directorate (DIICOT) and the Department for Combating Organized Crime (DCCO) were responsible for investigating and prosecuting trafficking cases. DIICOT and DCCO reported pandemic-related restrictions and infections among police and prosecutors constrained their ability to open new investigations and process ongoing cases. In 2020, authorities opened 552 new trafficking cases (498 sex trafficking and 54 labor trafficking), compared with 532 in 2019 and 695 in 2018. In contrast to previous years, the government reported the number of prosecutions exclusively related to trafficking rather than a combined number of trafficking cases and cases related to other crimes, such as pandering. This methodological change in reporting made it difficult to compare prosecution statistics from previous years. Prosecutors indicted 234 alleged traffickers (220 sex trafficking and 14 labor trafficking), a decrease from 347 in 2019 and 399 in 2018, and froze approximately 7.96 million Romanian lei (RON) (\$2.01 million) in assets in 2020. Courts convicted 142 traffickers, an increase from 120 in 2019 and 130 in 2018. The majority of convicted traffickers received sentences ranging from one to 12 years' imprisonment; 29 convicted traffickers received suspended sentences. The use of plea bargains by prosecutors allowed for traffickers to receive reduced sentences, as well as guilty pleas, which reduced traffickers' sentences by one-third and led to many lenient or suspended sentences. During the reporting period, pandemic-related travel restrictions caused several joint operations to be postponed. Nevertheless, DIICOT and DCCO participated in 35 joint investigative teams with European counterparts (80 in 2019, 36 in 2018). In one case, authorities from Romania, Austria, and the United Kingdom (UK) cooperated on a sex trafficking investigation that resulted in the arrest of 22 traffickers and confiscation of 18,700 RON (\$4,720), €4,300 (\$5,280), numerous luxury items, and several weapons and ammunition. In a separate case, a joint Franco-Romanian team of judges and police cooperated to investigate a sex trafficking network involving seven women forced into commercial sex; authorities arrested 10 traffickers, many of whom were members of the same family. In another case, a joint operation between Romanian and Spanish police led to the arrest of eight traffickers and identification of 10 labor trafficking victims; the case involved family members of a Romanian organized crime group who exploited victims in the agricultural sector in Spain. Unrelated, Romanian, Moldovan, and French authorities pursued a labor trafficking case resulting in the arrest of 38 traffickers (three in Romania); seizure of 19 vehicles, weapons, phones, and approximately €100,000 (\$122,700); and freezing 11 bank accounts. The investigation began in 2018 when French authorities intercepted a van transporting Moldovan migrants carrying counterfeit Romanian documents. The transnational trafficking organization, set up by a Romanian national living in France, smuggled at least 40 Moldovan citizens to France to exploit them in the construction sector. The illegal profits from the trafficking scheme totaled nearly €14 million (\$17.18 million).

Persistent, low-level official complicity in trafficking crimes remained a significant concern, undermining law enforcement action during the year. In some cases involving complicit officials, DIICOT investigated without the support of other police forces out of concern that those police were either involved in the case or would not investigate the allegations. In 2020, DIICOT investigated a member of the gendarmerie for sex trafficking and placed the individual under judicial supervision during the investigation. Additionally, DIICOT reported prosecutors indicted a police officer for trafficking and courts convicted an employee of a government-run residential center for child trafficking. Several NGOs expressed suspicion that staff working in government placement centers for children and residential centers for persons with disabilities facilitated trafficking. A 2020 report by a Special Parliamentary Committee to Investigate Missing Children and Human Trafficking identified complicity at the local level among children housed in institutions, inadequate disciplinary measures for child welfare officials who abused children in their care, lack of expertise among police to proactively identify trafficking victims, and a staffing crisis within the police. During the reporting period, the National Authority for the Rights of Persons with Disabilities, Children and Adoption (ANDPDCA) and the police signed an agreement to develop and implement a referral mechanism for trafficking cases among children housed in institutions. Additionally, to address the significant number of child sexual abuse cases, including potential sexual exploitation cases, in 2019 the police established a 15-officer unit dedicated to investigating such crimes as a three-year pilot project. As a result of the project's successful conviction rate and the number of backlogged cases referred by other police units around the country, authorities extended the project's term, which was initially scheduled to conclude in early 2021, and doubled the number of officers from 15 to 30 assigned to it.

Deficiencies within law enforcement and knowledge gaps impeded efforts to address trafficking. Authorities often charged suspected traffickers for crimes other than trafficking, such as pandering and pimping. DCCO and DIICOT continued to operate with limited staff and resources. As a result, overextended officers and prosecutors handled multiple cases simultaneously and struggled to build strong cases for prosecutions. To address this deficiency, in 2020, DIICOT established a dedicated unit for prosecuting trafficking crimes and assigned seven prosecutors to the unit that began operations in April 2021. Furthermore, authorities reported a lack of investigative tools and software that would allow them to perform faster and more effective online investigations. According to DIICOT, the lack of an integrated system of public records and government databases made it difficult for prosecutors to identify and seize traffickers' assets. Likewise, NGOs noted that a limited number of dedicated financial investigators—eight covering the entire country—restricted financial investigations and asset seizures, inhibiting evidence collection in trafficking cases to corroborate witness testimony. In response, the government submitted a request to the Ministry of Interior to hire 42 financial investigators nationwide; the request remained pending at the end of the reporting period. NGOs reported that, while legal authorities developed some sensitivity to trafficking victims' situations, some police officers and judges continued to lack specialized training and sensitivity toward sex trafficking cases and trafficking issues, including a basic understanding of the crime and victim trauma. The National Anti-Trafficking Agency (ANITP), the government's lead agency for coordinating anti-trafficking efforts, organized 90 trainings for police, social workers, labor inspectors, and front-line officials on investigating trafficking cases and victim identification and assistance. ANITP and county prefects organized 37 workshops for police, members of the gendarmerie, social workers, and local government officials on best practices for preventing and combating trafficking and protecting victims. DIICOT organized several courses on interviewing victims and defendants, and police academies held routine anti-trafficking training sessions as part of their regular curricula. ANITP and the General Inspectorate of the Border Police partnered to provide training on trafficking to border police officers.



## PROTECTION

The government maintained insufficient protection efforts. Authorities used the existing national victim identification and referral mechanism to identify victims and refer them to care. While ANITP drafted a new referral mechanism in 2018 with the support of NGOs, the government did not implement it for the third straight year. In 2020, the government changed its reporting methodology under the National Mechanism for Identification and Referral of Victims to allow any entity, including diplomatic missions, NGOs, and other organizations, to identify victims. Authorities identified 596 victims (429 sex trafficking, 131 labor trafficking, and 36 victims of attempted or uncategorized trafficking), compared with 698 in 2019 and 497 in 2018. Of the 596 victims, 255 were children. Authorities identified one foreign victim (zero in 2019 and 2018), but observers estimated there were numerous cases, particularly among asylum-seekers. Experts reported authorities had not identified any victims among asylum-seekers in the past five years. An intergovernmental organization attributed the problem to a lack of experienced, qualified interpreters working with asylum-seekers. According to NGOs, authorities' limited contact with victims, movement restrictions during lockdown, and law enforcement's focus on enforcing the restriction negatively affected identification efforts. Additionally, the lack of specialized training on the psychological trauma of trafficking on victims hindered authorities' ability to correctly identify potential victimization. Observers reported authorities did not proactively identify victims among individuals in commercial sex, and continued to fine persons in commercial sex, including children, without screening for trafficking indicators. However, observers reported authorities typically dropped charges or fines once investigators and prosecutors realized a suspect was a trafficking victim. Moreover, authorities did not identify victims in key locations of concern, such as government placement centers, and identification typically occurred only after a criminal investigation started. NGOs claimed the government did not include in its statistics victims identified by foreign governments and other stakeholders; consequently the actual number of victims likely was higher than the reported number.

After identified victims consented to the referral process, they received assistance. Assistance was not conditional upon a victim's cooperation with law enforcement, but upon a person's status as an identified trafficking victim. As in previous years, fewer than half of identified victims received assistance. In 2020, approximately 35 percent (210) of identified victims received assistance from public institutions, public-private partnerships, and NGOs, a decline from 49 percent in 2019 and 48 percent in 2018. The government provided emotional support, psychological counseling, legal assistance, and career counseling to domestic and foreign victims. The law permitted foreign victims "tolerated status" for up to six months and granted asylum-seekers the right to work after three months. Authorities referred identified adult victims to ANITP and child victims to Child Protection Services (CPS). Victims received protection and assistance services in government-run facilities and in NGO-run trafficking shelters. The government maintained a limited number of government-run shelters designated for vulnerable adults, including trafficking victims. Authorities placed child victims in general child facilities or in facilities for children with disabilities run by CPS. Despite children representing 43 percent of identified victims, CPS managed only two centers focused specifically on child trafficking victims. CPS in each county received funding from local governments to maintain teams of social assistants, psychologists, lawyers, and pediatricians, who were responsible for providing services to victims. However, these teams utilized the same methodology regardless of the type of abuse identified. NGOs reported local CPS did not have adequate expertise in trafficking and resources to provide quality care. ANPDCA also reported local CPS lacked the necessary knowledge that would allow them to justify funding requests for specialized services. In an effort to provide consistent quality care to child trafficking victims, in 2020 the Ministry of Labor issued a regulation requiring minimum standards of assistance for child victims. Under the new regulation, licensed service providers offering shelter and assistance to

identified child victims must adhere to a set of specific requirements, including providing safe environments, specialized psychological counseling, and visitations with families. Notwithstanding, perennial problems of abuse and neglect of children housed in institutions, coupled with the lack of proactive identification and assistance in government facilities, left children in placement centers vulnerable to trafficking. The 2020 parliamentary report stated CPS employees who oversaw children housed in institutions did not proactively try to prevent trafficking, sometimes encouraged girls to become involved in sex trafficking, or knowingly tolerated the exploitation of child trafficking victims. NGOs noted in certain counties CPS officials acted as accomplices to traffickers.

Overall services for victims remained inadequate and left victims at risk of re-trafficking. Government funding for NGO assistance and protection services remained limited. While the government relied on NGOs to accommodate and assist victims, it did not allocate grants directly to NGOs due to legislation precluding direct funding. A 2018 bill that would provide NGOs with funding for victim services remained pending in Parliament. Despite Romanian law entitling all victims to psychological and medical care, the government did not provide more than one mental health counseling session and did not finance medical care costs. NGOs paid all psychological services costs for victims due to the government's refusal to reimburse psychologists who assisted victims. NGOs also covered victims' emergency medical care costs because the government did not provide financial assistance and medical care required payment upfront. Furthermore, access to medical care required Romanian victims to return to their home districts to obtain identity documents. The process presented logistical and financial hurdles for many trafficking victims; NGOs also covered these costs. Additionally, while the government reported facilitating the repatriation of 33 victims abroad, it did not report funding repatriation expenses. NGOs and an international organization typically absorbed the costs. The government reported allocating approximately 26.5 million RON (\$6.68 million) to local governments, but it did not report how much, if any, was for trafficking-related services. Observers noted insufficient funding of social protection services by local governments persisted.

In general, victims lacked adequate support during criminal cases. Reports of victim intimidation during and after court proceedings persisted. NGOs reported many courts did not impose sanctions on traffickers' lawyers when they harassed and mocked the victims during proceedings. Judges relied heavily on the victim's in-person testimony, preferably in front of their trafficker, further traumatizing victims. The European Court of Human Rights (ECHR) found that Romanian courts lacked national practices to protect child victims of sexual assault. The ECHR held that, because of the lack of a national practices to protect children, Romania did not meet its obligations to punish perpetrators of child sexual assault under criminal law. In an effort to address these systemic challenges, the government took some small steps forward during the reporting period. Prosecutorial offices in Constanta, Vrancea, and Valcea inaugurated three child-friendly hearing rooms with the help of two NGOs that contributed funding. ANITP's efforts to inform victims of their legal rights and provide psychological support led to increased participation of victims in criminal proceedings. In 2020, 433 victims participating in criminal proceedings accessed services available to victims assisting law enforcement (255 in 2019); these services included concealing victims' identities, providing protection at victims' residences, and transporting victims to and from legal proceedings. The government allocated 19,600 RON (\$4,940) for the legal assistance of victims provided by public legal counsel. However, the lawyers assigned often lacked experience working with trafficking victims, and courts did not always grant free legal aid to victims, particularly if they were not sex trafficking victims. Also, access to free legal aid was contingent on proof of indigence. Romanian law permitted foreign victims who cooperated with authorities to receive a renewable, six-month temporary residence permit. Additionally, in 2020, the government ceased publishing the names of all trial witnesses, including children, on its public website – a long-standing practice compromising victims'

privacy and safety. In doing so, though, the government removed all case information, creating concerns about transparency. NGOs raised concerns the removed case information, such as length of trials and court decisions, was crucial for tracking Romania's anti-trafficking efforts and requested the government restore that information. As of the end of the reporting period, the government restored a few dozen cases, which did not include the names of victims, to the database. The law entitled victims to reparation from their traffickers; however, victims generally could not afford the fees necessary to initiate civil trials or, in cases in which judges ordered restitution, to pay court officers to collect the money owed from traffickers. If victims did not obtain restitution in court, the government could reimburse for expenses related to hospitalization, material damage caused by the traffickers, and revenues victims lost while being trafficked. In the event traffickers' assets were not seized but a guilty verdict was reached, the government could pay material damages for documented expenses such as medical bills. Throughout 2020, courts ordered defendants to pay 33 victims. The National Agency for the Administration of Seized Assets (ANABI) managed and sold assets confiscated from convicted criminals, and the money obtained following the selling of the assets could be used to pay the victims and cover lawsuit-related expenses. Despite these provisions, ANABI did not compensate any victims in 2020.

## PREVENTION

The government increased prevention efforts. During the reporting period, the government adopted an action plan as part of the 2018-2022 national strategy, and dedicated financial resources to all of the proposed activities. The plan assigned financial and operational responsibility to various government agencies and ministries, which allocated approximately 41.2 million RON (\$10.39 million) toward the proposed activities. ANITP continued to publish yearly reports and statistics on trafficking and organized 94 awareness campaigns, compared with 85 in 2019, focused on educating children and adults on all forms of trafficking, including forced begging within the country and abroad. In October 2020, to better assist Romanian trafficking victims in Bavaria, the Romanian consulate general in Munich organized a cross-border conference on systemic and procedural gaps that occur in the repatriation, referral, and assistance of victims from Germany to Romania. In partnership with the Romanian embassy in Denmark and a Copenhagen-based migrant center, ANITP implemented an awareness campaign targeting the Romanian community in Denmark, which comprised more than 30,000 Romanians. In addition, ANITP signed cooperative agreements with the Bucharest municipal government and the Romanian Orthodox Church. The agreements laid the foundation for a national anti-trafficking campaign aimed at raising awareness throughout the Church's vast community and among vulnerable populations, such as homeless persons and victims of violence, and for a joint project establishing a future shelter for repatriated victims. Furthermore, ANITP managed a 24-hour hotline but only staffed an operator during regular business hours. The hotline provided services in Romanian and English and primarily focused on informing Romanians about working abroad safely. The hotline received 15 calls (seven in 2019) regarding potential trafficking cases, seven of which DCCO investigated. In 2020, the government adopted a national strategy to implement UNSCR 1325/2000 on women, peace, and security; the strategy included measures to train Romanian troops on the protection of victims of sexual violence, including trafficking, and a plan to develop a reporting and response mechanism on sexual exploitation and abuse committed by members of the military as well as civilians carrying out missions abroad. The government made efforts to reduce the demand for commercial sex acts, including awareness campaigns aimed at educating purchasers on the nexus between sex trafficking and commercial sex.

In 2020, DCCO participated in a series of prevention activities at border crossing points to raise awareness on labor trafficking and identify potential victims. The General Inspectorate for Immigration conducted a campaign educating employers who hired foreign workers

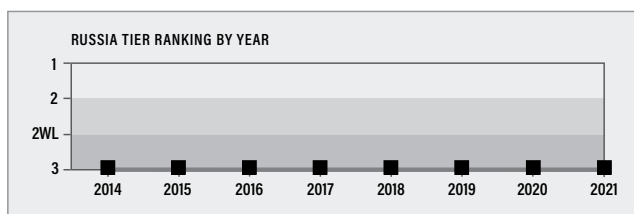
about workers' rights and the risks of exploitation. While the criminal code prohibited Romania-based recruitment companies from charging recruitment fees and facilitating the exploitation of citizens abroad, the government did not punish companies for practices that contributed to trafficking, such as charging recruitment fees. Throughout 2020, the Labor Inspectorate conducted 580 inspections on employers who hired foreign workers and 1,499 inspections on temporary staffing agencies and recruitment agencies. Before issuing a work permit to foreign workers, the General Inspectorate for Immigration verified job offers and employers' profiles to prevent fraud. According to some NGOs, police remained unresponsive to reports of labor trafficking, and labor inspectors lacked the competency for detecting trafficking and the legal authority for unannounced inspections to several categories of worksites. ANPDCA monitored and coordinated all programs for the prevention and elimination of child labor and investigated child labor abuse reports. The government did not effectively enforce child labor laws, especially in rural areas and where social welfare services lacked personnel and capacity to address violations. According to ANPDCA, official statistics did not reflect the magnitude of the crime as incidents of child labor frequently went unreported and official statistics were limited to police-documented cases. Experts noted a continued lack of awareness about labor trafficking among stakeholders and insufficient attention to identifying cases and labor law violations.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Romania, and traffickers exploit victims from Romania abroad. Romania remains a primary source country for sex and labor trafficking victims in Europe. The vast majority of identified victims (72 percent) in 2020 are sex trafficking victims. Traffickers are typically Romanian citizens working as part of an organized crime group based on family and ethnic ties, who subject Romanian women and children to sex trafficking in Romania and other European countries, including Finland, France, Italy, Spain, and the UK. Experts continue to report Romanian women recruited for sham marriages in Western Europe; after entering these marriages, traffickers force the women into commercial sex or labor. Children represent nearly 50 percent of identified trafficking victims in Romania. Government officials and NGOs report increased recruitment of children via the internet and social media as a result of the pandemic. Media outlets allege the online sexual exploitation and abuse of girls as young as 12 years old. Children housed in institutions, particularly girls living in government-run homes and placement centers for disabled persons, remain vulnerable to sex trafficking. Several NGOs note former residents of government-run homes or residential centers serve as recruiters of underage girls from the same facilities. Traffickers exploit Romanian children in sex trafficking and forced begging. Child labor abuse continues to be underreported, with children as young as five exploited in child labor. Traffickers subject Romanian adults and children to labor trafficking in agriculture, construction, hotels, manufacturing, and domestic service, as well as forced begging and theft in Romania and other European countries. Some reports suggest traffickers operating in Romania and Moldova exploit Moldovan women and girls from Romania in operations in Europe; the extent of the trafficking is unknown. Romania is a destination country for a limited number of foreign trafficking victims, including migrants from Africa, Europe, and South and Southeast Asia, exploited in the construction, hotel, and food-processing industries. NGOs report a recent rise in the number of migrants, citing an unusually high number of migrants from Northern Africa and the Middle East entering Romania and a record number of them – approximately 6,000 – submitting applications for asylum in 2020. While their main goal is to continue their path toward Western and Northern Europe, many of these migrants may be or may become trafficking victims while in Romania. Furthermore, government corruption in law enforcement and the judiciary continues to enable some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

## RUSSIA: TIER 3

The Government of Russia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Russia remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by facilitating the return of Russian children from Iraq and Syria, identifying some victims, and extending work and residence permits for foreign workers in response to the pandemic. However, during the reporting period there was a government policy or pattern of trafficking. The government was actively complicit in the forced labor of North Korean workers. The government did not screen North Korean workers for trafficking indicators or identify any North Korean trafficking victims, despite credible reports in previous years that the Democratic People's Republic of Korea (DPRK) operated work camps in Russia and exploited thousands of North Korean workers in forced labor. Although the government took steps to repatriate North Korean workers in accordance with UN Security Council resolutions (UNSCRs), citizens from the DPRK continued to arrive throughout the year, many of whom likely engaged in informal labor. While the Russian government reported the number of North Korean workers in Russia declined in 2020, the government issued almost 3,000 new tourist and student visas to North Koreans in 2020 in an apparent attempt to circumvent the UNSCRs. Separate from this complicity, the government did not initiate any new prosecutions of suspected traffickers and convicted only one trafficker. Authorities continued to lack a process for the identification of victims and their referral to care, and the total number of victims identified by the government remained negligible compared with the estimated scope of the problem. Moreover, the criminal code did not establish a definition for a victim of trafficking, hindering identification efforts and limiting access to victim services. Authorities routinely penalized potential victims, including by detaining and deporting potential forced labor victims for immigration violations, and prosecuted sex trafficking victims for prostitution crimes without screening for trafficking indicators. The government offered no funding or programs to provide services for trafficking victims. As in previous years, the government did not draft a national strategy or assign roles and responsibilities to government agencies to combat human trafficking.



### PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute trafficking crimes and convict traffickers under the trafficking statutes, including complicit officials and suspected trafficking cases related to North Korean workers in Russia, respecting due process. • Implement a formal policy to ensure identified trafficking victims are not punished or deported for unlawful acts traffickers compelled them to commit. • Develop and implement formal national procedures to guide law enforcement, labor inspectors, and other government officials in identifying and referring victims to service providers, particularly among labor migrants and individuals in commercial sex, and screen for trafficking indicators among individuals arrested for commercial sex or immigration violations. • Given significant concerns that North Korea forces its citizens to work abroad, screen North Korean workers, students, and tourists for trafficking indicators and refer

them to appropriate services. • Allocate funding to state bodies and anti-trafficking NGOs to provide specialized assistance and care to victims. • Create a national anti-trafficking action plan and establish a central coordinator for government efforts. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker and allow all first responders to officially identify potential trafficking victims and refer them to care. • Ensure screening of children returned from Iraq and Syria for child soldiering indicators and provide them with rehabilitation and reintegration support. • Provide victims access to legal alternatives to removal to countries where they face hardship or retribution. • Amend the criminal code to include a definition of human trafficking that is consistent with the definition under international law. • Create a central repository for publicly available information on investigation, prosecution, conviction, and sentencing data for trafficking cases. • Increase efforts to raise public awareness of both sex and labor trafficking, including among children.

### PROSECUTION

The government decreased already minimal law enforcement efforts. Articles 127.1 (trafficking in persons) and 127.2 (use of slave labor) of the criminal code criminalized sex trafficking and labor trafficking. Article 127.1 prescribed penalties of up to five years' prison labor or up to six years' imprisonment for offenses involving an adult victim, and three to 10 years' imprisonment for those involving a child victim. Article 127.2 prescribed penalties of up to five years' prison labor or up to five years' imprisonment for offenses involving an adult victim, and up to five years' prison labor or three to 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. However, inconsistent with the definition of trafficking under international law, these articles established the use of force, fraud, or coercion as an aggravating factor, rather than an essential element of the crime. There were reports authorities often prosecuted trafficking crimes under related statutes, including Articles 240 (involvement in prostitution), 240.1 (receiving sexual services from a minor), and 241 (organization of prostitution), the penalties for which were generally lower than the penalties prescribed for trafficking offenses. The government did not report comprehensive data on trafficking criminal cases, making it difficult to assess the adequacy or effectiveness of law enforcement efforts. Media reports and publicly available data revealed some details on trafficking cases investigated and prosecuted, including some conviction information, during the reporting period, although the limited number of cases reported did not constitute an adequate law enforcement response compared with the scale of human trafficking in Russia. Some publicly available data was likely duplicative or contradictory of information from other sources, as no single agency was responsible for maintaining comprehensive law enforcement statistics.

Russia's federal-level Investigative Committee and media publicly reported the government initiated four sex trafficking investigations in 2020 and had two ongoing sex trafficking investigations and one ongoing forced labor investigation; the government initiated three investigations in 2019 and 14 in 2018. The government did not report initiating any prosecutions under Articles 127.1 and 127.2 during the reporting period, compared with prosecuting two defendants for sex trafficking under Article 127.1 in 2019. The government reported convicting one trafficker for exploiting two men in forced labor, a decrease from eight convictions in 2019 and 21 in 2018. The government reported sentencing the convicted trafficker to 10.5 years' imprisonment. Media reports in the past revealed the government sometimes prosecuted cases involving baby-selling as trafficking, and in 2020, authorities investigated several cases of children born through surrogacy as trafficking, both crimes that fall outside the international definition of trafficking. Authorities continued to prosecute suspected traffickers under commercial sex and pimping statutes but did not report data on the frequency of these prosecutions. NGOs reported that hundreds of trafficking-related



cases were reported to authorities, but the government processed most under other administrative or criminal codes, which suppressed statistics and masked the scale of the problem. A 2019 supreme court clarification highlighted the criminal liability of those who recruit victims into trafficking situations, but this did not lead to an increase in prosecutions or convictions during the reporting period. Law enforcement training centers provided instruction on trafficking identification. Russian authorities did not report cooperating in any new or ongoing international investigations in 2020.

Official complicity in trafficking crimes remained a significant concern. Media reported that Russia-backed forces recruited Syrian children to fight as mercenaries in Libya; recruiters reportedly offered the children money to guard installations and volunteer for groups that are involved in hostilities. NGOs reported government officials and police regularly accepted bribes in exchange for not pursuing trafficking cases and officials often benefitted financially or materially from trafficking crimes. An NGO reported that some police officers accepted bribes in the form of unpaid sexual services or rape of individuals in commercial sex in exchange for not pursuing sexual exploitation cases. While the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, civil society noted the government intentionally investigated official complicity cases under non-trafficking statutes, such as Article 290 (bribery) of the criminal code. Media reported the arrest in December 2020 of a federal official for allegedly receiving bribes from a nightclub at which some women were reportedly being sexually exploited; the official was investigated for bribery under Article 290.

Despite credible reports of the forced labor and slave-like conditions perpetuated by the DPRK government on North Koreans working in Russia, the Russian government did not report any investigations into those conditions. Migrant laborers from the DPRK continued to work in Russia, especially in the Far East, often under conditions of forced labor. Although the government claimed it would cease issuing new work permits to North Korean laborers and repatriate all of the workers by the end of 2019 in accordance with UNSCRs 2375 and 2397, authorities failed to return all workers by the deadline and cited the DPRK's pandemic-related border closures as an obstacle in this effort. According to media reports, the government reported approximately 500 DPRK workers remained in the country at the onset of the pandemic in March 2020. Despite reports that the government ceased issuing new work permits to North Korean laborers, observers noted many laborers continued to enter the country via fraudulent channels to work informally, for example by obtaining tourist or student visas. The government issued 2,609 student and 256 tourist visas in 2020 to North Korean citizens, a decrease from 16,613 tourist and 10,345 student visas in 2019; however, experts noted that many of these visa holders worked illegally in Russia, making them vulnerable to trafficking. Additionally, media reported the DPRK was preparing to send workers to Russia in the spring of 2021. Although government representatives publicly stated authorities asked DPRK workers to leave voluntarily, it was not evident that authorities screened workers for trafficking indicators or offered victims options to legally remain in the country. A February 2016 agreement between Russia and the DPRK enabled Russian authorities to deport North Koreans residing "illegally" in Russia, possibly even those with refugee status. Observers noted this may increase the risk of labor trafficking for North Koreans working in Russia and might subject victims to grave harm as DPRK authorities reportedly arrested, imprisoned, subjected to forced labor, tortured, and sometimes executed repatriated trafficking victims.

## PROTECTION

The government maintained negligible efforts to protect victims. The government did not develop or employ a formal system to guide officials in proactive identification of victims or their referral to available services. The law did not specifically define who was a trafficking victim or differentiate trafficking victims from victims of

other crimes; experts noted this hindered identification measures and limited access to victim services. The government reported the identification of 52 trafficking victims in 2020, compared with 61 in 2019 and 19 in 2018. According to law enforcement statistics, of these 52 identified victims, 50 were female sex trafficking victims and two were male forced labor victims. Available data did not specify national origin in all cases, but most victims identified were Russian. NGOs reported identifying approximately 80 victims during the reporting period, none of whom were referred by the government. NGOs estimated the actual number of victims to be in the thousands. Police regularly avoided registering victims in criminal cases that were unlikely to be solved in order not to risk lower conviction rates. The government also did not have a program to protect or support victims who participated in the investigation or prosecution of their alleged traffickers. Authorities reportedly pressured some victims to cooperate in investigations without any offer of protection. Although informal cooperation between law enforcement and NGOs at the local level resulted in some victims receiving limited services, NGOs reported a significant number of cases go unreported due to the lack of a formal referral mechanism, victims' fears, and the lack of government assistance to victims. The government maintained a readmission agreement with the EU to assist in the repatriation of Russian citizens but did not keep official statistics on how many trafficking victims it assisted in this way; there were no reported cases of trafficking victims repatriated to Russia under this agreement in 2020.

As in previous years, the government did not provide funding or programs for protective services dedicated to trafficking victims. NGOs provided all protection services, including shelter, food, legal services, basic medical and psychological support, interpretation, facilitating the return of documents or wages, and assisting in the resettlement or repatriation of victims, although few were able to provide specialized assistance for trafficking victims. NGOs reported experiencing financial hardship due to the pandemic while also receiving more requests for assistance. Authorities did not routinely screen potential victims seeking assistance at government-funded homeless shelters for trafficking indicators; in prior years, the shelters provided medical and psychiatric aid, and referred victims to international NGOs and other homeless shelters located in many of Russia's regions. As in previous years, there were no reports of victims assisted in these shelters in 2020; NGOs reported they do not send victims to these shelters because of their poor conditions and the risk that victims may be vulnerable to further trafficking. The government did not actively cooperate with civil society. Despite the lack of formal cooperation, NGOs reported working with some local government-run centers to provide assistance to potential victims on an ad hoc basis. The government continued the repatriation of Russian children, including potential trafficking victims, whose parents were alleged fighters with ISIS. ISIS was known to use child soldiers and perpetrate other forms of trafficking. The government did not report screening specifically for indicators of trafficking, but media reports indicated the children received counseling. Media reported the government paused repatriation flights for several months due to the pandemic but resumed repatriation efforts in August 2020. The government reported repatriating 144 children from Iraq and Syria in 2020; by the end of 2020, the government had repatriated 274 children since the start of the program in 2017.

Similar to previous reporting periods, the government took steps to limit or ban the activities of civil society groups, including some dedicated to anti-trafficking activities, through measures such as "foreign agent" laws. Civil society reported one NGO leader was harassed and eventually indicted on criminal charges in 2020 for his efforts to raise awareness about the use of forced labor at the 2014 Sochi winter Olympics. The government passed laws in December 2020 that introduced new penalties and widened the definition of a "foreign agent" to include both individuals and unregistered organizations; experts believed the increased financial scrutiny that will be applied to NGOs as a result of these new laws will limit NGO activities. The "Yarovaya" package of anti-terror laws made it a

crime for individuals or organizations to provide material assistance to people considered to be in Russia illegally; authorities could prosecute NGOs who assisted unlawfully present victims of trafficking. Authorities also penalized victims for unlawful acts traffickers compelled them to commit. Authorities treated foreign victims as illegal migrants and criminally charged them with prostitution or unlawful presence in country; many victims were detained or deported without being screened for trafficking indicators. Authorities frequently prosecuted Russian and foreign victims of sex trafficking for engaging in commercial sex and did not take proactive measures to identify victims during raids on brothels. Authorities punished child victims of forced criminality, often together with the traffickers who forced them to commit these crimes. Authorities did not screen other vulnerable populations, such as migrant workers or foreign women entering Russia on student visas, despite evidence of their intention to work or other vulnerabilities to trafficking. Authorities reportedly prosecuted Russian citizens returning from Syria and Iraq, where some were subjected to trafficking, under anti-terror laws, without screening them for indicators of trafficking.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. The government had neither a designated lead agency to coordinate its anti-trafficking efforts nor a body to monitor its anti-trafficking activities or make periodic assessments measuring its performance. Russia did not have a national action plan. The government continued to operate regional migration centers where foreign migrants who did not also need visas to enter the country could obtain work permits directly from the government; however, an international organization estimated only half of eligible migrants obtained these permits as they entailed large upfront and monthly fees and sometimes required multiple time-consuming trips to the center. The international organization noted migrants who were not able to complete the permit process were increasingly vulnerable to labor exploitation and trafficking due to their lack of proper documentation. Recruitment agencies that sought to employ Russians overseas were required to obtain a license from the ministry of internal affairs, but no such requirement existed for agencies recruiting foreign workers, which increased the vulnerability of such workers to forced labor. The Moscow city government financed the creation of a migration center in Tashkent to alert Uzbekistani migrant workers about job vacancies in Moscow and link them with potential employers. The center was designed to facilitate online interviews, background checks, and professional skill certification for potential migrant workers; however, it was unclear whether officials screened applicants for trafficking indicators. Authorities conducted scheduled and unannounced audits of firms employing foreign workers to check for violations of immigration and labor laws – with penalties in the form of fines and/or revocation of foreign worker permits. While these raids took place with some regularity, the use of undocumented or forced labor remained widespread due to complacency and corruption. In response to the pandemic, the government extended work and residence permits for foreign workers several times and allowed employers to hire foreign nationals and stateless persons during these periods. Moreover, in January 2021 the lower house of government approved a bill to provide temporary identity cards with a 10-year validity to stateless persons. The government participated in a Council of the Baltic Sea States project to establish long-term cooperation and exchange of best practices between students and teachers of journalism from the Baltic Sea Region on how to report on human trafficking. The government provided no funds to NGOs to carry out prevention and awareness campaigns. Prevention campaigns were hampered by a law that made it a crime to talk to children younger than 16 about sexual issues and exploitation. 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 participation in international sex tourism by its citizens, despite allegations of such actions by its citizens. There were anecdotal reports the government provided anti-trafficking training to some of its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Russia, and victims from Russia are exploited abroad. Although labor trafficking remains the predominant form of human trafficking in Russia, sex trafficking also occurs. Traffickers exploit workers from Russia and other countries in Europe, Central Asia, Southeast Asia, China, and DPRK in forced labor in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, logging, textile, transport, and maritime industries, as well as in sawmills, agriculture, sheep farms, grocery and retail stores, restaurants, waste sorting, street sweeping, domestic service, call centers, and begging. Labor traffickers also exploit victims in criminal activities such as drug trafficking, facilitation of illegal migration, and the production of counterfeit goods. According to an NGO, foreign nationals increasingly enter the country illegally with the help of criminal groups, which subsequently increases the migrants' vulnerability to trafficking. There are reports of widespread forced labor in brick factories in the Dagestan region. Experts estimate there were approximately 10-12 million foreign workers in Russia prior to the start of the pandemic, only 2.5 million of whom were formally registered; the government reported that nearly half of all migrants left the country as a result of the pandemic. Many of these migrant workers experience exploitative labor conditions characteristic of trafficking cases, such as withholding of identity documents, non-payment for services rendered, physical abuse, lack of safety measures, or extremely poor living conditions. According to an international organization, children of migrant workers are vulnerable to forced labor in informal sectors. According to press reports, 2.3 million Ukrainians resided in Russia, including more than one million who escaped Russian aggression in Ukraine. International organizations estimate up to 40 percent of these migrants were working unofficially and vulnerable to both forced labor and sex trafficking; most identified victims of forced begging in recent years are Ukrainian. Subcontracting practices in Russia's construction industry result in cases of non-payment or slow payment of wages, which leave workers at risk of labor trafficking. Organized criminal groups often recruit victims from within their own ethnic communities. Traffickers have been known to pose as landlords renting rooms to migrant laborers in order to recruit victims and coerce them into forced labor. There are reports of Russian citizens facing forced labor abroad. Traffickers lure minors from state and municipal orphanages into forced begging, forced criminality, child pornography, sex trafficking, and use by armed groups in the Middle East. Organized criminal groups recruit victims for forced begging from state institutions for the elderly and people with disabilities; these institutions are not trained on how to identify trafficking and sometimes facilitate the exploitation.

Women and children from Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily China and the Philippines), Africa (particularly Nigeria), and Central Asia are victims of sex trafficking in Russia. NGOs report an increasing number of sex trafficking victims are from Africa, arriving illegally and legally as students. Sex trafficking occurs in brothels, hotels, and saunas, among other locations. During the 2018 World Cup, Russia relaxed its visa requirements, allowing all Fan ID holders to enter and exit Russia without a visa through December 31, 2018. Traffickers exploited this system to bring foreign sex trafficking victims into the country, especially from Nigeria; NGOs report many victims remain in Russia. Observers note migrant workers are also vulnerable to sex trafficking. Homeless children are exploited in sex trafficking. Russian women and children are reportedly victims of sex trafficking in Russia and abroad, including in Northeast Asia, Europe, Central Asia, Africa, the United States, and the Middle East. Traffickers use social media to recruit, monitor, and control victims. Russian criminal groups threaten family members to coerce women into commercial sex in Russia and abroad. Women from Russia's North Caucasus region as well as women from Central Asia residing in Russia have been recruited to join ISIS through online romantic relationships and are

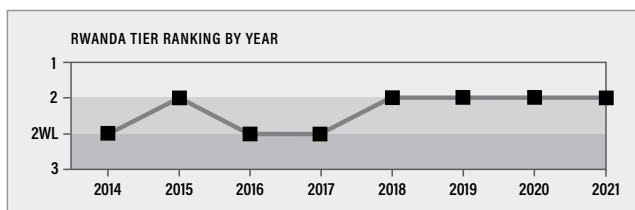
subjected to exploitation once they arrive. Wives and children of foreign fighters are sold after their spouse or father is killed in action.

The ILO Committee of Experts noted its deep concern in 2016 that some provisions of the Russian criminal code, which include compulsory 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. Corruption among some government officials and within some state agencies creates an environment enabling trafficking crimes. In recent years, criminal cases have involved Russian officials suspected of allegedly facilitating trafficking by enabling victims' entry into Russia, providing protection to traffickers, and returning victims to their exploiters; in some instances, officials have engaged directly in trafficking crimes. Employers sometimes bribe Russian officials to avoid enforcement of penalties for engaging illegal workers. Prior to 2018, the DPRK sent approximately 20,000 North Korean citizens to Russia annually for work in a variety of sectors, including logging in Russia's Far East. An estimated 500 North Korean workers remained in Russia as of March 2020, as did approximately 2,865 North Korean citizens who entered on student and tourist visas in 2020; observers note a growing trend in the use of non-labor visas to bring DPRK workers to Russia. Many of these North Korean citizens are subjected to conditions of forced labor by the North Korean government.

Russia-led forces reportedly recruit Syrian children to guard installations and fight in Libya. Uncorroborated reports of Russia-led forces using children as soldiers, informants, and human shields in eastern Ukraine continue, but the number of such reports has decreased since the early years of the conflict. Russia-led forces reportedly used children to take direct and indirect part in the armed conflict to perform armed duty at checkpoints, and served as fighters, guards, mailpersons, and secretaries.

## RWANDA: TIER 2

The Government of Rwanda 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Rwanda remained on Tier 2. These efforts included identifying more victims and referring them to care; increasing national awareness and prevention campaigns; and organizing government and NGO long-term care shelters into a government-managed network. The government also increased sex trafficking investigations and prosecutions and convicted a sex trafficker for the first time. However, the government did not meet the minimum standards in several key areas. The government investigated fewer trafficking cases and prosecuted and convicted fewer traffickers compared to the previous year. The government lacked a victim-witness support program and did not maintain shelters for male victims. The government detained thousands of potential victims in district transit centers without conducting adequate screening or referring identified victims to proper care and assistance.



## PRIORITIZED RECOMMENDATIONS:

Systematically and proactively screen and identify trafficking victims, especially among vulnerable populations, including among gender-based violence (GBV) victims, persons in commercial sex, those from the LGBTQI+ community, children experiencing homelessness, and those at government transit centers. • Increase effective trafficking investigations and prosecutions, particularly domestic forced labor and sex trafficking cases, while respecting due process and human rights. • Finalize and implement the national referral mechanism and train officials on its use. • Develop and implement a victim-witness support program and expand training for law enforcement and legal professionals working with victim-witnesses. • Expand victim and shelter services, including for male victims. • Adopt and implement an updated national anti-trafficking action plan. • Implement trafficking identification and protection measures for Rwanda's refugee population. • Develop and implement a centralized data system of trafficking crimes, with data disaggregated by type of trafficking, and train law enforcement and immigration officials in relevant ministries on its use.

## PROSECUTION

The government maintained mixed law enforcement efforts to combat trafficking crimes. The 2018 anti-trafficking law criminalized sex trafficking and labor trafficking. The law prescribed penalties of 10 to 15 years' imprisonment and a fine of 10 million to 15 million Rwandan francs (\$10,530 to \$15,790), which increased to 20 to 25 years' imprisonment and a fine of 20 million to 25 million Rwandan francs (\$21,050 to \$26,320) if the offense was transnational in nature. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, the law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The fact that the government did not compile disaggregated data on trafficking crimes made year-to-year comparisons difficult. Although sporadic pandemic-related lockdowns throughout the reporting period and increased efforts to enforce lockdown and curfew directives impeded law enforcement efforts to investigate trafficking crimes, authorities initiated 35 trafficking investigations (12 on sex trafficking and 23 on labor trafficking) involving 46 suspects, compared to 86 investigations in 2019 and 63 in 2018. The government prosecuted three cases—two labor trafficking cases and one sex trafficking case—involving two defendants, compared to prosecuting 11 labor trafficking cases involving nine alleged traffickers during the previous reporting period. Courts convicted one trafficker for both forced labor and sex trafficking crimes, and a second trafficker for forced labor; both received 10 years' imprisonment and a fine of 10 million Rwandan francs (\$10,530) on the labor trafficking charges and sentenced one defendant to an additional 20 years' imprisonment and a fine of 20 million Rwandan francs (\$21,050) for sex trafficking. This was the government's first reported sex trafficking conviction. Comparatively, in 2019, the government convicted two traffickers for forced labor crimes and sentenced them to 20 years' imprisonment plus a fine of 20 million Rwandan francs (\$21,050). Prosecutions of nine defendants remained pending from previous years. A six-week government closure due to the pandemic hampered law enforcement efforts. The government reported border closures due to the pandemic limited law enforcement's ability to identify and investigate potential trafficking cases at border points. Observers reported work from home slowed law enforcement and judicial court proceedings. Observers also reported senior government officials directed law enforcement to enforce pandemic-related curfews, which reduced capacity to investigate potential trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Scarce resources, deficient operating procedures, and a lack of a centralized data system inhibited law enforcement efforts to investigate trafficking cases, prosecute suspected perpetrators, and convict traffickers. The government focused on transnational trafficking



cases and interceptions at border crossings and did not prioritize identifying and investigating possible internal trafficking crimes. Although the government reported sharing information with other governments, it reported difficulty obtaining evidence for domestic and transnational investigations and prosecutions. In February 2020, the government entered into an extradition agreement with Uganda; however, the government did not report using the agreement during the reporting period.

Rwanda Investigation Bureau (RIB) continued to operate a 15-officer anti-trafficking unit in its criminal investigations division. The Rwanda National Police (RNP) directorate responsible for anti-GBV efforts also oversaw anti-trafficking law enforcement efforts and had three officers in each of the country's 78 police stations who served as points of contact for trafficking victims. Despite limited resources, the government increased training to law enforcement and legal practitioners; it provided anti-trafficking training as part of its professional development curricula and standard training for immigration officers, police, labor inspectors, judicial officials, social workers, and other relevant officials several times throughout the reporting period. In addition, the government trained 1,452 law enforcement officials and one-stop center personnel as well as 22 service providers from various government institutions, civil society organizations, and NGOs on trafficking and the identification, treatment, and referral of trafficking victims, compared to training 308 individuals during the previous reporting period. Additionally, the government collaborated with an international organization to provide training to 15 immigration officials on the prosecution of trafficking crimes. In June 2020, the government sponsored a training for 15 prosecutors and their assistants on investigating trafficking cases and prosecuting suspects. The government also collaborated with a foreign government to provide training to an unknown number of officials on the victim-centered approach in law enforcement efforts.

## PROTECTION

The government minimally increased protection efforts. The government identified and referred more victims to care, but it neglected to conduct adequate screening of potential victims detained at government transit and detention centers. The government identified 131 trafficking victims in 2020, compared with 96 victims in 2019. Officials referred 37 victims to government and NGO shelters for assistance, compared to 30 during the previous reporting period. In 2019, the government collaborated with an international organization to develop standard operating procedures (SOPs) for victim identification and referral; however, due to limitations imposed by the pandemic, the government did not finalize and implement the SOPs during the reporting period. Law enforcement, immigration officials, and social workers in government one-stop centers had victim identification guidelines, but implementation remained limited and officials reported lacking knowledge and training to screen specifically for trafficking among GBV victims they assisted. In addition, sources reported challenges distinguishing trafficking from other crimes such as forced marriage, abduction, commercial sex, migrant smuggling, and rape; concurrently, sources reported a need for gender-specific victim identification procedures. Immigration authorities emphasized screening of foreign workers for trafficking indicators when such workers arrived at border posts.

The government decreased funding for victim care due to pandemic-related budget shortfalls; it dedicated 206 million Rwandan francs (\$216,840) for victim care in 2020 compared to 233 million Rwandan francs (\$245,260) in 2019. Despite decreased funding, the government continued to operate its network of 44 one-stop centers to assist GBV and trafficking victims. The government's one-stop centers—located in hospitals and district capitals—provided short-term shelter and psycho-social, medical, and legal services to victims. The government did not report how many trafficking victims it assisted at the one-stop centers; however, NGOs reported assisting 21 victims referred by the one-stop centers. NGOs reported the one-stop centers primarily focused on the needs of female victims; assistance for male victims

remained insufficient and service providers lacked knowledge on how to prevent further trauma and revictimization. The government organized 16 government-run and 12 NGO-run shelters into a network for the provision of longer-term care; the government operated and oversaw the network during the reporting periods. The long-term shelters provided up to six months of shelter services for human trafficking and GBV victims. The extent and quality of services varied between locations, particularly regarding the provision of adequate psycho-social counseling, and social workers did not always screen and identify trafficking victims as distinct from GBV victims. The government continued to distribute to all relevant stakeholders a directory of service providers to assist trafficking victims developed in the previous reporting period, in partnership with an international organization. The government and NGOs reported adult victims were free to leave shelters and support programs on their own accord. NGOs reported foreign victims had the same access to services as domestic victims. The government reported providing and funding counseling services, medical care, literacy and numeracy education, and vocational training for the reintegration of identified former child soldiers – both boys and girls – and treating and discharging a total of 82 children in 2020. NGO service providers offered general assistance and support in refugee camps, but a lack of capacity and resources inhibited the development and implementation of effective procedures, screening, and assistance to victims of trafficking in refugee camps. NGOs reported a lack of coordination and collaboration between the government and civil society inhibited their ability to provide assistance for trafficking victims.

The 2018 anti-trafficking law stated that trafficking victims should not be detained, charged, or prosecuted for their involvement in any unlawful activity that was a direct consequence of being exploited. However, due to a lack of formal identification procedures, authorities sometimes penalized victims for forced begging and other crimes their traffickers compelled them to commit. The government continued operating transit centers that advocacy groups and NGOs reported detained vulnerable persons and potential trafficking victims – including those in commercial sex, homeless adults and children, members of the LGBTQI+ community, foreign nationals, and children in street vending and forced begging – and did not adequately screen for trafficking indicators. Observers reported the government held many potential victims of trafficking in these centers, which functioned as de facto detention facilities, for up to six months. Observers further noted that authorities often released detainees back on the streets abruptly and without notice, thereby exposing them to possible revictimization. Former detainees often reported being detained and moving through the detention centers a few times a year. NGOs also reported law enforcement officials may have arrested on immigration charges and deported potential foreign trafficking victims without first screening for trafficking indicators. While some centers provided detainees and identified victims with psychological counseling, education, vocational training, and reintegration services, not all transit centers offered the same services.

The government repatriated an unknown number of Rwandan victims identified abroad. The anti-trafficking law also required the government to provide support to identified trafficking victims abroad by covering the cost of transportation and repatriation to Rwanda. In 2020, the Ministry of Justice and the Directorate General for Immigration and Emigration drafted two ministerial orders to clarify responsibilities for interagency coordination to support the repatriation of victims and coordination of efforts to identify and assist internal victims; however, the government had not released the orders by the end of the reporting period. Media and NGOs reported victims received support packages of 250,000 Rwandan francs (\$263) upon reintegration into their home communities. In 2019, the government collaborated with an international organization to draft SOPs to serve as the basis for these ministerial orders; however, the SOPs had yet to be adopted at the end of the reporting period. The 2018 anti-trafficking law called for the government to provide legal assistance and information to victims in a language they understood; however, the government did not report the number of potential

victims to whom it provided such assistance. The National Public Prosecution Authority continued to operate two safe houses for witnesses in criminal cases, which were available to trafficking victims; however, the government did not report the number of trafficking victims who used safe houses during the reporting period. An NGO previously reported that seven of the one-stop centers had video recording equipment to allow victims the ability to testify via video testimony; however, the government did not report using this option during the reporting period. The anti-trafficking law also protected the identity of victims by allowing court proceedings to be conducted by camera and permitting the use of a video link, but the government did not report providing any victims with these protections during the reporting period. The anti-trafficking law continued to permit foreign victims to remain in Rwanda for a minimum of six months or until legal proceedings concluded. The government did not report whether it granted this immigration relief to any victims during the reporting period; however, the government did report efforts not to deport foreign victims who faced retribution in their home countries. The anti-trafficking law continued to allow victims to file civil suits against traffickers and stated that victims were exempt from paying any associated filing fees, but the government did not report any suits filed during the reporting period.

## PREVENTION

The government increased efforts to prevent trafficking. The interagency anti-trafficking technical committee continued to lead coordinated national anti-trafficking efforts and met every two months despite insufficient funding and pandemic-related closures. Due to the government's lockdown and strict curfews during the pandemic, the government had not yet adopted the draft national action plan drafted in partnership with an international organization and quasi-governmental entities in the previous reporting period. During the reporting period, the government drafted two ministerial orders to clarify responsibilities of interagency coordination to combat human trafficking as well as responsibilities on victim protection and referral; due to the pandemic lockdown, work-from-home logistical and resource limitations, and the government's efforts to mitigate pandemic-related economic and social issues, the orders remained unsigned at the end of the reporting period. The government continued its ad hoc monitoring of trafficking trends and anti-trafficking efforts and incorporated the results into regular public activity reports; the government consulted with victims and survivors and included their input when developing the national action plan. Due to the domestic effects of the pandemic, the government and an international organization reported a need for more detailed assessments of internal trafficking and efforts to combat it. The government conducted national and local awareness-raising campaigns at community events, government celebrations, and within refugee camps. In January 2021, the government conducted an awareness raising campaign in Rusizi. The government conducted, in collaboration with an international organization, cross-border community dialogue meetings, roundtable discussions, trainings, live radio talk shows, and awareness messaging and campaigns on national news broadcasts and social media across seven districts, which involved community leaders and members, civil society representatives, teachers, parents, and victims. An international organization reported the government increased radio and social media programs to increase awareness of trafficking threats and facilitated video presentations in refugee camps to educate refugees and asylum-seekers on identification and reporting of trafficking cases and tips. RIB, RNP, and other government agencies and human rights commissions continued to operate national hotlines for reporting crimes, including trafficking, that were staffed by social workers trained to identify and refer trafficking cases. These hotlines accommodated speakers in English, French, Kinyarwanda, and Kiswahili, and advertised in public awareness campaigns on TV, radio, and social media. The government reported identifying nine victims via the hotline. The government made efforts to reduce the demand for commercial sex acts. The government deployed officers to discourage consumers from frequenting commercial sex locations

by arresting women in the commercial sex industry; however, the government did not report screening for sex trafficking victims at these locations.

The government had policies to regulate labor recruitment companies, which required their registration with the Rwandan Development Board, licensing from the Ministry of Labor, submission of monthly reports to the government, writing labor contracts in one of the official languages and in a language that both the employee and employer understand, and including salary, date of payment, and dispute settlement procedures in employment contracts. Nevertheless, observers reported the government did not require labor contracts with foreign companies operating in Rwanda. The government reported labor inspectors and local authorities were trained to identify forced labor; however, NGOs reported the limited number of inspectors and insufficient funds hindered the government's labor inspections. The government reportedly prosecuted fraudulent recruitment companies in the past; however, there were no reports of these efforts during the reporting period nor were there reports of efforts to rectify other labor issues identified by the researchers. In an effort to reduce vulnerability to trafficking, the government implemented a policy to allow hospital and health centers to register babies immediately after birth. The government and an international organization carried out joint refugee verification exercises where authorities issued refugee identity cards and travel documents throughout the reporting period. In February 2020, the president ordered military forces to ensure all recruits were at least 18 years of age at intake; the government's age verification program was ongoing at the end of the reporting period. The government sought coordination with other governments on transnational labor issues. In 2019, the government signed a framework agreement with United Arab Emirates to allow further agreements on labor safety and worker recruitment; implementation of the agreement remained pending at the end of the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Rwanda, and traffickers exploit victims from Rwanda abroad. Traffickers exploit Rwandan children and young adults, some of whom are secondary school students between the ages of 13 and 18 in commercial sex in hotels, at times with the cooperation of hotel owners. Traffickers subject Rwandan men, women, and children to sex trafficking and forced labor in domestic work, and in the agricultural, mining, industrial, and service sectors in Rwanda. Traffickers exploit Rwandan women and girls in forced labor, specifically in domestic service, bars, and restaurants, and exploit men and boys in forced labor in mines and plantations. Traffickers subject Rwandan adults and children to sex trafficking and forced labor in domestic work, agricultural, industrial, and service sectors abroad, including in China, India, Kenya, Kuwait, Saudi Arabia, Uganda, Zambia, and parts of East Asia. NGOs reported cultural norms minimized laborers' rights and consequently made identifying forced labor difficult. Traffickers transited victims through Uganda and Tanzania before reaching final destinations that include African, East Asian, and Middle Eastern countries. In 2016, Tanzanian men forced some Rwandan girls into marriages and these girls may have experienced commercial sexual exploitation through these marriages.

Observers reported an increase in domestic trafficking, possibly due to the impact of the pandemic. International organizations reported increased vulnerability to trafficking among Rwandans due to the pandemic and a dwindling economy. Migrant workers migrated from rural areas to urban areas, specifically Kigali, in search of job opportunities and, consequently, became vulnerable to traffickers. Observers reported pandemic-related border closures reduced the number of victims transiting out of the country. Traffickers target vulnerable populations such as youth experiencing homelessness, orphaned children, children with disabilities, young women and girls, unemployed adults, and internally displaced persons. International organizations reported traffickers entice young girls into domestic

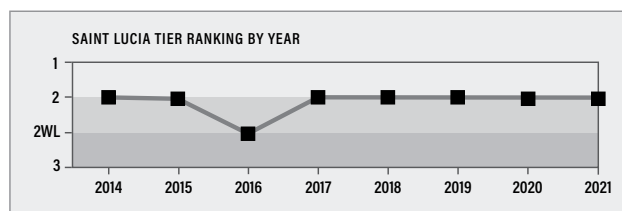
servitude and then force them into prostitution. In October 2020, an NGO reported forced street begging as a new form of trafficking exacerbated by the pandemic. Observers report parents renting out their children during the day to beg. Local human rights groups reported in 2017 employers of some Rwandan girls in domestic work terminated their employment after the girls became pregnant and were therefore unable to return to their home villages; subsequently, they were sexually exploited. An international organization reported that 43 percent of children with disabilities did not attend school, increasing their vulnerability to be targeted by traffickers. In 2019, an international organization reported a number of children living in refugee camps may have departed the country to the DRC for unknown reasons and observers suggested the children might have joined armed groups operating in the DRC. In 2020 and 2018, an international organization reported Rwandan children were demobilized from armed groups in the DRC. Traffickers in neighboring countries continue to pose as labor recruitment agents to recruit and transport small numbers of victims through the country. A study found that most victims were Rwandan or Burundian in origin, and traffickers tended to transit victims through porous borders. Victims tend to know traffickers and recruiters; researchers report parents of victims occasionally were complicit in trafficking. Traffickers tend to be male, but females increasingly make up a substantial percentage of traffickers. Sometimes parents send their children to live with relatives to improve their economic situation, but the children become victims of child sex trafficking or domestic servitude. Traffickers deceive guardians and victims with false promises of better opportunities for employment in neighboring countries. Greater access to the internet and social media platforms continues to create new and easier opportunities for traffickers to access and recruit victims. Observers report traffickers employ coercive means to control and keep their victims in their exploitive positions; coercive tactics include isolating and restricting victims' movements, depriving them of money, restricting their ability to communicate, threat and use of violence, drugs, debt bondage for children of victims, and retaining identity or travel documents.

Sources report traffickers move victims more easily across borders due to a trilateral agreement among the governments of Kenya, Rwanda, and Uganda that allows foreign nationals to use national identification in lieu of a passport. In 2019, sources reported a new migration pattern developed by traffickers transiting victims through each of these countries on their way to Ethiopia and Kenya before they embark on their journey to the Middle East. In 2020, Rwanda hosted 146,000 refugees and asylum seekers from the DRC and Burundi. Refugees fleeing conflict and political violence in Burundi and the DRC remain highly vulnerable to trafficking in Rwanda due to an inability to secure legitimate employment and stigma within the country, and some are exploited by traffickers in other countries after transiting Rwanda. Researchers report some parents in refugee camps receive money in exchange for their daughters' work in domestic service or in the commercial sex industry. Researchers report Burundians and Congolese were at risk for trafficking. There were no reports of forcible or coerced recruitment out of the Mahama refugee camp by Rwandan government officials since 2015.

## SAINT LUCIA: TIER 2

The Government of Saint Lucia 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Saint Lucia remained on Tier 2. These efforts included updating standard operating procedures for victim identification and referral to protective services; hiring an additional judge and two prosecutors to address criminal case backlog, including trafficking cases; funding an NGO for victim assistance; granting citizenship

to a foreign trafficking victim; and receiving Cabinet approval for an amendment to make the penalties for trafficking commensurate with penalties for other serious crimes. However, the government did not meet the minimum standards in several key areas. The government did not conduct any trafficking investigations using the Counter-Trafficking Act; has not initiated a prosecution since 2015; and has never convicted a trafficker. The government did not enact or fund a new national action plan.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify vulnerable individuals, especially children, migrants, and Cuban medical professionals, screen them for trafficking, and refer them to services. • Investigate, prosecute, convict, and punish perpetrators of sex trafficking and labor trafficking under the Counter-Trafficking Act. • Approve the amendment to the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Develop a national action plan for 2020 and onwards. • Reduce court backlog and pretrial detention delays affecting trafficking cases. • Develop and implement labor recruitment policies, hire and train more inspectors for labor trafficking inspections, and improve interagency coordination on labor issues. • Implement standard operating procedures on a victim-centered approach to guide police, immigration, labor, child protection, judicial, and social welfare officials on victim identification and referral. • Continue to train law enforcement officials to gather evidence of trafficking cases appropriate for prosecution. • Provide legal mechanisms for all victims to work and receive temporary formal residency status.

### PROSECUTION

The government maintained minimal law enforcement efforts. The 2010 Counter-Trafficking Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to five years' imprisonment or fines up to 100,000 Eastern Caribbean dollars (XCD) (\$37,040) for offenses involving an adult victim; the maximum imprisonment penalty increased to 10 years' imprisonment for those involving a child victim. This penalty was 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. The Cabinet approved an amendment to the 2010 Counter-Trafficking Act that would remove the option of a standalone fine as a penalty for convicted traffickers; the draft amendment remained pending for passage in Parliament at the end of the reporting period because pandemic-related restrictions precluded its consideration.

The government did not conduct any trafficking investigations during the reporting period, compared with three investigations in 2019, two in 2018, zero in 2017, and three in 2016. The government reported investigating 30 child sex trafficking cases under the Child Justice Act, of which an NGO referred 28, but did not specify under which provisions of the law. After the NGO notified the human trafficking task force of the cases, the task force reported it would share the Counter-Trafficking Act with the police and encourage them to treat the cases as trafficking cases. The government continued to seek authorization from a foreign government to send investigators to neighboring country to investigate an unauthorized international adoption case involving the suspected trafficking of two children initiated in the previous reporting period. The government has not initiated a trafficking prosecution since 2015. The government has never convicted a trafficker, and courts have closed trials or



dismissed charges in all trafficking prosecutions since 2016. Police suspended surveillance and sting operations normally carried out at nightclubs and sporting events during the reporting period due to the pandemic. Observers reported significant court backlogs and pretrial detention of defendants for all serious crimes, including trafficking cases, that could last as long as six years. The government hired an additional judge and two prosecutors to help reduce the backlog of such cases. There was no separate budget for trafficking cases, and court resources remained limited. The Royal Saint Lucian Police Force had three officers in the Major Crimes Unit dedicated to trafficking investigations, and its Vulnerable Persons Unit could also investigate potential trafficking cases involving children or sexual exploitation. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## PROTECTION

The government maintained protection efforts. The government did not identify any potential trafficking victims. The NGO noted the 28 victims it identified was higher than in previous years, when it referred, on average, one individual per year; it attributed the increase to greater financial insecurity as a result of the pandemic. The government identified two child trafficking victims in 2019, zero victims between 2016 and 2018, and ten victims in 2015. Authorities used standard operating procedures (SOPs) for victim identification, referral, and protection; the task force formally approved updates to these SOPs in March 2021. The government reported hiring 113 Cuban medical workers to assist in the pandemic response and signed a bilateral agreement with Cuba governing the work and living arrangements for the medical professionals. The government reported the agreement provided the workers with free living accommodations, free dental and medical care, and a stipend that varied based on position (i.e., doctor, nurse, or administrative). The government did not specify whether it paid the Cubans directly but said the medical workers remained in physical possession of their passports. The government did not report additional measures to screen the individuals for trafficking indicators. The police screened an unknown number of individuals involved in a human smuggling operation for trafficking indicators and did not identify any as trafficking victims. Specially trained police officers interviewed potential trafficking victims and reported generally screening for trafficking indicators when detaining or arresting individuals involved in commercial sex, migrants, and those in other vulnerable groups. Police lacked sensitization and training on sex trafficking and sex tourism, particularly involving children.

The government reported it worked with NGOs and encouraged them to report cases. The government did not maintain a dedicated shelter for trafficking victims and had an agreement with NGOs to provide shelter for victims when the need arose; the government did not report referring any victims to NGO shelters during the reporting period. The government reported it provided 72,000 XCD (\$26,670) in 2020 to fund an NGO to provide victim assistance including shelter, food, clothing, and counseling services. The government allocated 81,000 XCD (\$30,000) in the federal budget for trafficking-related activities in 2019, including victim protection and assistance, but no confirmed trafficking victims were identified during the reporting period. The government did not allocate any funds for victim protection in 2018 and 2017, compared with 1 million XCD (\$370,370) in 2016 for victim care related to a 2015 labor trafficking prosecution. The Division of Human Services entitled victims to counseling, meals, accommodation, medical care, toiletries, clothing, and in some cases, allowances; the government did not report providing these services during the reporting period. The Office of Gender Relations could refer trafficking victims to NGOs for legal, health, advocacy, and crisis services. Adult victims were able to leave shelters at-will, but the government did not allow them to work or receive formal residency status because it considered victims wards of the state; however, the government permitted victims who were material witnesses in a criminal case to remain and work in the country. The Division of

Human Services could place child victims in one of two children's homes, but it did not report doing so during the reporting period.

The 2010 Counter-Trafficking Act contained victim protection provisions, such as privacy measures, the ability to testify via video link, and witness protection, to encourage victims to participate in the investigation and prosecution of traffickers. The law also provided for victim restitution and other compensation in cases of traffickers' conviction. The government did not report using these provisions during the reporting period. Foreign victims had the same access to care as domestic victims, and the government could assist foreign victims seeking repatriation. During the reporting period, the government granted citizenship to a Sri Lankan trafficking victim and began processing a citizenship application from another Sri Lankan trafficking victim who held refugee status; the case remained pending at the end of the reporting period.

## PREVENTION

The government maintained efforts to prevent trafficking. With the support of the Prime Minister, the Ministry of Home Affairs and the Ministry of National Security led the task force consisting of relevant agencies and NGOs, which met in March 2021. In response to the pandemic, the government shut its borders and effectively stopped tourism from late March 2020 to July 2020 and then imposed strict entry requirements during a COVID-19 outbreak from October 2020 to the end of the reporting period; authorities diverted government resources, including those for trafficking and the task force, to its pandemic response. The government diverted further resources, including those for trafficking, to address an outbreak of dengue fever. In addition, government personnel focused primarily on the pandemic response and worked from home due to social distancing requirements, inhibiting the government's ability to implement anti-trafficking efforts. The government reported the official in charge of drafting the new national action plan was diverted to the Ministry of Education as it began to implement new virtual public education efforts in response to pandemic-related restrictions. The task force canceled all its public awareness events and in-person trainings, including for diplomats. The task force reported issuing trafficking-related press releases and promoting trafficking awareness on social media. The public could still make referrals through a police command center control room and 24-hour hotline launched in 2019, which handled calls in English and Saint Lucian Creole French; the government did not report any trafficking-related referrals from the hotline during the reporting period. In 2020, the government started a comprehensive study to provide recommendations on targeting economic development plans to reduce the vulnerability of economic populations to trafficking and other crimes; the study remained ongoing at the end of the reporting period.

The government did not report any changes to its regulations and oversight of labor recruitment or efforts to regulate recruitment practices. While labor laws prohibited most forms of forced or compulsory labor, the government did not enforce them effectively. Expert observers noted there were not enough trained labor inspectors to monitor all sectors for labor trafficking and that inspectors usually visited suspect areas only after receiving a complaint. In addition, coordination between ministries and departments dealing with labor issues was poor, hindering enforcement efforts. In 2020, the government reviewed the Labor Act, which specified the Labor Department's authorities; the Attorney General was reviewing the revised draft legislation at the end of the reporting period. Authorities cited limited resources and pandemic-related restrictions as the reasons for a 50 percent reduction in labor inspections during the reporting period. The Labor Department reported an insufficient operational budget in 2020, and authorities said inspectors did not have enough office facilities, telephone and inspection tools, or transportation to access some remote areas. Authorities reported all inspections looked for child labor, but they did not conduct child labor-specific inspections; inspectors did not receive child labor-specific training. The government did not identify any cases of child

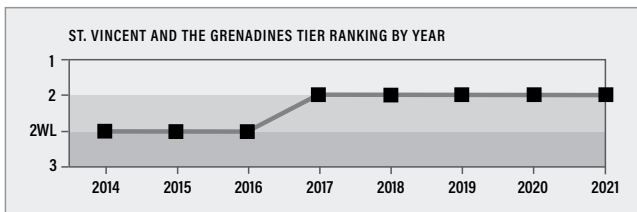
sex tourism during the reporting period, nor did it take measures to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Saint Lucia, and traffickers exploit victims from Saint Lucia abroad. Traffickers exploit local children in sex trafficking. Government officials, civil society, and educators reported Saint Lucian children from economically disadvantaged families are at risk of child sex trafficking, often encouraged or forced by parents and caretakers in exchange for goods or services. NGOs reported an increase in suspected cases of sex trafficking involving children during the reporting period. Civil society has also reported women, or in some cases older teenagers, recruit younger children to provide commercial sex to adults at street parties. Documented and undocumented migrants from the Caribbean and South Asia, including domestic workers, are vulnerable to trafficking. Foreign women who work in strip clubs and in commercial sex are at risk of sex trafficking. NGOs report that disadvantaged young women from rural areas are vulnerable to sex trafficking, and children from poor communities are also vulnerable to sexual exploitation. According to the government, business owners from Saint Lucia, India, China, Cuba, and Russia are the most likely traffickers in the country. Cuban medical professionals working in Saint Lucia may have been forced to work by the Cuban government.

## ST. VINCENT AND THE GRENADINES: TIER 2

The Government of St. Vincent and the Grenadines 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore St. Vincent and the Grenadines remained on Tier 2. These efforts included increased training for police, the addition of an NGO as a member of the Anti Trafficking in Persons Unit (ATIPU), the updating and funding of an anti-trafficking national action plan, and expanded public awareness campaigns. However, the government did not meet the minimum standards in several key areas. Authorities have not prosecuted a trafficking case since 2015 and have never convicted a trafficker. The government's anti-trafficking law, which allowed for fines in lieu of imprisonment, was not commensurate with penalties for other serious crimes. Government agencies cited a lack of resources for anti-trafficking efforts.



## PRIORITIZED RECOMMENDATIONS:

Increase investigations of suspected sex and labor trafficking cases, particularly among children. • Vigorously prosecute and convict traffickers, and sentence convicted traffickers to significant prison terms. • Amend the trafficking law to remove sentencing provisions allowing fines in lieu of imprisonment for sex trafficking offenses. • Increase government funding and resources across all relevant agencies to combat trafficking. • Improve the quality and specialization of victim services. • Screen vulnerable populations, including Cuban medical workers, for trafficking indicators and refer trafficking victims to care. • Focus training for police, prosecutors, and the judiciary on

improved evidence collection in trafficking cases, ensuring evidence presented meets applicable legal standards. • Increase the capacity of labor inspectors to identify and refer to care victims of labor trafficking, including children. • Eliminate recruitment or placement fees charged to workers. • Continue to raise awareness about labor trafficking and sex trafficking and the need for public cooperation in law enforcement investigations in traditional and social media. • Create new bilateral agreements with relevant source countries to better coordinate and combat trafficking.

## PROSECUTION

The government maintained law enforcement efforts. The Prevention of Trafficking in Persons Act of 2011 criminalized sex trafficking and labor trafficking and prescribed punishments of up to 15 years' imprisonment, a fine of 250,000 Eastern Caribbean dollars (\$92,590), or both. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking offenses were not commensurate with those for other serious crimes, such as rape.

The ATIPU investigated one case of labor trafficking, compared with five suspected cases in 2019 and four cases in 2018. The case involved one alleged trafficker and eight potential victims, all of whom were young women recruited to work as nannies and housekeepers in the Grenadines. Authorities did not prosecute the suspected trafficker during the reporting period; the investigation remained ongoing. Authorities did not prosecute any alleged traffickers under the Trafficking Act during the reporting period, with the last prosecution in 2015, and the government has never convicted a trafficker. The lack of prosecutions – including in the latest case – and convictions and the dismissal of past trafficking cases over several years indicated shortcomings in the government's ability to acquire sufficient evidence to bring cases to trial. Authorities indicated the police needed additional personnel and resources to investigate and collect evidence effectively in trafficking cases. The ATIPU reported it needed additional staff, computer and office equipment, office space, and a dedicated vehicle to combat human trafficking more effectively. During the reporting period, the ATIPU had to request vehicles on an ad hoc basis from the police force's general motor pool. The pandemic response restricted the ATIPU's activities, and investigative agencies reported a reduction in reports of suspected trafficking cases. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Court cases for all matters during the reporting period were delayed due to physical distancing restrictions due to the pandemic; the government suspended jury trials from mid-March through late June 2020, while pre-trial hearings took place virtually. The ATIPU conducted surveillance at the airport and seaports of entry, marinas, bars, and nightclubs, entertainment spots, restaurants, beaches, and social events to identify possible signs of recruitment of potential trafficking victims. The government reported that a lack of awareness about human trafficking impeded the public from reporting suspected trafficking cases and cooperating on trafficking investigations. The ATIPU funded and conducted specialized anti-trafficking training – covering the law and trial process, child trafficking, victim care, trafficking indicators, and causes and consequences of the crime – for 181 new police recruits, the entire staff of the Sexual Offenses Unit, and more experienced police officers taking a refresher course. The ATIPU reported sharing human trafficking information with regional organizations and with three foreign governments in the region to compare case similarities and learn from their experience in identifying and handling trafficking cases.

## PROTECTION

The government maintained minimal victim protection efforts. Authorities screened eight potential trafficking victims in 2020, compared with five in 2019 and four in 2018. The government reported that a formal referral procedure existed for potential trafficking victims, by which the ATIPU, immigration department, or labor department had responsibility to interview and screen

potential victims, and then refer those identified as victims to a crisis center the government funded and operated in collaboration with NGOs for victims of domestic violence and trafficking; the center offered a shelter, social care, and medical, psychological, and financial assistance. The government reported that adult victims had the option to leave the shelter at will. Some observers noted that the government's victim referral process did not include referrals from civil society and kept potential victims in law enforcement custody instead of moving them to the crisis center. The government did not provide shelter facilities for male victims, and outside observers noted the quality of care for victims was not sufficient. During the reporting period, the government provided funding to the Ministry of National Security, which oversaw the ATIPU, but it did not report the specific amount provided for trafficking victim services, as it was allocated through existing budgets of different ministries. Provisions in the trafficking act called for protections for victims before, during, and after a trial, such as keeping the names of victims and their families confidential, witness protection programs, and facilities for victims to testify via video; however, the government did not use these provisions for any victims during the reporting period. The anti-trafficking law provided foreign victims with the possibility of temporary and permanent residence permits and protected victims from immediate deportation; victim benefits were not linked to cooperation with law enforcement. Authorities did not grant temporary or permanent residency to any victims during the reporting period. Foreign victims who remained in the country were allowed to work. The government did not report any cases where the courts ordered restitution paid to trafficking victims during the reporting period; it also did not report any situations where victims required government assistance with repatriation. The government invited Cuban medical workers in the country to assist in the pandemic healthcare response and signed a bilateral agreement with Cuba governing the work and living arrangements for the medical professionals. The government reported Cuban medical workers retained their passports; however, authorities did not report screening the medical workers for trafficking indicators or implementing measures to ensure workers kept their wages.

## PREVENTION

The government increased efforts to prevent trafficking. The national task force, led by the prime minister, coordinated the anti-trafficking efforts of various government agencies. Despite the impediments caused by the pandemic, the ATIPU continued to convene both in-person and virtual interagency meetings during the reporting period. The ATIPU officially added a domestic NGO as a member in September 2020. The government updated and funded the country's anti-trafficking National Action Plan for the period 2021-2025. To raise public awareness, the ATIPU produced quarterly and annual trafficking reports and presented them to the House of Assembly; the ATIPU also made the reports publicly available. The pandemic displaced large numbers of workers, and the government implemented an unemployment insurance program for this population, which may have reduced their vulnerability to human trafficking. The ATIPU operated three 24-hour English-speaking hotlines, including a dedicated trafficking hotline, an emergency number, and a police operator, and it also monitored an email address for reporting suspected trafficking cases; authorities identified eight potential victims via the hotline during the reporting period compared to none in 2019. Health-related restrictions hindered in-person delivery of trainings and public awareness campaigns during the reporting period; however, the government funded and provided trafficking sensitization sessions in-person and virtually for an NGO, four churches, two schools, and 25 health care workers during the reporting period. The Prime Minister commemorated the UN World Day against Trafficking in Persons with a radio address, and the ATIPU used radio and TV to urge citizens to be vigilant and alert the authorities of potential trafficking cases. The ATIPU continued its awareness-raising campaign by disseminating posters, stickers, and brochures at the international airport and other popular sites; it also partnered with an NGO to place new anti-trafficking banners in the

arrivals and departures areas of the international airport. The ATIPU participated in two crime prevention exhibitions hosted by the police's Crime Prevention Unit in July and December 2020, one virtually and one in-person. The government did not provide anti-trafficking training to its diplomatic personnel in 2020 due to pandemic-related impediments; in previous reporting periods, the government provided such training on a biannual basis to coincide with the return of accredited diplomats for consultations in Kingstown. The government routinely conducted both planned and unannounced labor inspections of hotels, farms, stores, bars, industries, security workplaces, and domestic work locations, although their stated lack of personnel and funding may have prevented coverage of work sites with the most vulnerable workers. Labor department officials reported conducting 37 inspections in 2020, compared to 42 such inspections in 2019. Authorities conducted all the inspections at work sites. The government did not report whether labor laws regulate labor recruiters or ban employee-paid recruitment fees. The government did not train labor inspectors on child labor, although the government reported labor inspectors screen for indicators of child labor and trafficking and police receive training to investigate child labor crimes. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

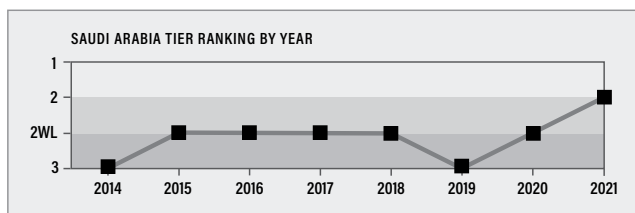
As reported over the past five years, human traffickers exploit domestic and foreign victims in St. Vincent and the Grenadines, and traffickers exploit victims from St. Vincent and the Grenadines abroad. Foreign women in commercial sex in the country may have been exploited in sex trafficking, and foreign workers from South America, the Caribbean, and Asia may have been exploited in forced labor both in the country and while in transit. Cuban nationals working in St. Vincent and the Grenadines may have been forced to work by the Cuban government. Foreign workers employed by small, foreign owned companies may be vulnerable to labor trafficking. Men, women, and children have been victims of forced labor, primarily in agriculture; government officials and civil society suspect drug traffickers exploit workers in forced labor in the production of marijuana. Outside experts continued to indicate adults may have exploited their children in sex trafficking to generate income while others purchased commercial sex from children.

## SAUDI ARABIA: TIER 2

The Government of Saudi Arabia 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Saudi Arabia was upgraded to Tier 2. These efforts included reporting more investigations, prosecutions, and convictions overall, particularly for forced labor; implementing its national referral mechanism (NRM); and providing robust training on the mechanism, identification, and referral procedures across all government agencies. The government also reported disaggregated victim identification and referral data for the first time, provided greater access to interpretation and legal services for victims, and coordinated with NGOs for the first time to provide protection services to victims. The government also held its largest awareness campaign and utilized existing mechanisms to refer labor violations that exhibited trafficking indicators for criminal investigation and prosecution. However, the government did not meet the minimum standards in several key areas. It continued to fine, jail, and/or deport migrant workers for prostitution or immigration violations, many of whom may have been unidentified trafficking victims. In addition, officials regularly misclassified potential trafficking crimes as administrative labor law violations or failed to refer such cases for criminal investigation. While the sponsorship system remained in



place during the reporting period, in March 2021, the government began to implement labor reforms, allowing all expatriate workers covered under the Labor Law—with the exclusion of domestic workers—to obtain an exit and re-entry visa, obtain final exit visas, or change employers without an employer's permission at the conclusion of their contract or after one year. These reforms may remove some aspects of employers' unilateral control over the covered workers that could be used to create conditions of forced labor.



### PRIORITIZED RECOMMENDATIONS:

Continue to investigate as potential trafficking crimes (not just as administrative issues) indicators of trafficking such as passport retention, withholding of wages, labor violations, and complaints of abuse. • Undertake serious efforts to prevent penalization of trafficking victims by proactively screening for trafficking among those arrested for immigration violations, prostitution, or those who flee abusive employers and face countercharges and deportation. • Ensure border guards and police are adequately trained to proactively identify potential victims and disseminate new screening protocols widely across the Kingdom. • Regularly use and train officials on the national referral mechanism to ensure victims among vulnerable populations, including domestic workers, illegal foreign workers, deportees, and persons in commercial sex, receive proper care and are not wrongfully penalized. • Expand implementation of electronic contracts so that workers can utilize the new labor reforms and include domestic workers in these reforms. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Continue to increase efforts to prosecute and convict traffickers, and sentence convicted traffickers to significant prison terms under the anti-trafficking law. • Pursue criminal investigations against all officials allegedly complicit in trafficking crimes. • Expand usage of the specialized Public Prosecutor's Office (PPO) sub-units to detect potential trafficking cases across the country. • Institute regular trainings for government officials on identifying cases of both labor and sex trafficking and differentiating between forced labor and labor-related crimes.

### PROSECUTION

The government increased law enforcement efforts. The 2009 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of up to 15 years' imprisonment, a fine of up to 1 million Saudi Arabian riyal (SAR) (\$266,670), or both; penalties increased under aggravating circumstances, including trafficking committed by an organized criminal group or against a woman, child, or person with disabilities. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes such as kidnapping, false imprisonment, or sexual abuse. The Council of Ministers' Decision 166 prohibited withholding workers' passports as a lesser criminal offense, punishable by fines. During the reporting period, the government established a committee advised by an international organization and composed of the Ministry of Interior (MOI), Ministry of Foreign Affairs (MFA), Ministry of Justice (MOJ), the PPO, the Ministry of Human Resources and Social Development (MHRSD), and the Saudi Human Rights Commission (HRC) to consider amendments to the 2009 anti-trafficking law. The government did not draft an amendment during the reporting period.

As in the previous reporting period, officials disaggregated and shared law enforcement data by the type of trafficking and comprehensive case specifics, including reporting the number of traffickers sentenced and the penalties prescribed. While several government entities disclosed their respective law enforcement datasets, the disparate, contradictory totals suggested limited interagency coordination. During the reporting period, the MOI reported investigating 610 potential trafficking cases, the PPO reported investigating 106 cases, and the MOJ reported

investigating 59 potential trafficking cases, totaling 775 cases involving 1,111 alleged traffickers. Of these 775 cases, 570 were for forced labor, four for child sex trafficking, and 35 for sex trafficking, with the remainder for forced begging and "slavery-like practices." During the previous reporting period, the government investigated 320 potential trafficking cases. During the current reporting period, the government reported prosecuting 127 individuals in 52 cases; it did not report how many cases and individuals it prosecuted in the previous reporting period. Of the 52 cases prosecuted, the government reported convicting 62 defendants under the anti-trafficking law, compared with convicting 46 defendants in the previous year. The government reported it acquitted an unknown number of traffickers in 22 cases, suspended proceedings for an unknown number of traffickers in one case, and three cases of forced labor involving an unknown number of traffickers remained in the prosecution stage at the close of the reporting period. Of these 62 defendants convicted, 38 were for forced labor, 11 for sex trafficking, six for forced begging, and seven for "slavery-like practices." The government reported it sentenced all convicted traffickers to terms of imprisonment ranging from three months to six years and two months (with the majority receiving one year or more), plus fines, travel bans, and confiscation of personal assets used to facilitate each crime. In another reported case, courts sentenced a Saudi male to one year imprisonment and a 10,000 SAR fine (\$2,670) for recruiting several domestic workers from their employer's homes and forcing them to work in domestic servitude. Additionally, the courts sentenced two Indian males to three years' imprisonment each for forcing a woman into commercial sex through threats of physical abuse. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

The government reported launching several initiatives during the reporting period to continue to investigate, prosecute, and convict criminal cases, including cases of trafficking, through digital platforms. The government launched electronic litigation services through its *Najiz* platform. The MOJ reported receiving 7,000 written pleadings, held more than 6,000 virtual hearings, and issued more than 2,200 judgments. It also launched tele-trials, allowing trials to be held remotely in five courts and five prisons across the Kingdom; it held 1,443 remote trials during the reporting period, including for an unknown number of trafficking cases. Government officials in many instances continued to misclassify trafficking cases as administrative immigration or labor law violations without routinely undertaking criminal investigations or prosecutions against traffickers. The PPO maintained 107 trafficking-specific, operational investigative sub-units within PPO branch offices (two in Riyadh and the remainder in the capital of each province) to identify potential trafficking cases among existing criminal cases. The PPO continued to have a panel of five human trafficking experts who informed anti-trafficking policy and served as resources at the PPO headquarters and for circuit offices. Throughout the reporting period, the Kingdom's human trafficking entities conducted 29 anti-trafficking trainings, some in close partnership with two international organizations and others conducted solely by MHRSD and MOI; the trainings reached more than 2,424 private and public sector representatives. The programs covered topics such as victim identification and referral, trafficking data management, inspection procedures, and investigative processes for trafficking crimes. In partnership with an international

organization, the government disseminated information packets and held six workshops to improve overall trafficking case management approaches, including case research, investigation, evidence-collection, and inspection techniques, all aimed at developing the capabilities of criminal and labor courts, specialized PPO investigators, and criminal investigation officers from various sectors of the MOI on advanced criminal investigation methods and mechanisms for prosecuting defendants in trafficking cases.

## PROTECTION

The government increased efforts to protect trafficking victims. During the reporting period, the government identified and referred 1,255 trafficking victims to government-run shelters, a decrease compared with 1,457 trafficking victims it identified and referred to care during the previous year. For the first time, the government provided disaggregated victim identification data by type of trafficking—of the 1,255 identified victims, 906 were forced labor victims, mostly in the domestic work and industrial sectors, while the remainder included 46 sex trafficking victims, 18 victims of enslavement, 218 victims of forced begging, nine victims of child trafficking, and 54 victims of “slavery-like practices.” Seventy-three victims were children. The victims were nationals of Bangladesh, Burkina Faso, Burundi, Egypt, Ethiopia, Ghana, India, Indonesia, Kenya, Morocco, Nigeria, Philippines, Saudi Arabia, Sri Lanka, Sudan, Syria, Turkey, Uganda, Vietnam, and Yemen.

During the reporting period, the government, in collaboration with two international organizations, facilitated robust training of relevant government entities on the NRM launched at the end of the previous reporting period, as well as best practices on victim identification and referral. The training reached 1,331 people, including MHSRD officials, shelter staff, call center and hotline staff, HRC branch officials, Ministry of Health (MOH) and Ministry of Education (MOE) officials, members of the Domestic Workers Dispute Resolution Committee, representatives from 29 recruitment agencies, and members of charity organizations in the Kingdom. Following the dissemination of the hard-copy NRM to front-line officials, government agencies, NGOs, civil society, and other stakeholders during 2020, the government began development of an electronic version of the NRM to better coordinate agencies and track and input data on identification and referrals in real-time; however, it had not implemented the electronic NRM by the end of the reporting period due to limitations imposed by the pandemic. The government continued to publish information pertaining to trafficking indicators on relevant government websites and distributed leaflets with similar material to all official stakeholders to ensure potential victims could be identified and referred to protective services according to the NRM.

MHSRD remained responsible for the operation of shelters across the country for vulnerable populations and abuse victims, and the entity disclosed the government allocated approximately 25 million SAR (\$6.7 million) to specifically support trafficking victims during the year. MHSRD operated shelters for child victims of forced begging in Mecca, Jeddah, Dammam, Medina, Qassim, and Abha, in addition to welfare centers for vulnerable female domestic workers and trafficking victims in 13 locations throughout the Kingdom. Each shelter provided accommodation, social services, health care, psychological counseling, education, and legal assistance. The government offered these services to all victims it identified during the reporting period. Diplomats from labor-source countries had regular access to their nationals residing in government-run shelters and reported conditions and quality of services in the shelters varied slightly across the Kingdom but were overall satisfactory and safe. Some embassies and consulates—including those of Bangladesh, India, Indonesia, Nigeria, Philippines, Sri Lanka, and Uganda—also operated shelters for their respective nationals. Foreign diplomats noted that Saudi officials frequently left potential trafficking victims at their respective embassies rather than referring them to Saudi shelters and noted that Saudi government shelters accepted only female domestic workers, not men or women from other employment

sectors. The government reported that it planned to gradually shift shelter responsibilities to NGOs and open a dedicated trafficking shelter for all potential victims of trafficking in coordination with NGOs, although the opening of the shelter was delayed due to the pandemic. In an effort to identify entities that could support this new shelter, the government, in cooperation with an international organization, conducted a workshop with 71 representatives of civil society organizations in January 2021. During the reporting period, some embassies of labor-source countries reported that the government shelters stopped accepting new victims since the pandemic began. However, for the first time, the government reported coordinating with various NGOs to provide protection services to potential trafficking victims during the year as a result of limited capacity of government shelters to take victim referrals due to COVID-19 testing requirements, suspension of flights to repatriate victims already sheltered, and compliance with social distancing requirements. The government reported it launched a community fund during the reporting year to support the non-profit sector in supporting those affected by the pandemic; individuals and institutions made donations so NGOs could implement initiatives and provide support to vulnerable communities, including the provision of protection services to potential trafficking victims. The government reported 19 additional potential trafficking victims received support from NGOs during the reporting period.

The Labor Law does not apply to domestic workers; therefore, its protections do not extend to such workers. However, Decision No.310/1434 of 2013 granted some protections for this population through regulations on working hours, rest periods, annual leave, end of service benefits, written employment contracts, and payment of wages on a monthly basis. Under this decision, domestic workers included both male and female household workers, private drivers, gardeners, and security guards. International NGOs continued to express concern that because the Labor Law did not protect these workers, the law did not explicitly prohibit charging recruitment fees to workers or confiscating a domestic worker’s passport. Additionally, the law did not require compensation for overtime, nor did it limit the workday to eight hours (domestic workers could work up to 15 hours a day including breaks). The law also included vague provisions on suitable accommodation, paid sick leave, and healthcare. NGOs reported domestic workers could experience non-payment of salaries, forced confinement, food deprivation, excessive workloads, and severe psychological, physical, and sexual abuse. Domestic workers could change employers with sponsor permission anytime and without sponsor permission after two years of employment; a transfer of sponsorship could be made at any time without the employer’s permission in several circumstances, including if the employer failed to pay the salary of the worker for three consecutive months, failed to obtain a residency permit or renew an expired permit, abused the worker, or filed a false absconding charge against the worker. However, domestic workers continued to require sponsor permission to receive an exit permit, and the newest reforms to the sponsorship system that provided expatriate workers covered under the Labor Law the ability to change employers and leave the country permanently or leave and re-enter without employer approval did not apply to domestic workers.

There were persistent complaints among migrant workers of unpaid wages, passport retention, physical or sexual abuse, or substandard working conditions, all of which were trafficking indicators. As in previous years, the government often deported migrant workers without proactively screening for signs of trafficking during the reporting period. On average, it deported 700-800 Ethiopian laborers per week, according to Ethiopian officials familiar with the deportations. Reasons for deportations included alleged violations of work, residence, and entry rules. In October 2020, several prominent NGOs and media outlets reported that tens of thousands of Ethiopians, Yemenis, and other migrants had been detained in overcrowded and unsanitary immigration detention facilities following the pandemic-related ban of flights to several

labor-source countries, including Ethiopia. Reports indicated that some of the detained migrants arrived from Yemen, pushed out by Houthis attacks, and that others were undocumented migrants working illegally in Saudi Arabia; however, a few migrants with valid residency permits were also detained. In September 2020, labor-source countries, including Ethiopia, began accepting return flights, but the government did not report if it screened those deported or repatriated for trafficking indicators before departing. In an effort to increase capacity to screen for potential trafficking victims, the PPO directed all its branches and law enforcement agencies to cease deportation of any potential trafficking victims or anyone involved in an active trafficking case without the PPO's prior approval. Additionally, during the reporting period, the National Committee to Combat Human Trafficking (NCCHT) formed a subcommittee of MOI, MHRSD, PPO, and HRC staff to ensure proper procedures for screening and identifying potential victims of trafficking were in place at detention centers; however, the government did not report any outcomes from this subcommittee at the close of the reporting period or whether authorities identified any trafficking victims as a result. The government instructed each circuit court to screen defendants for potential trafficking indicators and to drop pending charges against identified trafficking victims. However, diplomats from several labor-source countries reported Saudi authorities regularly detained, fined, and/or jailed their nationals, including some unidentified trafficking victims, for immigration violations as a result of having been subjected to forced labor or sex trafficking. Furthermore, since the government did not routinely screen for potential trafficking indicators among vulnerable populations and police frequently arrested and/or deported undocumented migrant workers, authorities likely arrested and deported unidentified victims during the year.

The government extended to all identified trafficking victims the option of remaining in the country—either in a shelter or via transfer to a new employer—during judicial proceedings, or alternatively an immediate exit visa; these benefits did not require a successful prosecution or cooperation with law enforcement personnel. However, in previous reporting periods, diplomatic representatives from labor-source countries reported trafficking victims were not permitted to seek employment while residing in government-run shelters. In October 2020, the MHRSD began implementation of a new policy, issued under Circular No.65551, which granted work permits and temporary residence to workers identified as potential trafficking victims so they could work, if they chose, while their labor dispute or criminal case was adjudicated; this included potential trafficking victims whose work permits had expired. The government reported that it developed this specific policy after soliciting input from potential trafficking victims during the year and that a potential victim could receive this benefit regardless of whether they resided in the shelter; however, it did not report how many work permits or temporary residence it granted to potential trafficking victims. The government reported it allowed victims to submit testimony in written form or remotely via recording as they preferred, and it ensured victims' identities remained confidential. In contrast, diplomats from several labor-source countries reported the government advised some victims to testify in person. The government reported that a potential victim's testimony was only taken if the potential victim provided informed consent, in adherence with the NRM. In June 2020, the PPO issued Circular No.63677 that stressed no potential victim of trafficking should be repatriated without their testimony being taken first (if they provided informed consent), as unreliable flight schedules due to the pandemic caused some potential victims to depart the country before their statement could be submitted. The law entitled trafficking victims to legal assistance, security protection, translation services, and the right to immediate repatriation or continued residence in country until resolution of the case, in addition to medical and psychological care, shelter, and rehabilitation. In regard to legal assistance, the government reported that victims were provided with seven lawyers in 16 trafficking cases, four counsels in 18 cases, and received legal guidance from a law firm in one case during the

reporting period. In November 2020, the government activated the Unified Translation Center Initiative to provide translation services to the courts and judicial facilities to protect the rights of non-Arabic speaking victims in court proceedings. The initiative, which had 22 interpreters that covered 20 languages, handled approximately 800 cases each month during the reporting period, including an unknown number of trafficking cases. Officials permitted victims to obtain restitution directly from the government and/or by filing civil suits against traffickers; however, such settlements rarely took place through the established system and reportedly generally occurred outside of civil court proceedings through government-supported mediation efforts. These proceedings often did not entail criminal prosecution, and officials preferred to reimburse back-wages informally and/or assist in repatriating the victims, neither of which was a victim-centered or trauma-informed practice.

## PREVENTION

The government demonstrated increased efforts to prevent trafficking, including significant steps to reform its sponsorship system, allowing expatriate workers covered under the Labor Law to obtain an exit and re-entry visa, obtain final exit visas, or change employers at the conclusion of their contract or after one year without an employer's permission, therefore lessening workers' vulnerability to forced labor. It demonstrated improved progress on implementation of its 2017-2020 national action plan (NAP) to combat trafficking that focused on monitoring, prevention, building government capacity, inter-ministerial coordination, effective law enforcement, and provision of protective services for victims. The NCCHT reported meeting approximately every two weeks throughout the reporting period; it created a subcommittee to draft the next iteration of the NAP to be published in 2021. The committee actively increased its engagement with civil society organizations through workshops and training, created a subcommittee to review the anti-trafficking law, and established an executive arm of the committee responsible for trafficking case processing and management and ensuring effective application of the NRM—which included points of contacts from each agency represented on the committee, as well as the MOH, the Saudi Red Crescent Society, the MOE, the Saudi Bar Association, and the General Organization for Technical and Vocational training. Additionally, the government renewed its anti-trafficking partnership with the IOM in March 2021 and held a roundtable with two international organizations and 13 embassies, including labor-source countries, to discuss the Kingdom's recent changes to the labor law and to receive feedback on ways to improve its trafficking response. In October 2020, the Saudi government joined the second annual Anti-Trafficking Forum in the Middle East, hosted by the United Arab Emirates.

The government continued to operate and utilize its online domestic labor portal known as *Musaned*, meaning "support" in Arabic. This system consisted of a website and smartphone application that allowed potential employees in various sectors and individual employers to verify the license of a recruitment agency, review materials on employee and employer rights and responsibilities (in Arabic and English only), complete and electronically sign contracts, and request a visa. The system intended to eliminate unregulated brokers, increase transparency and accountability of recruitment agencies and work contracts, and reduce the risk of forced labor. It also included a complaints resolution mechanism and associated resources. *Musaned* also served as a tool for authenticating contracts for domestic workers. Diplomats from multiple labor-source countries reported *Musaned* enhanced the ability of embassies to monitor newly arrived nationals. However, in some cases, embassies found some information entered in the platform, such as address of residence and place of work, was either missing or incorrect following a transfer, impeding efforts to track reported victims of abuse and trafficking. Finally, MHRSD continued a pilot program called *Weddi* ("friendly" in Arabic), which was an alternative dispute resolution mechanism whereby a worker could electronically submit a complaint and supporting documentation. If either the employee or employer rejected the proposed resolution



via arbitration, officials would automatically transfer the case to the MOJ labor courts for administrative settlement.

Pursuant to a ministerial circular promulgated in September 2019, authorities continued to implement a mechanism to electronically verify work contracts to prevent contract switching and fraudulent documentation. The initiative aimed to obligate all private sector companies to sign contracts with their employees enabling MHRSD to electronically account for, authenticate, and monitor all employment contracts in the private sector. During the reporting period, the MHRSD further developed this electronic contract program into a Single Electronic Contract to ensure compliance with labor laws through provisions on contract data, type of work, salary, duration of contract, working hours, weekends and annual leave, making the system mandatory for all private sector companies in November 2020. Each contract was verified by both the employer and employee and filed through the *Mudad* electronic platform. It also granted employees access to their contract and ensured MHRSD could impose sanctions on establishments that contravened the terms contained therein. The e-contract could also be used in a potential labor dispute as an enforceable deed to protect the rights of the employee. Representatives from labor-source countries reported the e-contact was a helpful tool that enhanced transparency and accountability for their nationals who raised labor disputes against an employer during the reporting year. The government reported that if an employer did not have an e-contract on file that an employee could approve electronically, the employer could be fined up to 3,000 SAR (\$800), multiplied by the number of employees at the company. At the end of the reporting period, MHRSD reported 5,000,000 ratified contracts existed within the *Mudad* system, out of a total of 9,000,000 employee contracts in the Kingdom.

During the reporting period, the government continued to expand usage of its Wage Protection System (WPS), which required employers to pay foreign workers by electronic transfer via a Saudi bank, thereby permitting the government to track disbursements and prevent non- or delayed payment of wages—a key forced labor indicator prominent across the Kingdom. In December 2020, the government extended the WPS to require 100 percent of private sector companies to register, including those with just one employee. The government reported it also used the *Mudad* platform to track WPS compliance in real-time, and through this electronic platform, a notification of payment was sent to the employee. The government reported that in instances where employers withheld wages from the employee, the system required the employer to explain the reason for non-payment; the explanation would be sent to the employee for approval. If approval was not given, the MHRSD reported it would investigate the employer and screen for other potential trafficking indicators. This system became mandatory during the reporting period and continued to review payrolls and impose penalties for any firm that failed to maintain at least 80 percent compliance on a monthly basis, resulting in suspension of government services and recruitment privileges. Authorities penalized companies for less than 80 percent compliance and/or for failing to submit monthly WPS data. The government reported a 2020 compliance rate of 68.33 percent for companies with 30 employees or more, and a compliance rate of 13 percent for companies with 11-29 employees. In total, the government reported 5,659 violations of companies for non-compliance in both the WPS and e-contract system. Although the WPS was not available for domestic workers, the government continued to mandate individual employers of domestic labor issue prepaid payroll or salary cards as soon as the domestic worker arrived in the Kingdom to ensure a legal working relationship between employer and employee and safeguard employees' prescribed wages.

In the previous reporting period, the government removed the requirement for employer approval to receive a final exit visa for commercial or domestic workers whose sponsors failed to pay required fees, renew a worker's status, or were absent; however, the majority of workers continued to need employer permission to depart the country or change sponsors for the majority of the

reporting period, rendering them at greater risk of forced labor. As part of a larger suite of labor reforms announced by the MHRSD in November 2020 through Ministerial Resolution No.51848/1442, which the government began to implement in March 2021, private sector workers no longer needed their employer's permission to travel abroad (obtain an exit and re-entry visa), obtain final exit visas, or change employers at the conclusion of their contract or after one year; this provided increased freedom of movement and lessened the risks of forced labor for seven million private sector workers in the Kingdom. Sources reported the government intended to use both the *Abshir* and *Qiwa* electronic applications to automate the process for transferring employment, notifying an employer of an employee's departure and re-entry, and providing an employee a final exit visa. Several NGOs expressed concern these initial reforms did not include the 3.7 million domestic workers employed in Saudi Arabia, a group highly vulnerable to abuse. The government reported domestic workers would be added to the reforms at an unspecified later date. NGOs also reported concerns that although the reforms were a step in the right direction, the sponsorship system would continue to persist as long as both the employee's work and residence visas were tied to an employer. Additionally, these organizations noted the reforms did not abolish the exit permit entirely—a worker must still submit a request to MHRSD for an exit permit, and the ministry will, in turn, notify the employer electronically of their worker's departure. The employer had ten days to lodge an inquiry into the worker's exit permit request, and an employer's inquiry could potentially be used to deny the worker an exit permit.

The government made efforts to prevent vulnerability to exploitation and potential trafficking for migrant workers who experienced job loss, expired visas, and loss of wages related to the pandemic. The MHRSD reported all work permits for migrant workers that expired between March 18 and June 30 were automatically extended for three months, benefitting more than 1.5 million workers; the government extended this initiative several times during the reporting period to address vulnerabilities of workers who lost residency status due to expired permits as part of pandemic response measures. Additionally, the government allowed laborers to temporarily work for other employers through the *Ajeer* program, which created more jobs for migrant workers whose employers could not afford to employ them, benefitting 7,115 workers. The government also reported extending the validity of all re-entry visas for migrant workers stranded abroad due to the suspension of international flights and whose visas expired while abroad; this initiative benefitted nearly seven million workers during the reporting period. To regulate the employer-employee relationship at the onset of the pandemic, the government invoked Article 41 of the labor law in April 2020, allowing employers and employees to agree to reduced salaries and work hours or paid annual leave as part of their entitlement to avoid firing employees and rendering them more vulnerable to trafficking due to an irregular status. However, this policy also allowed employers to implement a period of unpaid leave with employee consent, which may have put some workers at greater risk of exploitation.

During the reporting period, the NCCHT launched Twitter accounts in both Arabic and English to raise awareness on trafficking crimes and consistently monitored the online traffic each account received throughout the year. In its largest awareness-raising campaign ever, the NCCHT and HRC jointly launched a week-long #UnitedAgainstTrafficking campaign in conjunction with World Day against Trafficking in Persons on July 30, 2020. The HRC published and disseminated an educational video describing trafficking in persons to the general public and activated the hashtag #UnitedAgainstTrafficking\_KSA through the HRC's English and Arabic social media accounts. Numerous social media influencers and high-level government officials amplified the campaign through their own accounts. The PPO, Border Guard, and Passport Authorities published videos related to the campaign, and numerous other government bodies and officials amplified the message, including Saudi embassies overseas. In addition to social media, the campaign was featured on

traditional media as well as through art exhibits from local artists. The government also sent text messages to 40 million mobile phones to raise awareness of the dangers posed by trafficking and the need for all to combat the crime. In an effort to raise awareness on the Labor Reform Initiative and associated reforms to the sponsorship system, the government published videos and infographics in multiple languages and informational service guides to ensure targeted groups and the public received adequate information on the reforms. Additionally, to socialize the reforms with labor-source countries, companies and recruitment agencies, and other stakeholders, the government hosted informational workshops in various regions, including Riyadh, Jeddah, and the Eastern province, which were attended by at least 8,000 companies and recruiting agencies, and held awareness and informational meetings at the Saudi Chamber of Commerce in Mecca, Taif, and Medina. Finally, the government held two workshops in collaboration with more than 30 embassies of labor-source countries on leveraging services offered through the new reforms, such as applications for residency permits or transfer requests for workers to be requested through *Abshir* and *Qiwa*, as noted above. Additionally, MHRSD officials launched a program during the reporting period to send labor attachés to key labor-source countries to enhance coordination on suspected trafficking cases and ensure workers from labor-source countries were adequately informed of their rights before arriving in Saudi Arabia. The government reported the first Saudi representative arrived in Philippines in September 2020, with six additional attachés planned for Bangladesh, Egypt, India, Indonesia, Pakistan, and Sri Lanka.

Officials operated a 24-hour call center that received calls in nine major labor-source country languages: Amharic, Arabic, Bengali, English, Hindi, Indonesian, Malay, Tagalog, and Urdu. The call center received approximately 280 calls per day on average. The MHRSD complaint hotline number was also included in pamphlets received by all expatriate workers who entered the Kingdom during the year. The government reported it identified 374 potential trafficking cases via its hotline and referred 14 of those cases to the MOI for further investigation during the reporting period. The MOI's crime reporting app, *Koolna* ("All of Us"), added a feature that allowed users to report trafficking crimes as a standalone option in November 2020. In March 2020, the HRC began piloting a multilingual call center that received calls, texts, and Whatsapp messages and operated 24 hours and seven days a week, equipped with a specific trafficking option and staffed with operators trained on identifying potential trafficking cases. The call center could receive calls in English and Arabic; the government reported that additional languages would be added in 2021. Additionally, the NCCHT established a reception and management group for trafficking-related complaints, and the committee reported receiving an unknown number of cases through an email address during 2020. The government reported that once a case was received, the group coordinated with the HRC and other agencies to refer the case for further processing. Some workers and labor-source country officials reported impracticalities and technical difficulties getting through to operators using this phone line, citing poorly trained and under-resourced staff.

The government sought to eliminate vulnerabilities in labor recruitment through its deployment of labor inspectors and HRC officials—400 of whom specialized in trafficking crimes—who conducted 843,419 field visits to monitor the application of employment and recruitment laws. The government reported 17 potential trafficking cases were identified during these inspections and referred to the MOI for further investigation. During the reporting period, diplomatic representatives from several countries reported an improvement in Saudi government oversight over labor recruitment and the proper implementation of labor contracts. Although authorities instructed labor inspectors to ascertain, through field inspections and an understanding that withholding employees' passports, residency permit, or personal/family insurance cards was indicative of trafficking, among other investigative steps to safeguard employees against the crime, the government did not

report investigating or referring for criminal prosecution any passport retention crimes. The government circulated a questionnaire for labor inspectors to complete for situations where they suspected a trafficking crime; inspectors sent the forms to the MHRSD's anti-trafficking department. The HRC Secretariat reported receiving 102 general complaints from workers during the reporting period; nine of those complaints were for passport confiscation, which the HRC referred to the MHRSD, which then referred the complaints to the MOI and PPO for further investigation. The MHRSD reported processing 670 complaints filed through its Domestic Labor Dispute Committee and Trafficking Hotline Program and referred an unknown number of suspected trafficking cases to the MOI and PPO for further investigation. In addition, the MHRSD, in collaboration with the MOJ, launched a remote amicable resolution initiative to ensure workers and employers could complete procedures while maintaining health and safety precautions due to the pandemic; 17,000 workers benefitted from this remote option. The government had several bilateral labor agreements with primary labor-source countries, including Ethiopia and Indonesia, which set minimum wage standards and regulated protections and benefits for laborers, such as work hours, mandatory time off, and overarching work conditions. The government did not report efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Saudi Arabia. Adults—primarily from South and Southeast Asia and East Africa—voluntarily migrate to Saudi Arabia to work in a variety of sectors, including construction, agriculture, and domestic service. Many of these low-skilled laborers are employed in substandard conditions that heighten their risk of forced labor. Some traffickers or unscrupulous labor brokers illegally recruit migrants to work in Saudi Arabia and subsequently force them to work in domestic servitude. Undocumented entry across the Kingdom's southwestern border serves as a key gateway for vulnerable Yemeni, Ethiopian, and Somali workers, in particular. The Kingdom's migrant laborer population continued to be the largest group at risk of human trafficking, particularly female domestic workers due to their isolation inside private residences and vulnerability to employer abuse. The pandemic further increased the vulnerability of trafficking among domestic workers, as regional and nationwide curfews created obstacles to reach assistance from police stations, hospitals, or NGOs. Labor-source countries also reported increased work hours and complaints of abuse among domestic workers. The government reported efforts to address migrant workers vulnerability exacerbated by the pandemic, such as job-loss or delayed or non-payment of wages. According to the General Authority for Statistics, there are approximately 13.1 million foreign workers in Saudi Arabia; the largest populations during the reporting period were from Bangladesh, Egypt, Ethiopia, India, Indonesia, Pakistan, Philippines, Sudan, and Yemen. In previous years, the government prosecuted some foreign citizens who may have been subjected to trafficking or related indicators and sentenced them to death in cases involving murder; however, there were no instances during this reporting period. Non-payment or late payment of wages remain the prominent complaint from foreign workers in the Kingdom; this concern was further exacerbated during the reporting period by the pandemic, as the unemployment rate among foreign workers increased significantly and heightened this group's vulnerability to trafficking. Instances of employers withholding workers' passports also remains a significant problem. Trafficking perpetrators include businesses of all sizes, private families, recruitment agencies in both Saudi Arabia and labor-source countries, gangs, and organized criminal elements, to include third-country nationals. Chinese nationals working in Saudi Arabia may have been forced to work on projects managed by state-owned enterprises, and Cuban nationals working in Saudi Arabia may have been forced to work by the Cuban government.

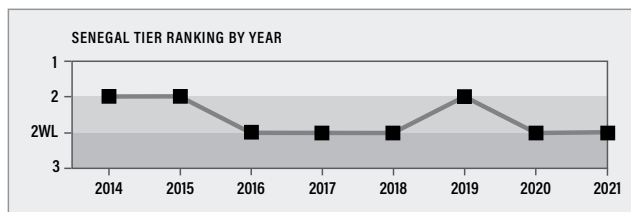
Due to Saudi Arabia's requirement, under its sponsorship system, for foreign workers to obtain permission for an exit visa from their employers to be able to legally depart the country, some laborers are forced to work beyond their contract term because their Saudi employers refuse to grant exit permission or pay the exit fee required by Saudi law. In 2019, The government took initial steps to reform this system and reduce worker liability; however, during the reporting period, in a purported move to provide workers greater freedom, the government announced the Labor Reform Initiative, implemented in March 2021, which provides private sector workers the ability to change employers, obtain exit and re-entry visas, and obtain exit visas at the end of their contract or after one year, without the previous employer's permission. However, this initiative does not benefit domestic workers, continuing to place this vulnerable group at higher risk of trafficking. Although most migrant workers sign contracts delineating their rights, some report work conditions substantially differ from those outlined in their contracts. Other workers never see their work contracts, heightening their risk of forced labor and debt-based coercion. Additionally, some migrant workers voluntarily enter into illegal arrangements where they seek freelance work while concurrently paying a Saudi national to sponsor their initial residency permit, thereby becoming vulnerable to extortion and debt-based coercion by their sponsors. Some migrants from Yemen and the Horn of Africa who enter Saudi Arabia illegally via the Yemeni border— involuntarily or through consented smuggling— may be trafficking victims. Previous reports alleged some Saudi citizens engaged in sex tourism abroad, where they engaged in temporary or seasonal nonbinding "marriages," which included payment for short-term sexual access to children and adults whom the purchaser then abandoned. In Saudi Arabia, begging by women and children remains a problem and a significant vulnerability to forced labor with reported upticks in forced begging during the holy month of Ramadan and the Muslim pilgrimages of Hajj and Umrah. The child beggar population is composed primarily of unaccompanied migrant children, most heavily from Yemen and Ethiopia, but approximately five percent are Saudi national children of unknown parents. Traffickers compel some of these women and children to work as part of organized begging rings.

As the leader of a multi-nation coalition that commenced military operations against Houthi rebel forces in Yemen in 2015, Saudi Arabia paid, materially supported, trained, and commanded Sudan's Rapid Support Force (RSF). Media alleged in a previous reporting period that Sudanese officers associated with RSF took bribes from families to permit children to serve as combatants in Yemen. Saudi Arabian officers allegedly trained and exercised tactical control over some RSF units. Past reporting claimed that in some instances Saudi Arabia funded Yemeni militias that hired children in combatant roles, and that the Saudi Arabian government had provided salaries, uniforms, weapons, and training to Sudanese combatants (which included children aged 14-17 years old) in Yemen.

## SENEGAL: TIER 2 WATCH LIST

The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included implementing the third phase of its program to remove vulnerable children, including trafficking victims, from the streets, increasing investigations, prosecutions, and convictions, and adopting a new national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not investigate or prosecute traffickers exploiting children in forced begging consistent with the 2005 anti-trafficking law and did not take action against officials who refused to investigate such cases during the reporting period. Officials did not consistently use

the 2005 anti-trafficking law to prosecute alleged traffickers and continued to apply penalties inconsistent with the law. Efforts to identify adult trafficking victims and refer them to services remained weak. Therefore Senegal remained on the Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Explicitly direct law enforcement and judicial officials to significantly increase efforts to actively investigate and criminally prosecute trafficking offenses, including those who exploit children in forced begging. • Punish convicted traffickers with significant prison terms consistent with the 2005 anti-trafficking law. • Ensure draft legislation and implementing decrees developed to regulate *daaras* (Quranic schools) explicitly prohibit forced begging; approve the draft legislation and implementing decrees, and allocate adequate resources, including inspectors, to enforce their implementation. • Establish a system to automatically trigger police or judicial investigations of alleged traffickers when potential trafficking victims are identified, including potential child forced begging victims. • Increase the number of investigators, magistrates, prosecutors, and judges trained on application of the 2005 anti-trafficking law. • Strengthen the anti-trafficking task force's (CNLTP) authority to coordinate anti-trafficking activities among agencies conducting anti-trafficking work. • Establish and enforce standard operating procedures to ensure officials, including local administrative officials, regularly inspect *daaras* to ensure they do not force children to beg and meet child protection standards. • Proactively screen for trafficking indicators among vulnerable populations—including child beggars, Senegalese women traveling abroad for domestic work, returning migrants, domestic and foreign workers on Chinese-operated fishing vessels, and North Korean workers—and investigate cases, refer victims to services, and prevent their penalization. • Provide technical and financial support to local governments seeking to combat human trafficking, including child forced begging, and regulate *daaras*. • Develop a framework to regulate overseas labor recruitment and provide pre-departure sensitization for labor migrants on their rights to prevent exploitation of Senegalese workers abroad. • Ensure labor inspectors inspect the informal sector for forced labor. • In partnership with NGOs, expand access to protective services for trafficking victims outside of Dakar and for adults. • Broaden efforts to raise public awareness of trafficking, including child forced begging in *daaras*. • Implement the Systraite database system in Senegal's 14 regions.

### PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts; however, the government maintained insufficient efforts to investigate and prosecute cases of child forced begging. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine for sex trafficking and labor trafficking—except forced begging—and prescribed lesser penalties of two to five years' imprisonment and a fine for forced begging. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. While the 2005 anti-trafficking law criminalized forced begging, provisions in the penal code that allowed seeking of alms under certain conditions may have hampered law enforcement officials' ability to distinguish traditional alms-seeking and exploitation through forced begging. The government continued to draft revised anti-trafficking legislation



in collaboration with an international organization; the legislation remained pending before the Ministry of Justice at the end of the reporting period.

Due to the pandemic, courts were closed for five months during the reporting period. Despite this, in data collected from five of Senegal's 14 regions, the government reported investigating at least 14 trafficking cases, prosecuting 19 alleged traffickers, and convicting 12 traffickers, including one Senegalese, five Burkinabes, one Malian, one Ivorian, and four Nigerians; this was an increase compared with 12 investigations, prosecutions of 17 alleged traffickers, and convictions of five traffickers during the previous reporting period, with data from five regions. The government did not prosecute or convict any alleged traffickers for child forced begging, compared to one conviction the previous reporting period. Judges sentenced five traffickers convicted of forced labor to sentences between three months and two years' imprisonment, six traffickers convicted of sex trafficking to sentences between two and 10 years' imprisonment, and one trafficker convicted of an unknown form of trafficking to two years' imprisonment. Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers and continued to apply penalties inconsistent with the law. The court sentenced 11 out of the 12 convicted traffickers to a prison term over one year, compared with two out of five convicted traffickers during the previous reporting period; however, the court sentenced only four traffickers to penalties in compliance with those prescribed in the anti-trafficking law. When officials identified a potential forced begging case, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating and prosecuting the case, in part due to public pressure associated with the social influence of Quranic teachers. By not criminally investigating or prosecuting these forced begging cases, the government did not adequately hold traffickers accountable. Despite allegations of government complicity—either by refusing to investigate trafficking offenses or pressuring the judiciary to drop cases—the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The government continued to partner with an international organization to implement “Systraite”—an anti-trafficking database to collect law enforcement and victim protection data—in the regions of Dakar, Saint Louis, Thies, Kedougou, and Tambacounda; the pandemic delayed expansion to additional regions during the reporting period. The government and an international organization provided trainings on the database to 20 local judicial actors within all five regions. Due to pandemic-related gathering restrictions, the government could not provide specialized training to magistrates and prosecutors on identifying, investigating, and prosecuting human trafficking cases during the reporting period, compared to training 30 magistrates and prosecutors on case investigation and prosecution in the previous reporting period. Many law enforcement and judicial personnel remained unaware of the provisions of the 2005 law, which, coupled with limited institutional capacity, inhibited efforts to prosecute and convict traffickers under the law, and collect data on such efforts. Observers reported investigative magistrates lacked training to identify trafficking cases, leading to potential misclassification of charges in applying penalties according to the 2005 trafficking law.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims. The government identified and referred to services 129 foreign adult trafficking victims from Sierra Leone, Nigeria, and Burkina Faso, and 6,187 vulnerable children, including potential child trafficking victims, during the reporting period. This was a significant increase compared with identifying 1,358 vulnerable children, including potential child trafficking victims, during the previous reporting period. Law enforcement, immigration, and social services personnel had formal written procedures to proactively identify trafficking victims among vulnerable populations. However, adult

victim identification and referral to services remained insufficient. Authorities housed 87 Sierra Leonean female adult trafficking victims in the defendants' property until the Sierra Leonean embassy in Dakar repatriated them; authorities referred the other 42 adult trafficking victims identified during the reporting period to an international organization for care. The Ministry of Women, Family, Gender, and Child Protection (MWFGCP) referred 598 children to its shelter at the Ginddi Center for care during the reporting period, compared to 359 children in the previous reporting period. An NGO in Saint Louis identified and cared for an additional 164 child trafficking victims. During the reporting period, the government implemented the third phase of its “*Le retrait des enfants de la rue*” campaign to remove vulnerable children, including forced begging victims, from the street in Dakar following similar operations in 2016 and 2018; the government identified and referred to care 6,187 vulnerable children, including potential trafficking victims, during the campaign. The government placed children at the Ginddi Center or temporary shelters outside of Dakar until they could be returned to their families or placed with a foster family. Each child received medical care, clothing, food, and psycho-social support. Some religious leaders continued to mobilize against the campaign, placing immense pressure on officials to discontinue the effort. Officials observed children back in the streets after having returned them to their families. Despite law enforcement officials accompanying child protection actors to ensure the actors' safety during the operations, authorities did not initiate investigations of suspected traffickers following the identification of forced begging victims. As in past phases, this practice inhibited subsequent investigations and prosecutions of traffickers and failed to deter future exploitation.

Authorities inconsistently applied the victim referral system, and it was not available in all regions of the country. Authorities referred victims identified along Senegal's borders to an international organization and government center for questioning before referring them to NGOs or government centers for protective services. In Dakar and rural areas, law enforcement, civil society, and community protection groups generally referred children to the government or NGOs for social services and repatriation; however, authorities were not always aware of the shelters and services available, especially for adults, which at times caused delays in the provision of services.

The Ginddi Center, under the aegis of the MWFGCP, provided temporary shelter and basic care to both foreign and domestic child victims. The government provided 269.8 million West African CFA francs (FCFA) (\$510,020) to the Ginddi Center in 2020, an increase compared with 150 million FCFA (\$283,550) in 2019. The center provided meals, shelter, psycho-social care, clothing, and vocational training; two staff nurses provided basic medical care. The center expanded its capacity but continued to lack space, limiting the number of victims authorities could remove from exploitation and how long victims could remain at the center. As a result, the government at times sent victims to the center for immediate services, and then to NGOs or to partner *daaras*—which the government had certified met capacity, hygiene, and security standards and did not engage in forced begging—that provided children with follow-on support until family reunification. The pandemic further strained providers' limited resources and insufficient staffing levels, and delayed victims' reintegration. The Ministry of Justice operated three shelters (CPAs) for child victims of crime, witnesses, and children in emergency situations, which child trafficking victims could access. Outside of Dakar, international observers reported NGOs often had to provide critical shelter and trafficking victim services due to a lack of government resources. Shelter and services for adult victims remained severely inadequate. Several NGOs operated shelters for trafficking victims throughout the country; however, only one private shelter located in Dakar could accommodate female adult victims, while no shelters were available for male adult victims. The Ministry of Health and Social Action organized a two-day training for approximately 30 officials on child protection issues; the Ministry of Justice, through the Department of Supervised Education and Social

Protection, also participated in the training to discuss administrative and judicial procedures for child trafficking cases.

The law provided alternatives to the removal of foreign victims who may face hardship or retribution upon return, including the option to apply for temporary or permanent residency; the government did not report how many victims received this relief during the reporting period. The 2005 anti-trafficking law includes provisions for victim protection during trials including allowing video-taped testimony; the government did not report using these provisions during the reporting period. Victims could legally obtain restitution; the government did not report requesting restitution during the reporting period. Victims could file civil suits against their traffickers; however, no victims reportedly used this provision during the reporting period and many victims were unaware of the option.

## PREVENTION

The government modestly increased prevention efforts. During the reporting period, the government adopted the 2021-2023 anti-trafficking national action plan following a three-day workshop to consult with international organizations and civil society stakeholders on strategies to improve efforts to combat trafficking. The government allocated 60 million FCFA (\$113,420) to the CNLTP in 2020, a significant increase compared with 16 million FCFA (\$30,250) allocated in 2019. The government canceled a decree to move the CNLTP from within the Ministry of Justice to the Office of the Presidency to increase the CNLTP's authority. The Ginddi Center continued to operate a hotline for child victims of crime in three languages. The hotline received 4,881 calls during the reporting period; the government did not report the number of criminal investigations initiated or the number of potential trafficking victims identified as a result of the calls; however, Ginddi Center staff retrieved children requiring assistance and brought them to the center for care. The government conducted an awareness-raising campaign during the third phase of "*Le retrait des enfants de la rue*" in collaboration with an NGO; the campaign included print and television coverage, billboards, flyers, posters, and distributable materials for events organized by the MWFGCP.

Four municipal governments within Dakar continued implementing provisions developed with an international organization to increase oversight of *daaras*; provide food, hygiene, and medical services to children in *daaras*; and decrease incidents of forced begging. As a result, all four local municipalities passed regulations prohibiting child begging; child begging was reduced to zero percent in one municipality and reduced by 25 percent in the other three. As part of "*Le retrait des enfants de la rue*," the government closed numerous unsafe *daaras* for health and safety violations. The government allocated 378 million FCFA (\$714,560) for emergency pandemic response for vulnerable children, providing over 72,000 hygiene kits to more than 500 *daaras*. For the third consecutive year, the draft bill and implementing decrees to modernize *daaras* remained pending approval by the National Assembly during the reporting period; if passed, the bill would outline requirements that *daaras* must meet in order to be eligible for government subsidies. Furthermore, the draft legislation and the draft presidential decrees that would operationalize the legislation specified standards that *daaras* would need to maintain; for the first time, the government would have the oversight and authority to approve or deny the opening of new *daaras* and to close *daaras* that do not meet requirements. However, neither the draft legislation nor any of the implementing decrees explicitly prohibit child forced begging. The CNLTP continued to participate in the West Africa Network for the Protection of Children, a sub-regional referral mechanism for vulnerable children, including trafficking victims, comprising NGOs and officials from neighboring countries focused on combating trafficking. The government regulated labor recruiters and brokers but did not report any investigations into fraudulent recruitment during the reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The task force's tourism police forces continued to monitor the resort

areas of Saly and Cap Skirring for indicators of child sex tourism and other abuses, although they did not report identifying any cases of child sex tourism.

## TRAFFICKING PROFILE

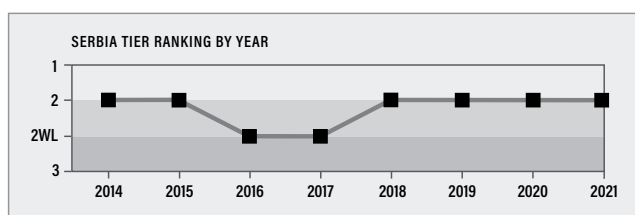
As reported over the past five years, human traffickers exploit domestic and foreign victims in Senegal, and traffickers exploit victims from Senegal abroad. Forced begging is the most prevalent form of trafficking; some Quranic teachers and men who claim to be Quranic teachers force children to beg in Dakar and other major cities in Senegal. In 2019, an NGO estimated 100,000 children living in residential *daaras* across Senegal are compelled to beg. The same NGO estimated that traffickers coerce nearly 30,000 children to beg in Dakar alone. In addition, a 2017 NGO-led study identified more than 14,800 child forced begging victims in Saint-Louis and reported that 187 of the city's 197 *daaras* send children to beg for at least part of the day. Traffickers fraudulently recruit victims through the pretext of traditional cultural practices called *confiage* where parents send children to live with family or acquaintances in order for the child to have better access to education and economic opportunities; traffickers then exploit the children in forced labor and sex trafficking. Traffickers subject Senegalese children and women to sex trafficking and forced labor in domestic servitude and gold mines. Internal trafficking is more prevalent than transnational trafficking, although traffickers exploit boys from The Gambia, Guinea, Guinea-Bissau, and Mali in forced begging in Senegalese cities as well as in forced labor in artisanal gold mines in Senegal.

Traffickers exploit Senegalese women and girls in domestic servitude in neighboring countries, Europe, and the Middle East. Reports indicate traffickers exploit most Senegalese sex trafficking victims within Senegal, particularly in the southeastern gold-mining region of Kedougou. Traffickers also subject Burkinabes, Ghanaians, Guineans, Malians, and Nigerians to forced labor and sex trafficking in mining communities. The government continued to allow North Korean companies to operate in Senegal in construction and other sectors in potential violation of applicable UN Security Council resolutions; North Korean workers in Senegal may have been forced to work by the North Korean government. Chinese-owned and operated vessels flagged to Senegal may have exploited West African men, including Senegalese, and Chinese workers in forced labor. The pandemic's impact on Senegal's economy, particularly the informal sector, and foreign vessels' decimation of its fishing stock, are causing a surge in irregular migration to Europe, including Spain; these migrants are vulnerable to trafficking. In 2018, authorities identified Ukrainian and Chinese women exploited in sex trafficking in bars and nightclubs. West African women and girls are subjected to domestic servitude and sex trafficking in Senegal, including for child sex tourism for tourists from Belgium, France, Germany, and other countries. Child sex tourism primarily occurs in the cities of Dakar and Saint Louis, and to a lesser extent in Cap Skirring and La Petite Côte, in traditional tourist areas and increasingly in private residences. In 2018, a government and international organization report alleged some Saudi diplomats in Senegal are complicit in fraudulently recruiting and exploiting some Senegalese women in domestic servitude in Saudi Arabia. In 2017, an international organization identified more than 1,100 Senegalese migrants in Libya who were vulnerable to trafficking. Many migrants reported traveling through Burkina Faso, Mali, and Niger to reach Libya, with the intent to reach Europe.

## SERBIA: TIER 2

The Government of Serbia 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Serbia

remained on Tier 2. These efforts included convicting more traffickers and identifying more victims. The government increased resources to the Center for Protection of Trafficking Victims (CPTV), and judges granted “especially vulnerable witness status” to more victims. The government organized virtual awareness campaigns, including funding a competition to produce media projects on trafficking. However, the government did not meet the minimum standards in several key areas. The government continued to lack proactive identification efforts, particularly screening of migration flows and individuals in commercial sex. CPTV continued to lack resources and staff necessary to adequately assess victims and coordinate care placement, and the government indefinitely closed the Urgent Reception Center (URC) due to pandemic-related issues and its inability to obtain a license. The government halted direct assistance and referral procedures during the pandemic-related state of emergency from March 2020 to May 2020, forcing NGOs to provide all victim assistance measures with no government funding. Authorities penalized more victims and did not protect victims’ rights during court proceedings, including a lack of victim confidentiality and legal representation. The Anti-Trafficking Council did not meet, and official complicity in trafficking crimes remained a significant concern.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose adequate penalties. • Increase efforts to proactively identify victims, including among migrants, individuals in commercial sex, refugees and asylum seekers, and unaccompanied children engaged in street begging. • Allocate sufficient resources to enable the Center for the Protection of Trafficking Victims to officially identify victims and implement victim protection efforts. • Allocate adequate funding to NGOs providing victim support services. • Implement access to justice measures and victim-centered approaches, such as protecting victim confidentiality, providing legal representation, and preventing re-traumatization and intimidation. • Train investigators, prosecutors, and judges on victim-centered approaches and establish mechanisms to refer cases to trained prosecutors and judges. • Fully implement written guidance to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking. • Establish transparent standards and procedures for NGOs to obtain licenses for providing support services. • Update the national referral mechanism by formalizing cooperation with and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies. • Improve training for government personnel on victim assistance and referral and ensure access to victim assistance for foreign victims. • Provide labor inspectors and market inspectors the resources and training necessary to regulate recruitment agencies and investigate cases of fraudulent recruitment. • Integrate Roma groups into policies and programs on regarding victim protection.

### PROSECUTION

The government maintained law enforcement efforts. Article 388 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years’ imprisonment for offenses involving an adult victim and three to 12 years’ imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 22 new cases (23 cases in 2019). Of these, 15 were sex trafficking cases, and seven were forced labor. The government prosecuted 42

defendants (47 in 2019). Of these, 33 were for sex trafficking, and 9 for forced labor. The government continued prosecutions of 53 defendants from previous years. Courts convicted 18 traffickers (15 sex traffickers in 2019) and acquitted seven individuals. All 18 traffickers received imprisonment, but the government did not collect or report information on the length of sentences. Observers reported judges often issued light sentences for traffickers, and some judges displayed victim-blaming mentalities and biases against vulnerable populations, particularly the Romani community. Police organizations suffered from COVID-19 outbreaks, and courts delayed trials due to pandemic mitigation measures and/or lawyers and defendants testing positive for COVID-19. While judges and prosecutors worked shorter hours due to pandemic mitigation measures, prosecutors organized some virtual hearings for extraordinary circumstances.

The Criminal Police Directorate maintained an Anti-Trafficking Unit within the Directorate to Combat Organized Crime. In 2019, the Ministry of Interior (MOI) created a new labor division to investigate forced labor. The government maintained specialized units in Belgrade, Nis, and Novi Sad, and it appointed at least two officers to investigate trafficking in the 27 regional police administrations. The government continued to use a trafficking task force to coordinate efforts to proactively investigate trafficking and maintained a separate human smuggling and trafficking task force that also investigated trafficking. Experts reported hiring freezes at local levels required specialized officers to investigate unrelated crimes, and specialized units required additional capacity and equipment, including computers, vehicles, and technical investigative tools. The Public Prosecutor’s Office maintained specialized prosecutors for trafficking cases, who acted as single points of contact for investigators and care providers and provided operational guidance; however, the government did not have a system to consistently refer trafficking cases to these prosecutors or to judges trained or experienced on trafficking issues. Prosecutors did not effectively distinguish between labor rights violations and forced labor and often charged or offered plea deals in sex trafficking cases for mediating prostitution, including cases with child victims. The government, at times in cooperation with international organizations, provided virtual trainings for prosecutors, labor inspectors, police, and judges on various anti-trafficking issues. The government assisted 158 trafficking-related cases through INTERPOL and 233 cases through EUROPOL. Similar to a case of alleged complicity of MOI officials in 2019, authorities investigated two cases with multiple allegedly complicit police officers in Sabac and Presevo who may have solicited sexual services from trafficking victims. In 2018, law enforcement charged a police officer involved in sex trafficking; the trial was ongoing during the reporting period. Despite ongoing and repeated allegations of official complicity, especially in sex trafficking, the government did not report any new prosecutions or any convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government maintained victim protection efforts. The government identified 48 victims (36 in 2019). Of these, 21 were victims of sex trafficking, 14 of forced labor (including two of forced begging), four of forced criminality, and nine of multiple types of exploitation; 17 were children; five were foreign victims; and the majority were female. First responders referred 130 potential victims to CPTV (135 in 2019); law enforcement referred 59 potential victims, social welfare organizations referred 43 potential victims, and NGOs and international organizations referred 18 potential victims; four potential victims self-identified; and private citizens and other institutions referred six potential victims. The government maintained standard operating procedures (SOPs) for the identification, referral, and support of trafficking victims, including standardized indicators and guidelines to identify victims in migrant flows, schools, and high-risk sectors. However, the SOPs did not provide clear roles and responsibilities for civil society, and implementation remained weak with a lack of proactive identification efforts, including screening of migrant flows and individuals in commercial sex. In previous



years, some first responders, particularly Centers for Social Work (CSW), justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs. CPTV assessed and officially recognized adult victims referred by first responders and developed a protection and assistance plan for each victim. CSW assessed and officially recognized child victims. In 2019, GRETA and other experts reported CPTV lacked the staff to review cases in a timely manner and resources to travel to the location of potential victims and interview them in person. Experts continued to report the lack of transparency regarding the official victim assessment and CPTV's inability to assess potential victims consistently. For example, CPTV did not provide official victim status to some potential victims, who were later determined by civil society as trafficking victims, a trend that re-victimized some victims. Civil society reported government spending was suspended during the COVID-19 state of emergency from March 2020 to May 2020, which halted direct assistance and referral procedures.

The government allocated 23 million dinars (\$240,080) to CPTV and the URC, compared with 3 million dinars (\$31,320) for only CPTV in 2019. The government could not provide information on funds allocated to all victim protection efforts in 2019 and 2020 and did not provide funding to NGOs despite relying heavily, and at times solely, on their victim support and reintegration services. The government and NGOs provided psycho-social, legal, educational, medical, financial, and reintegration support; all potential victims in 2020 (121 in 2019) and all official victims in 2020 (184 in 2019) received some form of government assistance. The government reported providing equal protection to foreign and domestic victims, but foreign victims faced obstacles in accessing support, according to experts, who noted some local communities limit shelter accommodation to Serbian nationals. Although the government required victims to be referred only to licensed service providers, licenses were difficult to obtain because the government lacked official standards and criteria to approve licenses. The government opened the URC in February 2019, managed by CPTV and designed to provide safe shelter and services with the capacity to accommodate six victims; however, the URC closed in September 2020 due to staff testing positive for COVID-19 and its inability to obtain a license. Of the two major NGOs that work on trafficking issues, one was licensed to provide housing and victim assistance, and the other was licensed to administer an SOS hotline. In 2019, CPTV reported difficulties in fulfilling their expanded responsibilities from a coordinating body to one that also provided direct assistance at the URC due to a continued lack of capacity and staff, including technical staff and skills to provide support to victims, and a lack of resources to afford basic office equipment, food, hygiene products, and shelter renovations. Civil society reported CPTV relied on its scarce resources to support the URC with food, toiletries, and access to vehicles.

CSW operated shelters for domestic violence victims that also accommodated female trafficking victims. GRETA visited a CSW-run shelter in Sremska Mitrovica in January 2018 and reported "good living conditions," but these shelters generally lacked the specialized programs and trained staff necessary for working with trafficking victims. Additionally, after the closure of the URC, only one NGO operated a specialized shelter for trafficking victims. The government maintained a drop-in shelter for street children, and CSW returned child victims to their families, referred them to foster care, or placed them in one of the two Centers for Children without Parental Care; 17 potential child victims were accommodated in general shelters (31 in 2019), seven were accommodated in shelters for asylum seekers and migrants (11 in 2019), and 21 were placed in foster families (25 in 2019). The government did not provide specialized accommodation for male victims. An NGO rented accommodation for male victims as needed, and male victims could access all other rehabilitation services offered to female victims. CPTV maintained a protocol with the National Employment Service (NES) to assist victims in finding employment; CPTV did not refer any victim to NES for assistance in 2020 (two in 2019). The government provided foreign victims temporary residence permits (TPR) renewable up to one year and

allowed potential foreign victims to stay for three months; authorities granted one victim a TPR and assisted two victims in obtaining documents to apply for a TPR (no victims received a TPR in 2019, but two victims renewed their TPRs). The government repatriated 10 victims to Serbia, compared with repatriating two victims to Serbia and one victim to Albania in 2019. Observers reported the lack of a standardized database to collect information on trafficking victims created obstacles in managing cases and monitoring access and quality of support services.

Authorities continued to penalize victims for crimes their traffickers compelled them to commit; authorities penalized at least eight victims of sex trafficking, forced begging, and forced criminality with imprisonment, probation, and fines (at least four in 2019). Victims' ability to access support services and assistance was not contingent on cooperating with law enforcement investigations, but once a case was reported to police, authorities required victims to cooperate with investigations and testify during prosecution, including children; 68 victims, 36 adults and 32 children, participated in court proceedings (103 in 2019). In previous years, observers reported Serbian authorities threatened some victims with prosecution for non-cooperation. Judges did not grant witness protection to trafficking victims or adequately protect victims' rights during lengthy court proceedings. The law designated officially recognized victims as a "particularly vulnerable group" eligible for special assistance and procedural consideration, but judges did not consistently assign the status of "especially vulnerable witness" or "protective witness status" to trafficking victims, including children; these statuses allowed witnesses to testify without the defendant present, testify via video link, and access witness protection. Judges granted "especially vulnerable witness status" to 20 victims (none in 2019) but did not grant "protective witness status" to any victims in 2020 (none in 2019). Observers reported an absence of victim confidentiality measures; one example included the MOI publishing information on a trafficker who was the victim's father, and as a result, media organizations easily identified the victim. Similarly, law enforcement leaked victims' personal information to media organizations that published the information and details of their exploitation, which resulted in the victims experiencing threats and intimidation. Victims also frequently appeared in front of their traffickers during trial and, in previous years, did not receive notification when authorities released their traffickers from custody. Police escorted victims to and from court, but, in 2019, police did not consistently conduct "safety assessments" of official victims and often sent victims home to potentially exploitative family members. In 2020, CPTV did not hire legal representation for victims due to lack of funds, compared with spending 547,054 dinars (\$5,710) on legal representation in 2019. Judges did not issue restitution in criminal cases and continued to encourage victims to seek compensation solely by filing civil suits. Civil suits were lengthy, expensive, and required the victim to face their trafficker multiple times; only one victim has received compensation to date.

## PREVENTION

The government maintained prevention efforts. The government implemented the anti-trafficking strategy for 2017-2022 and the national action plan (NAP) for 2019-2020. The government allocated 7.88 million dinars (\$82,270) to implement the 2019-2020 NAP. The Anti-Trafficking Council did not meet in 2020 (met once in 2019), and the Special Working Group on Strategy Implementation and Monitoring held four meetings (the same number as in 2019). Nineteen municipal governments maintained multidisciplinary anti-trafficking teams. The government organized virtual awareness campaigns targeting students, co-funded a competition to produce media projects on trafficking, and allocated 703,355 dinars (\$7,340) to television stations in Krusevac for local awareness campaigns. In 2019, the government allocated 2.15 million dinars (\$22,440) to media projects on trafficking issues and organized educational and outreach activities. The government operated three anti-trafficking hotlines but did not report the number of trafficking-related calls. The government licensed and regulated private employment agencies; however, the

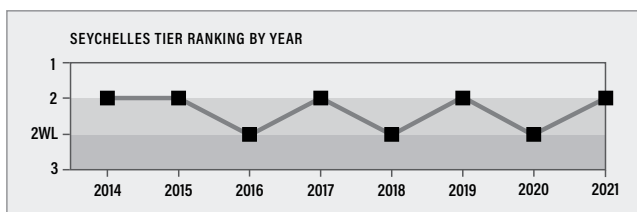
government did not prohibit recruitment fees, and observers reported that tourist agencies also performed labor recruitment and were largely unregulated. Additionally, civil society reported recruitment agencies re-formed under different names after authorities revoked their licenses and reported instances of the translations of contracts into English and/or Serbian being substantively different from the original contract in the origin country's language. In previous years, GRETA reported the Market Inspectorate may take up to two months to react to reports of fraudulent employment offers. 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 Serbia, and traffickers exploit victims from Serbia abroad. Traffickers exploit Serbian women in sex trafficking in Serbia, in neighboring countries, and throughout Europe, particularly Austria, Germany, Italy, and Turkey. Traffickers exploit Serbian nationals, primarily men, in forced labor in labor-intensive sectors, such as the construction industry, in European countries (including Austria, Belgium, Croatia, France, Germany, Italy, Luxembourg, Montenegro, Russia, and Switzerland) and the United Arab Emirates. Traffickers exploit Serbian children, particularly Roma, within the country in sex trafficking, forced labor, forced begging, and petty crime. Foreign victims identified in Serbia were from Albania, Cameroon, Croatia, Denmark, Germany, Mali, Nigeria, North Macedonia, and Pakistan. Thousands of migrants and refugees from the Middle East, Africa, and Asia transiting through or left stranded in Serbia are vulnerable to trafficking within Serbia.

## SEYCHELLES: TIER 2

The Government of Seychelles 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Seychelles was upgraded to Tier 2. These efforts included initiating more prosecutions; convicting more traffickers; allocating more resources for victim care; increasing provision of protective services for foreign victims and victims cooperating with law enforcement; and establishing interagency committees to improve protections for victims of child sex trafficking. The government also achieved the country's first sex trafficking conviction under the 2014 anti-trafficking law. However, the government did not meet the minimum standards in several key areas. The government did not implement its standard operating procedures (SOPs) for victim identification and referral or its victim assistance mechanism, and it did not have any shelters or care facilities that offered comprehensive services for trafficking victims. The government did not establish a secretariat to support the National Coordinating Committee against Trafficking in Persons (NCCTIP), hindering the committee's ability to fulfill its mandate to direct anti-trafficking efforts across government agencies and drive national policy. The government remained without a national action plan for the sixth consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Implement the official standard operating procedures for victim

identification and referral and provide specialized training to government officials to proactively identify trafficking victims by screening vulnerable populations for trafficking indicators, including individuals involved in commercial sex, refugees, and foreign nationals, such as Bangladeshi and Cuban medical workers. • Refer all identified victims to rehabilitation and protection services, including child victims, Seychellois, and foreign nationals, such as Bangladeshi, Chinese, and Cuban workers. • Establish or designate a dedicated space for trafficking victims to receive specialized, comprehensive care, including short- and long-term shelter, medical assistance, and psycho-social counseling. • Vigorously investigate, prosecute, and convict traffickers and sentence convicted traffickers, including complicit officials, to adequate penalties under the 2014 anti-trafficking law. • Finalize, adopt, and implement a national action plan to drive national efforts to combat all forms of trafficking. • Implement the requirements of the 2014 anti-trafficking act, including hiring personnel for the secretariat to support the National Coordinating Committee and allocating resources to the Trafficking in Persons Fund. • Train labor inspectors to identify potential forced labor victims during routine inspections, including in the international trade zone and migrant workers' work sites, and to report potential trafficking violations to appropriate officials. • Remove the required fee for migrant workers to file a complaint with the Labor Tribunal. • Adopt a law prohibiting the retention of passports by employers of migrant workers. • Allocate adequate funding and resources for victim services and front-line officials. • Conduct anti-trafficking awareness campaigns to increase the understanding of the crime among the local population and the large number of foreign tourists and migrant workers entering the country. • Utilize the national centralized anti-trafficking data collection and reporting tool.

### PROSECUTION

The government increased law enforcement efforts to combat trafficking. The Prohibition of Trafficking in Persons Act of 2014 criminalized sex trafficking and labor trafficking. The law prescribed penalties of up to 14 years' imprisonment and a fine up to 500,000 Seychelles rupee (\$23,910) for offenses involving adult victims, and a maximum of 25 years' imprisonment and a fine up to 800,000 Seychelles rupee (\$38,260) for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Although the anti-trafficking law criminalized child sex trafficking, unclear and conflicting statutes in the penal code did not clearly define the ages of consent, causing confusion between the traditionally understood age of consent (15 years of age) and the legal age of majority (18 years of age). In 2017, the government, in collaboration with an international organization, began development of implementing regulations for the 2014 antitrafficking law to address protective measures for trafficking victims; however, the government did not finalize these regulations for the third consecutive year, hindering systematic victim protection efforts. In 2020, the Child Law Reform Committee (CLRC) drafted new legislation that reportedly expands protections for child sex trafficking victims and increases law enforcement's obligation to investigate and prosecute cases of child sex crimes, including trafficking; the new legislation had not yet been presented to the National Assembly at the end of the reporting period.

The government investigated three cases — one for sex trafficking, one for forced labor, and one involving both sex and labor trafficking — in 2020, compared with 18 investigations of forced labor in the previous reporting period. The government arrested 11 suspected traffickers — 10 Seychellois nationals and one Nepali national — during the reporting period. The government reported initiating 12 prosecutions — including all 11 suspected traffickers arrested as part of investigations during the reporting period and one suspected trafficker in a case ongoing from previous years — compared with zero prosecutions in the previous reporting period. All 12 prosecutions remained ongoing at the end of the reporting period. The government continued to prosecute three defendants charged with sex trafficking in 2019

and reported new details revealing additional trafficking indicators. The government convicted two traffickers in 2020, compared with zero convictions in 2019. Courts sentenced a Seychellois national involved in a 2019 sex trafficking case to 25 years' imprisonment in the first sex trafficking conviction under the 2014 anti-trafficking law. The government also reported convicting and sentencing a Seychellois national involved in a 2018 labor trafficking case to three years' imprisonment and a fine of 75,000 Seychelles rupee (\$3,590). The government prosecuted a police officer involved in the aforementioned 2019 sex trafficking case; courts convicted the official but sentenced him to 12 years' imprisonment under sexual assault charges, rather than trafficking. The government did not host trainings for law enforcement officials for the second consecutive year. With support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool in place since 2015, but did not use it, despite officials receiving training.

## PROTECTION

The government increased efforts to protect victims of human trafficking. The government reported identifying 14 victims of trafficking during the reporting period, compared with zero victims identified in 2019. Of the 14 victims identified, traffickers exploited nine victims in both forced labor and sex trafficking and four in forced labor. The government reported that all 14 victims were adults — ten male and four female — and all were foreign nationals from Kenya, Nepal, and India. As part of an ongoing sex trafficking case initiated in 2020, the government reported that up to 80 Seychellois female adults and children may have been exploited in sex trafficking or sexually abused; however, the government did not report formally identifying any of these individuals as trafficking victims during the reporting period. The government provided counseling and psycho-social services to an unspecified number of these potential victims. NCCTIP reported spending 498,480 rupees (\$23,840) for victim care in 2020, compared with 360,020 Seychelles rupees (\$17,220) in 2019. The government reported providing short-term shelter and basic needs to nine victims and repatriating all 14 identified victims. There were no trafficking-specific shelters to assist victims in the country. As in prior years, the Social Affairs Department of the Ministry of Health and Social Affairs provided foreign victims who were waiting to give testimony in court with accommodation in private guesthouses, homeless shelters, or a facility previously used to hold suspected criminals, where they had freedom of movement; the government continued to provide this service to 10 Bangladeshi victims of forced labor identified in prior years. The government did not systematically implement its 2015 victim identification and referral tool, which continued to hinder protection efforts. The government did not proactively screen vulnerable populations, such as migrant workers or individuals in commercial sex, for trafficking indicators and relied on victims to self-report. The government did not train officials on implementing the victim identification and referral tool, and the police continued to use procedures independent from the national SOPs.

The 2014 anti-trafficking law allowed the government to place witnesses under protection and, if the court found it necessary, to hold trafficking trials in private for the sake of victim or witness confidentiality and privacy; the law also ensured victims could testify through closed circuit television and that courtroom accommodations could be made for the psychological comfort of the victim. The government reported offering these services in all prosecutions conducted during the reporting period. Additionally, the government provided the 14 repatriated victims the option to provide evidence via video-conferencing in the upcoming trials of their alleged traffickers. The 2014 anti-trafficking law allowed for limited legal alternatives to victim removal to countries in which they would face hardship; the law permitted the Minister of Home Affairs to decide whether to allow a foreign victim to stay in the country for 30 days, issue a permit letting the victim to stay in the country for a period until the completion of legal proceedings, or deport the foreign victim.

During the reporting period, the government provided five victims of forced labor with new work permits, allowing them to begin working with a new employer, compared to zero in the previous reporting period. The anti-trafficking law allowed the government to provide restitution to victims from the fine imposed on the accused or from the Trafficking in Persons Fund; however, the government has never allotted resources to the Trafficking in Persons Fund and did not provide restitution to any victims during the reporting period. The law protected trafficking victims from detention or prosecution for illegal entry into Seychelles, but it did not protect victims from prosecution for other unlawful acts traffickers compelled them to commit. There were no reports that the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit; however, because officials did not use standard victim identification procedures, victims may have remained unidentified in the law enforcement system.

## PREVENTION

The government maintained overall efforts to prevent trafficking, while increasing targeted efforts to prevent child sex trafficking. NCCTIP, established to direct anti-trafficking efforts across government agencies and drive national policy, met six times during the reporting period. The government allocated 1.18 million Seychelles rupees (\$56,490) for committee operations and programming, such as victim assistance and prevention efforts, an increase compared with 784,020 rupees (\$37,490) in 2019. During the reporting period, oversight of NCCTIP shifted from the Ministry of Social Affairs to the Ministry of Internal Affairs, which reportedly provided more clarity on the committee's responsibilities. For the fourth consecutive year, the government did not hire personnel for a secretariat to support the Coordinating Committee as required under section IV of the 2014 anti-trafficking act; this continued to hinder the committee's ability to fulfill its mandate. In April 2020, the government established the HighLevel Committee to Address Child Protection Matters (CACPM) to evaluate existing child sexual exploitation prevention measures. Based on CACPM's recommendation, the government established the CLRC in June 2020 to review existing laws and propose legal reforms to strengthen protections for child victims of various crimes, including child sex trafficking. The government did not have a national action plan (NAP) for the fifth consecutive year; NCCTIP reportedly drafted an updated 2021-2023 NAP, which was awaiting final approval by the Ministry of Internal Affairs at the end of the reporting period. For the first time since 2016, the government conducted various national public awareness campaigns to educate the public on human trafficking. The government distributed 1,500 pamphlets and leaflets on labor trafficking — in English and French — to the international airport, seaports, relevant government agencies, and employers of migrant workers, and NCCTIP organized media sensitization targeting frontline officials. The government maintained hotlines operated by the police, immigration, and social services departments for reporting crimes, including trafficking. The employment department maintained a hotline to address concerns about forced labor and reported 900 calls during the reporting period, compared with 64 calls in 2019. The government did not provide any hotline data specific to trafficking and did not report identifying any trafficking victims via hotline calls during the reporting period.

Trafficking vulnerabilities in labor recruitment and monitoring persisted throughout the country, especially in the Seychelles International Trade Zone (SITZ). The Ministry of Employment (MOE) reported inspecting 573 work sites for indications of trafficking, compared with 237 inspections by the MOE and 501 total in 2019; however, the government did not report identifying any potential forced labor victims or reporting any potential trafficking violations for law enforcement action as a result of the inspections. The MOE continued to lack jurisdiction in the SITZ; this limited its ability to protect migrant workers and screen for trafficking, as it was considered ex-territorial and managed by the Financial Services Authority (FSA). The FSA reportedly denied the MOE's requests to conduct inspections in the SITZ during the reporting period, citing



pandemic-related health precautions. The inter-ministerial Special Task Force, which had a mandate to address the living and working conditions of migrant workers, was inactive during the reporting period. In accordance with the Employment Act, MOE reviewed all contracts for migrant workers to ensure compliance with its provisions, including acceptable accommodations; however, the government did not have effective policies or laws regulating or providing oversight for labor recruiters. Seizure and retention of passports by employers remained legal under Seychellois law, unless proven it was specifically for the purpose of further trafficking a person; however, in the previous reporting period, the government drafted an amendment to the immigration bill that reportedly prohibits passport retention of foreign workers. The government did not report sending the bill to parliament for the second consecutive reporting period. The government continued to utilize the labor tribunal for labor-related complaints and continued to require a fee for migrant workers to file a complaint. In 2019, the government began drafting a new immigration bill that would require the provision of work permit cards for all citizens and foreign workers that includes anti-trafficking information and contact information for assistance; the bill was awaiting approval by the National Assembly at the end of the reporting period. The government did not make efforts to reduce the demand for commercial sex acts.

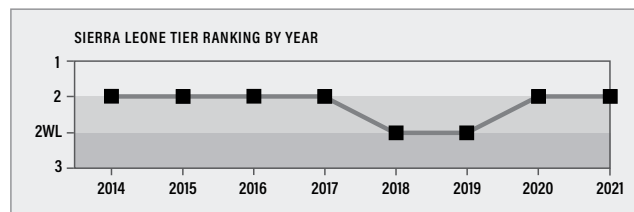
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Seychelles. Traffickers exploit some Seychellois girls and, according to some sources, boys in child sex trafficking, particularly on the main island of Mahé; peers, family members, and pimps exploit them in bars, guest houses, hotels, brothels, private homes, and on the street. Traffickers may exploit young drug addicts in sex trafficking, and sex traffickers have exploited Eastern European women in hotels. In 2017, there were reports of possible high-level corruption, which allowed wealthy citizens from Gulf countries to coordinate the travel of young women aboard private planes, some of whom may have been trafficking victims. Traffickers exploit Malagasy women who transit Seychelles in forced labor, primarily in domestic servitude, and sex trafficking in the Middle East. Nearly 17,000 migrant workers — including individuals from Bangladesh, India, China, Kenya, Madagascar, and other countries in South Asia — make up approximately 20 percent of the working population in Seychelles and are primarily employed in fishing, farming, and construction; credible reports indicate traffickers subject migrant workers to forced labor in these sectors. NGOs report traffickers exploit migrant workers aboard foreign-flagged fishing vessels in Seychelles' territorial waters and ports using abuses indicative of forced labor, including nonpayment of wages and physical abuse. Labor recruitment agents based in Seychelles exploit migrant workers in labor trafficking, often with the assistance of a local Seychellois accomplice. Migrant workers often sign their employment contracts upon arrival in the Seychelles and frequently cannot read the language, which traffickers exploit in fraudulent recruitment tactics. There were reports of employers routinely retaining migrant workers' passports to prevent them from changing jobs prior to the expiration of their two-year contracts, increasing their vulnerability to forced labor. Cuban medical professionals working in Seychelles may have been forced to work by the Cuban government.

## SIERRA LEONE: TIER 2

The Government of Sierra Leone 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Sierra Leone remained on Tier 2. These efforts included

significantly increasing investigations and prosecutions, allocating funding to an NGO for protective services, and adopting a new anti-trafficking national action plan. However, the government did not meet the minimum standards in several key areas. Shelter and services, especially for male victims, remained inadequate and limited to Freetown. The government continued its moratorium on labor migration, increasing vulnerability to trafficking. Law enforcement did not investigate past reports of corruption and official complicity in trafficking crimes.



### PRIORITIZED RECOMMENDATIONS:

Expand victim shelter and services, including for male victims, outside of Freetown. • Increase efforts to investigate, prosecute, and convict traffickers, following due process, and sentence convicted traffickers with significant prison terms in accordance with the law. • Train police, prosecutors, and judges to investigate and prosecute trafficking cases. • Train all officials on the standard victim identification measures and national referral mechanism to ensure trafficking victims receive timely services. • End policies that encourage labor migration to occur through informal channels, increasing migrants' vulnerability to trafficking. • Implement the new Labor Migration Policy, including pre-departure education about labor rights, improving recruitment agency licensing procedures, and increasing the capacity of Sierra Leonean missions to support victims. • Amend the 2005 anti-trafficking law to remove sentencing provisions that allow for a fine in lieu of imprisonment for sex trafficking offenses. • Proactively screen for trafficking indicators among vulnerable populations, including Sierra Leonean women traveling abroad for domestic work, women in commercial sex, irregular migrants, children in informal foster care arrangements, and Cuban medical professionals. • Continue efforts to raise public awareness of trafficking. • Coordinate with the governments of Liberia and Guinea to prosecute transnational cases, coordinate victim protection, and prevent trafficking. • Improve data collection on anti-trafficking law enforcement and victim assistance efforts.

### PROSECUTION

The government moderately increased anti-trafficking law enforcement efforts. The 2005 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment, a fine, or both. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with the penalties for other grave crimes, such as rape. The Sexual Offences Act criminalized sex trafficking under its "forced prostitution" and "child prostitution" provisions and prescribed penalties of up to 15 years' imprisonment; these penalties were sufficiently stringent and commensurate with penalties for other grave crimes such as rape. Draft legislation to replace the 2005 anti-trafficking law to remove the possibility of a fine in lieu of imprisonment for convicted traffickers, increase penalties, and improve victim protection measures remained pending at the close of the reporting period.

The government reported investigating 72 cases, prosecuting at least 30 defendants in 33 cases, and convicting one trafficker during the reporting period; this compared with 30 investigations, prosecution of nine defendants, and conviction of three traffickers during the previous reporting period. The convicted trafficker fraudulently recruited a Sierra Leonean woman and exploited her in domestic servitude in Oman; the court sentenced him to eight months' imprisonment and a

fine as victim compensation. Judicial inefficiencies, general corruption, and procedural delays prevented courts from holding traffickers accountable and diminished faith in the judicial system. As a result, victims' families often accepted payments from traffickers rather than pursue cases in court, and families sometimes exerted pressure on victims to not participate in investigations and prosecutions against their alleged traffickers due to security concerns, community ties to alleged traffickers, and the high cost and travel required to participate in such cases. In many cases, either victims did not agree to testify against their traffickers and prosecutors dropped the charges or victims could not meet the travel requirements for court appearances and judges dismissed their cases. During the reporting period, the government continued to expedite trafficking cases by referring trafficking prosecutions directly to the High Court, bypassing the preliminary investigation stage, which sometimes was a three-year process. In addition, the chief justice assigned a dedicated judge and the Ministry of Justice (MOJ) assigned special prosecutors for trafficking cases. In previous years, traffickers reportedly bribed prosecutors not to prosecute cases and bribed judges to dismiss cases; it is not clear whether this remained an issue. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes, particularly in the judiciary, remained significant concerns, inhibiting law enforcement and judicial action during the year. In a previous reporting period, an NGO alleged police officers raped potential child trafficking victims and, in some cases, transported victims to police stations where they were sexually abused.

Due to the pandemic, the government did not report providing specialized anti-trafficking training to law enforcement or judicial officials, compared to training 74 law enforcement officials, 120 border officials, and 30 judges, magistrates, and prosecutors in the previous reporting period. The government continued to cooperate with the governments of Guinea and Liberia on trafficking cases and border security, and it implemented standard operating procedures on victim identification with the Government of Guinea during the reporting period. During the reporting period, the government cooperated with the Government of Liberia on two trafficking cases, with one case resulting in the arrest and extradition of one alleged trafficker to Sierra Leone. In the other case, the governments assisted the Government of Liberia in investigating a Liberian recruitment agency exploiting Togolese and Guinean workers in Sierra Leone.

## PROTECTION

The government maintained efforts to identify and protect victims. The government identified 73 trafficking victims during the reporting period, compared with 76 victims identified in the previous reporting period. This included 29 women exploited in forced labor, 22 children exploited in unspecified forms of trafficking, and 22 foreign male victims exploited in unspecified forms of trafficking. Officials referred women and child victims to NGOs for shelter services, while authorities temporarily sheltered male victims at law enforcement facilities. The government had standard procedures to identify trafficking victims, including victims among vulnerable populations, and refer them to services; however, inconsistent application and lack of training on the procedures delayed provision of services to victims. In some cases, victims slept at police stations due to a lack of appropriate housing authorities, especially for male victims, and Ministry of Social Welfare (MSW) officials did not uniformly implement the standard protocols for referring victims to NGOs for specialized care.

The government relied on NGOs to care for trafficking victims; however, the government allocated 50 million Leones (\$5,000) and provided limited food assistance to an NGO operating a shelter specifically for female and child trafficking victims in 2020. During the reporting period, the shelter provided medical, psycho-social, educational, legal, vocational, family tracing, and reintegration support to at least 52 trafficking victims; unlike in previous reporting periods,

adult victims were permitted to leave the shelter unchaperoned. Another NGO operated a shelter for vulnerable children, including trafficking victims. No shelters could accommodate adult male victims. The government sometimes provided adult male victims with funds to rent housing during investigations, but often they slept at police stations while investigations were ongoing; 22 foreign male adult victims identified during the reporting period stayed at Transnational Organized Crime Unit (TOCU) facilities during an investigation, and the government did not refer them for additional services. In some cases, law enforcement temporarily sheltered child victims in their own homes during investigations. The government assisted in the repatriation of 130 Sierra Leoneans from Lebanon, many of whom were domestic workers, including potential trafficking victims, by providing travel documents and purchasing airline tickets. The government also assisted in the repatriation of 80 Sierra Leoneans from Kuwait and two Sierra Leonean child trafficking victims from Guinea. The Sierra Leonean embassy in Senegal assisted an international organization in repatriating 59 Sierra Leonean victims by providing travel documents and paying for mandatory COVID-19 tests. An international organization identified and assisted at least 97 Sierra Leonean trafficking victims exploited in the Middle East during the reporting period.

The government supported victims participating in trials against their traffickers by providing immigration relief, legal services, transportation, and lodging. In addition, prosecutors requested closed court sessions to protect victims' identities and prevent re-traumatization during trials. The government did not report how many victims, if any, voluntarily participated in investigations and prosecutions during the reporting period, compared with 51 victims during the previous reporting period. The law allowed victims to obtain restitution, and at least one victim received restitution during the reporting period. While victims could file civil suits against their traffickers, none did so during the reporting period. The law provided legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship; the government did not report providing these services to any victims during the reporting period. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to inconsistent application of victim identification procedures, authorities may have detained some unidentified victims.

## PREVENTION

The government maintained efforts to prevent trafficking. The anti-trafficking task force, chaired by the MSW and MOJ, adopted a new 2021-2023 national action plan. The government did not report allocating funds to the government's anti-trafficking efforts in fiscal year 2021, a significant decrease from allocating 1 billion Leones (\$100,030) to anti-trafficking efforts, including implementation of the national action plan, in 2020. Regional anti-trafficking task forces amplified the central task force's efforts in all 16 districts. In partnership with an international organization, the government trained 60 regional task force members, including government officials, law enforcement, and civil society, in three districts on victim protection. Despite the pandemic's impact on the government's ability to conduct in-person awareness raising activities, the task force continued radio anti-trafficking campaigns and held online panel discussions. Additionally, the government cosponsored a UNGA panel event commemorating the 20th anniversary of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

The government continued its moratorium on recruitment of Sierra Leoneans for employment abroad. The government's past and current efforts to prevent exploitation of labor migrants by restricting Sierra Leoneans' access to safe and legal migration routes drove Sierra Leoneans to migrate through informal channels, subsequently increasing their vulnerability to trafficking. In addition to its existing memorandum of understanding (MOU) with the Government of Kuwait, the Ministry of Labor and Social Services (MLSS) and Ministry

of Foreign Affairs signed an MOU with the Government of Lebanon on safe labor recruitment; however, neither could be implemented while the labor migration moratorium remained in effect. While MLSS had strict licensing procedures for new recruitment agencies to prevent exploitation of migrant workers, it continued to issue business registration certificates before TOCU had finished vetting the prospective agencies. The MLSS launched its new Labor Migration Policy to improve protections for migrant workers in Sierra Leone and Sierra Leoneans working abroad. The policy required the creation of a technical working group and included provisions on increasing capacity of Sierra Leonean diplomatic missions to provide protection services to workers abroad; increasing awareness of labor rights prior to workers' departure through mass communication outlets such as radio, television, and billboards; improving recruitment agency licensing procedures; and developing bilateral labor migration agreements with destination countries on complaint mechanisms and migrants' rights. The government promoted the policy in 11 districts but did not fully implement it by the end of the reporting period. The MLSS only conducted labor inspections in Freetown and within the formal sector; the government did not report identifying any potential trafficking victims during the inspections. 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.

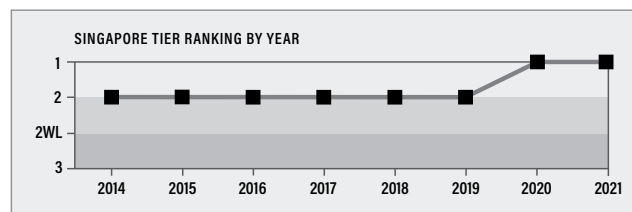
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sierra Leone, and traffickers exploit victims from Sierra Leone abroad. Traffickers recruit victims largely from rural provinces to urban and mining centers for exploitation in sex trafficking and forced labor in domestic service, artisanal diamond and granite mining, petty trading, portering, making ceramics, rock breaking, quarrying, street crime, and begging. Traffickers exploit victims in fishing and agriculture, and sex trafficking or forced labor through customary practices, such as forced marriages. The government reported child sex trafficking—especially of children from poor homes—was a serious problem, including at beaches and in nightclubs. Local demand fueled the majority of child sex trafficking, although foreign tourists were also clients at beaches and in nightclubs. In 2018, an NGO reported Chinese-owned companies helped to fuel child sex trafficking in Freetown, citing specifically workers on Chinese-owned fishing vessels who bring girls to their boats at night for commercial sexual exploitation. Traffickers exploit traditional foster care practices called *menpikin* to convince parents to hand over their children by promising to provide an education or better life but instead exploit the children in various forms of forced labor including domestic servitude, street vending, mining, agriculture, scavenging for scrap metal, *okada* (motorbike taxi) driving, and sometimes commercial sex. Traffickers exploit children from neighboring West African countries in forced begging, forced labor, and sex trafficking in Sierra Leone, and traffickers exploit Sierra Leonean children in Mali, Niger, and increasingly Guinea for forced labor and sex trafficking. School closures and economic vulnerability due to the pandemic are increasing children's susceptibility to exploitation, including in commercial sex and forced marriage. In previous years, traffickers exploited Chinese, Indian, Lebanese, Kenyan, Pakistani, and Sri Lankan men in forced labor in Sierra Leone. Cuban nationals working in Sierra Leone on medical missions may have been forced to work by the Cuban government. Traffickers have exploited boys and girls from Sierra Leone reportedly as "cultural dancers"—and possibly also for sexual exploitation—in The Gambia. Sierra Leonean adults voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where traffickers exploit some into forced labor and sex trafficking. Sierra Leonean-Kuwaiti trafficking networks fraudulently recruit Sierra Leoneans for education in Europe and the United States but subject them to domestic servitude in Kuwait. Traffickers also exploit Sierra Leonean women in domestic servitude in Oman, Iraq, Egypt, Qatar, and Lebanon. Traffickers move women through Guinea, The Gambia, Liberia, and Senegal en route to exploitation in the

Middle East. Since 2017, an international organization repatriated at least 1,500 Sierra Leoneans from Libya and other Middle Eastern countries, some of whom were victims of slavery and sex trafficking. In previous reporting periods, an international organization reported some Libyan soldiers sold stranded Sierra Leonean migrants in their custody to Libyan and Middle Eastern traffickers.

## SINGAPORE: TIER 1

The Government of Singapore fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Singapore remained on Tier 1. These efforts included convicting one sex trafficker under its trafficking law and one under the Women's Charter, providing grants to NGOs for awareness-raising campaigns, opening a temporary shelter to allow for social distancing, and training law enforcement and immigration officials on victim identification and trafficking legislation enforcement. Courts also upheld the government's previous two labor trafficking convictions during appeal. Although the government meets the minimum standards, it did not take steps to eliminate recruitment fees charged to workers by Singaporean labor recruiters and ensure any recruitment fees are paid by employers. The government identified fewer victims, and NGOs continued to express concern that some potential unidentified victims were subject to punishment or deportation due to a lack of understanding by authorities on the impact indebtedness and psychological coercion has on a trafficking victim. While the government worked to limit the spread of COVID-19 among its large migrant worker population, it implemented regulations that allowed employers to limit the movement of migrant workers and kept these regulations in place longer than restrictions on the general public, thereby possibly increasing forced labor risks for migrant workers.



### PRIORITIZED RECOMMENDATIONS:

Using the 2014 anti-trafficking law, increase investigations and prosecutions, particularly of labor trafficking, including cases involving domestic workers, debt manipulation, or psychological coercion; and convict and sentence convicted traffickers to penalties proportionate to the seriousness of the crime. • Increase resources for investigative and prosecutorial training on trafficking for Ministry of Manpower (MOM) officials who handle labor violations. • Strengthen efforts to proactively identify trafficking victims, including by conducting training for frontline law enforcement officials with a focus on screening for psychological coercion among women in commercial sex and individuals in debt. • Continue to implement reforms to the work permit sponsorship system so it does not provide excessive power to sponsors or employers in granting and maintaining the legal status of migrant workers. • Take steps to eliminate recruitment fees charged to workers by Singaporean labor recruiters and ensure any recruitment fees are paid by employers. • Strengthen the legal framework to enhance protection for victims from punishment for unlawful acts the trafficker compelled the victim to commit. • Develop formal policies to provide all victims the right to robust protective services. • Continue to strengthen cooperation and dialogue with NGOs for developing and implementing anti-trafficking policies and assisting victims.



## PROSECUTION

The government maintained law enforcement efforts during the reporting period; while investigations and prosecutions decreased, it convicted one trafficker under its trafficking law and one under the Women's Charter, and courts upheld two previous labor trafficking convictions. The 2014 Prevention of Human Trafficking Act (PHTA) criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment and fines up to 100,000 Singapore dollars (SGD) (\$75,640), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. In addition, Article 140 of the Women's Charter criminalized "forced prostitution" involving detention or physical force, and Article 141 criminalized the movement of women and girls for "trafficking" but did not define this term. Penalties prescribed for these offenses included a maximum of seven years' imprisonment and a fine of up to 100,000 SGD (\$75,640). The government investigated most suspected labor trafficking cases as labor law offenses under the Employment of Foreign Manpower Act (EFMA), or the Employment Act, which carried lower penalties than the anti-trafficking law.

In 2020, authorities investigated 19 trafficking cases, a decrease compared with 51 in 2019. Of these, 12 were cases of suspected sex trafficking, compared with 30 cases in 2019. MOM investigated seven suspected labor trafficking cases, compared with 21 cases in 2019. The government instituted pandemic-related restrictions including border closures and a nationwide partial lockdown and reported these subsequently resulted in fewer trafficking investigations. MOM determined that none of the suspected labor trafficking cases in 2020 violated the PHTA and prosecuted the majority of these cases under the EFMA for failure to pay fixed monthly salaries, collection of kickbacks, and illegal employment. MOM also determined none of the suspected sex trafficking cases in 2020 violated the PHTA and proceeded with either charges under the Women's Charter or issuances of stern warnings which did not result in penalties or jail time. The government did not initiate any prosecutions under the PHTA in 2020, compared with two alleged sex traffickers prosecuted in 2019. The government reported two labor trafficking cases and one sex trafficking case, initiated in an earlier reporting period, were ongoing. Due to pandemic-related restrictions, the government reported transitioning some court cases to an internet-based video software program to avoid court delays.

The government convicted one trafficker under the PHTA in 2020, compared with three traffickers convicted under the PHTA in 2019. In June 2020, courts convicted one perpetrator for sex trafficking, under the PHTA, in addition to charges under the Women's Charter and the penal code, in a case originating from 2016, and sentenced the perpetrator to 30 months' imprisonment and a fine of 3,000 SGD (\$2,270). In August 2020, courts convicted another potential sex trafficker under the Women's Charter (after initially charging the perpetrator under the PHTA but subsequently amending the charges), in a case originating from 2019, and sentenced them to 16 months' imprisonment and a fine of 6,000 SGD (\$4,540). Courts upheld the previous conviction of two labor traffickers, under the PHTA from the previous reporting period; both perpetrators were incarcerated and serving their sentences at the end of the reporting period. The government had yet to prosecute or convict any cases of domestic servitude under the PHTA. The government convicted and imprisoned several employers of foreign domestic workers under non-trafficking laws for cases involving abuse, physical assault, and/or sexual assault.

Some NGOs continued to believe authorities set unreasonably high standards for crimes to qualify as trafficking and lacked an understanding of trafficking indicators such as indebtedness, psychological coercion, and deception, which continued to hamper proper victim identification. The government undertook efforts to increase research and awareness on the issue of psychological coercion. The government reported police, immigration, and MOM officials were

continuously trained on anti-trafficking measures; in 2020, more than 440 such officials received legislation enforcement training and victim identification training. The government continued to partner with and participate in international trainings with foreign governments and to work closely with international counterparts on several cross-border investigations. In prior reporting periods, NGOs reported the occurrence of excessive force against individuals in commercial sex by police officials during raids of unlicensed brothels but that authorities took credible actions against such cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained protection efforts. Police, labor, and immigration officials had standard operating procedures for identifying victims, and the government had a victim referral process among government officials, civil society organizations, and foreign embassies. The government reported identifying 23 potential trafficking victims (16 sex and seven labor trafficking victims), compared with 62 potential victims (18 sex trafficking victims and 44 labor trafficking victims) in 2019. Three of the 23 potential trafficking victims were referred to NGOs for assistance; several others were referred to the Ministry of Social and Family Development for counselling and other services. The government reported providing assistance to 24 potential trafficking victims in 2020, including 16 who received shelter services. All police officers received basic training and refresher courses on victim identification; however, several NGOs continued to report officials failed to recognize key indicators of trafficking when interviewing potential victims, particularly in cases involving psychological coercion or debt bondage, and among migrant workers. NGOs continued to voice concern that police did not consistently screen for trafficking indicators when police raided unlicensed brothels; as a result, the government may have prosecuted or punished unidentified sex trafficking victims for immigration violations or public solicitation, which traffickers likely compelled them to commit. Several NGOs reported a number of the cases they encountered exhibited trafficking indicators and that authorities may have penalized or deported numerous unidentified labor trafficking victims.

During the pandemic, NGOs reported frontline officers who were deployed to migrant worker dormitories were primarily focused on pandemic-mitigation efforts and did not proactively screen for trafficking indicators; as a result some victims may have remained unidentified. In 2020, public health experts and NGOs reported limited living space allocated in migrant worker dormitories and subsequent poor hygiene standards exacerbated the spread of COVID-19 among migrant workers, resulting in the majority of confirmed cases. In June 2020, the government announced it would build new dormitories for migrant workers to improve living standards; in addition, the government reported working with NGOs to provide food, reusable masks, medical assistance, and personal products to migrant workers. However, during the reporting period, the government instituted regulations that allowed employers to limit the movement of migrant workers. NGOs reported migrant workers' freedom of movement was restricted and limited to a greater extent than the general population, which may have hindered unidentified trafficking victims from seeking help, and reported instances of wrongful confinement of migrant workers by employers.

The government guaranteed food, shelter, psycho-social services, and other basic assistance to trafficking victims under the PHTA and used administrative discretion to provide additional support measures, customized according to victims' needs, including interpreters, medical services, temporary work permits, and resettlement assistance. The government reported that services were provided to victims on an individual basis based on assessments conducted by NGOs. Some victims likely did not receive all services necessary for rehabilitation as some services are provided on a case-by-case decision, and some victims may not be identified as such due to the lack of a formal

policy mandating the provision of these services to all victims. The government reported spending approximately 156,000 SGD (\$118,000) to provide care and support services for trafficking victims, an increase from 108,000 SGD (\$81,690) the previous year. The government continued to fully fund shelters for the cost of caring for trafficking victims. The government had four shelters with a total capacity of 220 places for female trafficking victims and their children (these shelters also served victims of domestic violence, abuse, and other crimes). During the pandemic, the total capacity was reduced due to safe distancing measures; the Ministry of Social and Family Development opened an additional temporary shelter to ensure sufficient capacity. MOM funded two shelters, with a total capacity of 68 individuals, for male foreign workers, one of which was specifically designated for use by male trafficking victims. The government provided partial funding and oversight to 21 homes serving vulnerable children. The government opened an additional temporary shelter during the pandemic to ensure sufficient capacity due to pandemic-related restrictions within the other shelters.

Authorities permitted freedom of movement outside of the shelter for most shelter residents but restricted movement for residents deemed to be under physical threat. Several other NGOs and two foreign government embassies also provided shelter to trafficking victims and others who had experienced labor exploitation. The government issued special immigration passes that allowed foreign victims to remain in the country for the duration of the investigation and legal proceedings. However, an NGO reported that contrary to current policy, which would allow a foreign victim to apply for new employment and a work permit after the proceedings are over, authorities most likely required foreign victims to leave the country in practice. The government allocated funding for NGOs to provide victims with trauma recovery and safe resettlement services including counseling, medical care, skill development, legal support, employment, and assistance with resettlement in the victim's home country. In 2020, an NGO continued to support 11 foreign labor trafficking victims referred by the government in an earlier reporting period. The government reported that five victims continued to utilize short-term work permits, available for the duration of their legal process, compared with seven victims in the previous reporting period. In a prior reporting period, the High Court stipulated that in criminal cases of abuse of foreign domestic workers, courts should consider compensation for pain and suffering as well as restitution for wages. NGOs continued to offer victims of trafficking *pro bono* legal assistance to pursue civil court claims for damages; the government reported no victims sought restitution in 2020.

## PREVENTION

The government maintained efforts to prevent trafficking. The interagency task force, co-chaired by the Ministry of Home Affairs and MOM, coordinated anti-trafficking efforts through its "National Approach against Trafficking in Persons, 2016-2026." Due to the pandemic, the task force did not hold its annual stakeholder consultation with NGOs, businesses, and academia to review the implementation of the national approach. Some representatives of the task force were reportedly diverted from their regular duties to address pandemic-related tasks, such as mitigating COVID-19 cases within migrant worker dormitories. The government reported conducting monthly, and sometimes twice-a-week, meetings with an NGO coalition focused on supporting migrant workers throughout the pandemic. The government continued to budget 80,000 SGD (\$60,510) to provide grants to civil society for awareness-raising campaigns; an NGO received a grant to produce educational videos to raise public awareness of trafficking. Singapore's Employment Agencies Act (EAA) mandated licensing and regulation of recruitment agents. The EAA rules capped the maximum recruitment fee an employee may pay an agent at one month's salary for each year of a valid work permit or the period of the employment contract, whichever was shorter, and subject to an overall maximum of two months' salary. The majority of migrant workers in Singapore paid fees to agents in Singapore as well as to recruitment agents in their

home country, which contributed to the workers' vulnerability to debt bondage. During 2020, MOM prosecuted five recruitment agencies and issued warning letters to another 53 recruitment agencies for not being licensed, compared with the prosecution of 18 unlicensed agents in 2019.

MOM continued to manage the work permit process for foreign workers; Singaporean employers applied to MOM to sponsor skilled and semi-skilled workers whose employment and legal immigration status was tied to that specific employer. NGOs stated this restriction on job mobility, coupled with the ability of employers to terminate a worker's employment at any time without the need to show cause, created a form of "structural coercion" that prevented some foreign migrant workers from resisting and contesting exploitation. MOM permitted foreign workers to transfer their immigration status to a new employer during a short time window, though previous employers had the first right of renewal and could cancel the work permit, limiting the employee's ability to find new employment. Singapore law did not prescribe a minimum wage. Under the Employment Act, wages were negotiated and outlined in individual contracts of service. Requirements were less detailed for foreign domestic workers and fishing crews employed locally, who were covered under the EFMA, and for whom employers were legally required to provide a document containing employment terms such as monthly salary, number of rest days, and agency fees. MOM continued to implement a policy stating that if employers reduced a migrant worker's salary from what was stated on the application for the employee's work permit, they must notify MOM after both the employer and employee had agreed to the change in writing. An NGO continued to note that this policy did not address the unequal power dynamic between employer and employee given the vulnerability of those who paid recruitment costs to be coerced to sign a new salary agreement through the threat of termination and repatriation. In 2020, 11 employers were convicted for making false declarations of higher salaries to obtain employee work passes. During the previous reporting period, MOM implemented a new work permit condition prohibiting employers of foreign domestic workers from retaining any wages or money belonging to the domestic worker; NGOs reported the retainment of wages was still common. In a prior reporting period, two NGOs and a local bank introduced fee-free bank accounts for all foreign domestic workers and low-wage migrant workers, into which their salaries can be electronically paid. MOM continued its work permit system to allow employers or recruitment agents to open one of these bank accounts on behalf of the employee as part of the recruitment process; due to the pandemic, the government required employers of migrant workers living in dormitories to open bank accounts for their workers and pay them electronically. Since the introduction of the accounts, two NGOs estimated that more than 770,000 migrant workers had bank accounts in 2020, and the government reported helping to open an additional 100,000 accounts during the pandemic. NGOs reported that despite these efforts, some of the workers were still being paid in cash, were not receiving their full base salaries, or had expenses illegally deducted from their pay. In the previous reporting period, the Ministry of Law introduced new measures to decrease the risk of indebtedness for foreign workers; these included limiting unsecured loans, prohibiting targeted advertisement towards vulnerable groups, and barring the facilitation of loans by unauthorized third parties.

In the previous reporting period, the government expanded the mandatory 2017 "settling in program" from foreign migrant workers in the construction industry to include foreign migrant workers in manufacturing, marine, and processing industries. Migrant workers must attend the one-day orientation class, entirely delivered by an NGO, within 14 days of arriving in Singapore; one of the five modules covers employment rights and information on how to get help if necessary. An NGO reported that after completing the settling in program many migrant workers were still unaware of their rights or whom to reach out to for help. In addition to worker programs, an employer program is mandatory for first-time employers of foreign domestic workers to review their responsibilities; an NGO

reported that over time employers likely forget many of the rules and regulations because they only have to complete the program once and can complete the program online. The government continued to screen a pre-departure video at overseas testing centers for construction workers to explain foreign workers' employment rights in Singapore. MOM continued to publicize its phone number and a mobile phone application, as well as three NGO-operated 24-hour hotlines, for migrant workers who experience problems. MOM conducted ongoing campaigns to inform employers of the consequences for withholding passports or salaries. The government created and disseminated a migrant worker bulletin which provided pandemic-related updates including medical information, awareness of potential scams, and policy requirements; the bulletin was distributed multiple times per week to NGOs, on mobile phone applications, and to dormitory officials. The government did not make efforts to reduce the demand for commercial sex acts.

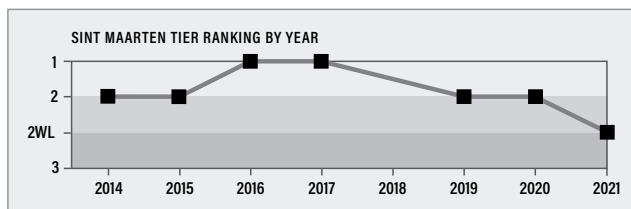
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Singapore. Some of the 848,200 foreign work permit holders who comprise almost one-quarter of Singapore's labor force are at risk of trafficking. Most victims migrate willingly for work in construction, domestic service, performing arts, manufacturing, the service industry, or commercial sex. To migrate, many workers assume large debts to recruitment agents in their home countries and sometimes in Singapore, placing them at risk for debt bondage. Foreign women who arrive in Singapore to work in the entertainment sector, including nightclubs and bars, may be vulnerable to labor trafficking. Traffickers compel victims into sex trafficking or forced labor through threats of forced repatriation without pay, restrictions on movement, physical and sexual abuse, and withholding wages and travel documents, such as passports. Some recruitment agencies illegally engage in contract switching and charge workers fees more than the legal limit. Foreign workers have credible fears of losing their work visas and being deported, since employers have the ability to repatriate workers legally at any time during their contracts with minimal notice. Unscrupulous employers exploit the limited transferability of low-skilled work visas to control or manipulate workers. In previous reporting periods, some employers, including traffickers, reportedly relied on repatriation companies to seize, confine, and escort foreign workers to the airport for departure from Singapore, including through the use of assaults, threats, and coercion, to prevent them from complaining about abuses to authorities. Foreign women sometimes arrive in Singapore with the intention of engaging in Singapore's regulated commercial sex sector, but under the threat of serious harm or other forms of coercion, they become victims of sex trafficking. Some fishing vessel captains of long-haul boats that transit or dock at Singaporean ports use physical abuse to force men to perform labor. A small number of Singapore residents facilitate and engage in child sex tourism abroad, including in nearby Batam, Indonesia.

## SINT MAARTEN: TIER 2 WATCH LIST<sup>§</sup>

The Government of Sint Maarten does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included converting existing trainings to virtual delivery amidst the COVID-19 pandemic. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government did not report investigating, prosecuting, or convicting

any traffickers. Further, the government did not report identification of trafficking victims, nor did it provide services to victims identified in previous reporting periods. The government did not update its national action plan (NAP), which expired in 2018, and interagency coordination was severely lacking. Therefore Sint Maarten was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers, as distinct from smugglers. • Proactively identify trafficking victims, such as by screening migrant workers for trafficking indicators; provide adequate protection to those identified; and cease the deportation of victims. • Increase the availability of protection services, including shelters, in partnership with NGOs, the Kingdom of the Netherlands, and international organizations. • Improve coordination and information-sharing with anti-trafficking counterparts across the Kingdom of the Netherlands. • Train law enforcement officials, prosecutors, and judges on proactive victim identification and victim-centered approaches to trafficking cases. • Re-establish the central reporting bureau to improve coordination of victim protection and prevention efforts. • Adopt and implement formal standard operating procedures (SOPs) to guide officials, including health workers, on victim identification and referral. • Inform victims and potential victims of their rights. • Increase outreach to all incoming migrants, including domestic workers and individuals with temporary entertainment visas, to ensure they are informed of their rights and ways to seek assistance. • Raise awareness among the general public and vulnerable groups about human trafficking in Sint Maarten.

### 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 nine 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, commensurate with penalties prescribed for other serious crimes, such as kidnapping.

The government did not report any investigations, prosecutions, or convictions related to trafficking in 2020. In 2019, authorities investigated one case, prosecuted one suspected sex trafficker, and convicted one labor trafficker, which was the country's first conviction under the anti-trafficking statute since 2012. Sint Maarten had a police unit assigned to combat trafficking in persons and human smuggling (the anti-HTHS unit), consisting of seven officers. In 2020, the government utilized law enforcement, including the anti-HTHS unit, to enforce movement restrictions to mitigate the spread of COVID-19. The anti-HTHS unit operated with limited resources and without a dedicated budget; observers reported the unit frequently prioritized human smuggling over trafficking investigations. The anti-HTHS unit collaborated with other agencies, including the Royal Netherlands Marechaussee and the joint Dutch Caribbean Coast Guard, but this coordination was not formalized, and observers reported interagency communication was inefficient.

<sup>§</sup> Sint Maarten is a semi-autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, Sint Maarten 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 Sint Maarten would be assessed if it were a separate, independent country. However, the Kingdom is an important contributor to the Government of Sint Maarten's anti-trafficking efforts.



The government addressed trafficking in persons and migrant smuggling via joint institutions, limiting the resources available for anti-trafficking law enforcement efforts. Officials conflated the two crimes, hindering the effectiveness of prosecution, prevention, and protection efforts. The government reportedly held virtual training seminars related to trafficking in persons but did not report details on the topics covered or officials reached. The pandemic caused delay and cancellation of routine anti-trafficking training for law enforcement. The government did not report any substantive collaboration with foreign governments on trafficking cases.

## PROTECTION

The government significantly decreased protection efforts. Authorities did not identify any victims in 2020, compared with 29 in 2019 and 42 in 2018, and, for the third consecutive year, the government did not report providing any protection services, including to victims identified in past years. Officials did not provide updates on the status of 20 potential foreign victims identified in 2019 and allowed to remain in the country while adjudicating their immigration status, nor did the government report whether these individuals remained in Sint Maarten. The government did not have SOPs for the identification or referral of victims and, instead, relied on informal agreements between government agencies. Immigration officials and other stakeholders had an NGO-developed checklist of trafficking indicators to facilitate victim identification; observers reported officials did not proactively identify potential victims. The government distributed the checklist and brochures on victim identification for officials who might interview potential victims. Additionally, officials claimed to screen among adult entertainment workers for trafficking indicators during immigration procedures, labor inspections, and mandatory medical screenings; however, the government did not report identifying victims of trafficking through these screenings. Observers reported the government failed to adequately inform potential victims of their rights as trafficking victims.

The government did not have a lead agency responsible for victim protection; this role was previously held by the National Reporting Bureau on Human Trafficking, which ceased operations in 2018. There were no dedicated shelters for trafficking victims, but the government could, on a case-by-case basis, refer victims to an international organization or NGOs for shelter. An NGO-run shelter for victims of domestic violence could sometimes accommodate female trafficking victims; in past years, the government provided financial support to the shelter, but did not report doing so in 2020. The government did not report any victims receiving shelter in 2020. Foreign victims could apply for temporary residency status for the duration of criminal proceedings against their trafficker, which the government used to encourage victim cooperation in the investigation and prosecution of traffickers; however, it last reported granting a residence permit through the program in December 2015. The anti-trafficking law allowed victims to request restitution as part of criminal cases or file a civil suit against traffickers; however, the government did not report any victims pursuing this action during the reporting period.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. The national anti-trafficking coordinator nominally led efforts to combat trafficking in persons but had no budget or staff in this capacity and had other full-time law enforcement duties. The government did not have an anti-trafficking coordinating body, and a regional law enforcement group concluded Sint Maarten lacked functional interagency coordination on trafficking. Officials reported no efforts to draft a NAP to combat trafficking; the previous NAP expired in 2018. An existing border security agreement between the Netherlands, Curacao, and Sint Maarten (the *Onderlinge Regeling Vreemdelingenketen*) purportedly included trafficking. The government delayed a planned public awareness campaign as a result of the pandemic but provided no further reports of new or ongoing efforts to raise awareness of trafficking. The government did not make efforts

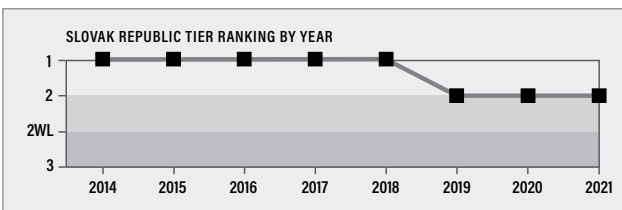
to reduce the demand for commercial sex acts. The government did not report whether it continued the practice of informing employers of migrant workers about applicable laws. The government did not report having a hotline for public reports of trafficking and other crimes; the border control agency maintained an immigration hotline.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sint Maarten. Some brothel and dance club owners exploit women and girls from Latin America, the Caribbean, Eastern Europe, and Russia in sex trafficking. Illicit recruiters reportedly target foreign women in Sint Maarten's commercial sex industry through debt-based coercion; women from Haiti, Dominican Republic, and Venezuela are especially vulnerable to sex trafficking in Sint Maarten. Government officials reported a significant number of migrant workers are vulnerable to traffickers' coercive schemes in domestic service, construction, Chinese-owned markets, retail shops, landscaping, and housekeeping. Authorities report traffickers may coerce Asian and Caribbean workers in exploitative conditions indicative of forced labor. Criminal actors, including smugglers, subject migrants—specifically Cuban and Brazilian nationals—transiting Sint Maarten en route to the United States and Canada to forced labor or sex trafficking. There are indications traffickers exploit Colombian and Venezuelan women traveling to the islands under false pretenses in forced labor or sex trafficking.

## SLOVAK REPUBLIC: TIER 2

The Government of the Slovak Republic, or Slovakia, 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 with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Slovakia remained on Tier 2. These efforts included investigating more trafficking cases and increasing the percentage of traffickers that received significant prison terms. The government also continued to fund an NGO that operated several victim assistance programs and increased funding for prevention activities. However, the government did not meet the minimum standards in several key areas. The government prosecuted fewer suspects, convicted fewer traffickers, and did not adequately and proactively identify foreign or domestic trafficking victims within the country. The government also decreased efforts to identify labor trafficking victims through joint-inspections and continued to lack legal safeguards to protect victims against potential prosecution for administrative and immigration-related offenses. Further, the government did not report adequately training prosecutors and judges on trafficking.



## PRIORITIZED RECOMMENDATIONS:

Continue to vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Continue to increase training for judges and prosecutors with a focus on a victim-centered, trauma-informed approach to law enforcement efforts and trial as well as the use of psychological coercion and fraud as means of trafficking. • Continue to improve sentencing norms by sensitizing judges to the severity of trafficking crimes and the full range

of penalties available. • Improve efforts to proactively identify victims within the country, especially foreign nationals, including by training government officials, particularly border police, labor inspectors, and municipal law enforcement, on proactive victim identification among vulnerable groups. • Allow formal victim identification by and referral from entities other than the police, including civil society, social workers, and healthcare professionals. • Improve the quality of human trafficking training courses available to prosecutors and judges. • Ensure labor trafficking is investigated and prosecuted as a trafficking crime and not pursued as an administrative labor code violation. • Increase migrant worker protections by increasing efforts to monitor labor recruitment companies, including prosecutions for fraudulent labor recruitment. • Amend the law on the non-punishment of victims to ensure that trafficking victims are not inappropriately penalized for acts traffickers compelled them to commit, including administrative and immigration-related offenses. • Continue efforts to inform foreign worker groups of worker rights and responsibilities and victim assistance resources in their native languages. • Streamline definitions and methodologies for gathering law enforcement and victim data. • Update public awareness campaigns to portray human trafficking in a more realistic manner. • Issue and implement revised formal written procedures for a victim referral mechanism that outline roles for all officials and stakeholders in order to improve victims' access to and the quality of assistance. • Improve the coordination of protection services to children. • Explore utilization of the witness protection program for trafficking victims.

## PROSECUTION

The government maintained law enforcement efforts. Section 179 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

Government officials initiated investigations of 28 cases, a significant increase from 16 investigations in 2019 but similar to 27 cases in 2018; 47 investigations initiated in these and prior reporting periods remained ongoing. Of the 28 investigations, 15 cases were for sex trafficking, seven were for labor trafficking (three for forced begging and four for forced labor), and six were combinations of multiple forms of trafficking; all suspects were Slovak nationals. Prosecutors indicted 14 alleged traffickers in 2020, a significant decrease compared with 38 in 2019 and 21 in 2018; the government did not report further details on the type of trafficking. Prosecutors obtained convictions for nine traffickers in 2020, a slight decrease from 11 in 2019, but similar to eight in 2018. Of the nine convictions, six traffickers received significant prison sentences and three received suspended sentences. Courts sentenced three traffickers to four years' imprisonment, two to seven years' imprisonment, and one to nine years' imprisonment. Of the convicted traffickers, seven were male and two were female; seven were Slovak nationals, one was Czech, and one was Romanian. Courts did not dismiss any trafficking cases in 2020 and there were no acquittals. Compared with 2019, courts convicted fewer traffickers in 2020; however, of the convicted traffickers, the government issued significant prison sentences to 66.6 percent – an improvement compared with 45 percent of traffickers issued significant prison sentences in 2019 and zero in 2018. Though the issuance of suspended sentences decreased in 2020, it remained a serious concern; over the past seven years, approximately 68.6 percent of all trafficking convictions resulted in fully suspended sentences or a fine. In December 2020, the national anti-trafficking coordination committee, the Expert Group, received a report from the General Prosecutors Office as well as another report from the Information Center (IC) within Ministry of Interior (MOI) in March 2021, which included the analysis of previous sentences for traffickers, with a specific emphasis on the use of section 39 of the criminal code which permitted judges to reduce sentences below minimum thresholds; however, no further details were available. Corruption, inefficiency, and lack of accountability within the judicial branch remained concerns during the reporting period and may have hindered

law enforcement efforts. In 2020, police formalized an international operation with Germany and EUROPOL to investigate a suspected human trafficking operation, which allegedly abused the Slovak visa regime to transport Vietnamese victims to Germany for the purposes of forced labor and sex trafficking. Through 2020, police and prosecutors continued to cooperate on several international investigations with the United Kingdom (UK), though unlike prior years, the investigations did not identify any new suspects or victims. During the reporting period, the government reported extraditing one alleged trafficker to the UK. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes.

The irregular migration unit within the Bureau of Border and Alien Police (BBAP) coordinated all national anti-trafficking law enforcement efforts, which may have affected the number of trafficking victims the government identified domestically. Though there was no dedicated trafficking unit within the prosecution service, cases were usually assigned to those with experience prosecuting trafficking and prosecutors followed written guidance to provide victims with information on the prosecution process and resources available to them. Each of the eight regional prosecutorial offices had a human trafficking lead who could provide guidance and oversight on trafficking-related cases. Coordination between law enforcement and prosecutors remained effective. Civil society and the victim-care service provider continued to express concern that many prosecutors and judges assigned to trafficking cases were not adequately trained on victim-centered and trauma-informed approaches or on the specificities of trafficking crimes. Some prosecutors and judges continued to misunderstand non-violent, psychological coercion and fraud as means for the crime, had not used either in any recent trafficking cases, and continued to rely predominately on evidence of force and physical limitations on victims' liberty in trials. Experts noted that the inadequate quality of anti-trafficking training courses available to prosecutors and judges at the Judiciary Academy may have contributed to their continued misunderstanding of the crime. Prosecutors and some front-line officials continued to view possible cases of labor trafficking as administrative labor code violations and did not prosecute as trafficking crimes. The national police continued to provide training for and cooperate with the financial intelligence unit of the national criminal agency to uncover suspicious transactions indicative of trafficking but did not uncover any trafficking cases as a result of the cooperation. While the MOI and police enhanced coordination and cooperation on gathering law enforcement and victim identification statistics, differences in how various institutions gathered law enforcement statistics continued to hinder effective comparison and monitoring of trafficking-related efforts.

In 2020, the government provided comprehensive anti-trafficking training on proactive victim identification and indicators, trauma-informed and victim-centered approaches, and available services to one judge, one prosecutor, and 19 high court clerks. The MOI's IC provided extensive training to 90 police investigators on victim-centered, trauma-informed approaches to victim interviewing during the reporting period. The MOI's Crime Prevention Department organized seven human trafficking training sessions for 164 front-line officials, including community and social workers, municipal police officers, front office client centers, and district government offices. The MOI also organized anti-trafficking training on a victim-centered approach for 48 regional crime prevention coordinators. Compared to the reported 480 officials the government trained in 2019, this was a decrease. However, the government reported it was unable to provide additional, previously planned trainings to its officials due to pandemic-related restrictions.

## PROTECTION

The government maintained protection efforts. The government identified 50 victims in 2020 (53 in 2019) and an additional 11 victims (13 in 2019) were either self-identified or identified by the victim-care service provider, a government-funded NGO – bringing

the total to 61 (66 in 2019). Of the victims identified, 34 were female, (12 girls), and 27 were male (three boys). The government identified at least 22 sex trafficking victims and 26 labor trafficking victims, including 10 forced begging victims, with the remaining experiencing multiple forms of trafficking. Of the victims identified, 60 were Slovak nationals and one was a Chinese foreign national. Children comprised nearly 26 percent of the total victims identified. The Expert Group formally adopted, published online, and distributed an updated National Referral Mechanism (NRM) for victim identification and referral, which included some improvements such as highlighting trauma-informed approaches to victim identification and care and explaining forced labor situations. However, many prior concerns remained unaddressed, including the continued lack of clear roles and tailored guidelines for all front-line officials and stakeholders who were most likely to encounter trafficking victims – including, health care specialists, employees of foster homes, and counselors of offices of labor, social affairs, and family – in order to improve victims' access to and quality of assistance. Additionally, the updated NRM focused heavily on describing the potential trafficking situations of foreign nationals in Slovakia or Slovak nationals abroad but included little on trafficking situations Slovak nationals could experience within Slovakia. Law enforcement officials or the State Secretary of the MOI were the exclusive entities with authority to formally identify victims and approval by the State Secretary was required prior to enrollment in the victim-care program. The government trained 17 employees of the Ministry of Foreign Affairs on victim identification and distributed written guidelines to those within Slovakia and its embassies abroad, which resulted in the identification of 10 potential trafficking victims by Slovakian embassy staff abroad in 2020. Further, in 2020, the government partnered with a government-funded NGO to train 15 social workers and shelter employees on proactive victim identification and referral. However, despite training, the identification of foreign national and Slovak victims within the country remained a challenge. The national police reported the majority (40 of 61) of Slovak victims were exploited in other countries, resulting in few victims identified within Slovakia. Further, despite their significant presence, only one victim was a foreign national. While there were no reports the government penalized victims for crimes their traffickers compelled them to commit, trafficking victims may have remained unidentified in asylum-seeker and irregular migrant detention facilities. GRETA continued to express concerns related to the ability and willingness of labor inspectors and the Border and Alien Police to thoroughly screen illegally employed foreign nationals or asylum-seekers for trafficking indicators and refer them to assistance before deporting them. Asylum-seekers could be kept in detention for up to six months per Slovak law; the Center for Legal Aid visited two detention centers during the reporting period, but the staff were not trained to identify human trafficking victims and did not report identifying any victims in 2020. A government-funded NGO administering the victim-care program conducted seven visits to asylum-seeker facilities and detention facilities for irregular migrants, but it did not identify any victims in 2020 or in any prior year. In its June 2020 Report, GRETA urged the government to increase the quality of screening for trafficking victims by ensuring officials were adequately trained in victim identification at asylum-seeker and irregular migrant detention facilities. The victim-care service provider reported providing pre-return assistance to 13 Slovak nationals and voluntary returns to four. The foreign victim identified in 2020 elected to enroll in the national victim-care program and had been issued a work permit.

Of the 61 total victims identified, only 12 decided to enter the government-funded victim-care program in 2020 (17 of 66 in 2019 and 16 of 56 in 2018). The program continued to assist an additional nine victims enrolled from previous years. Of persistent concern, government officials and the victim-care service provider continued to note that after concluding the victim-care program, survivors remained in poor physical and mental states and frequently ended up on the streets. In its June 2020 Report, GRETA noted concern regarding the traditionally low participation in the victim-care program and urged the government to investigate further. In 2020, the government provided €212,450 (\$260,680) to one NGO that

operated the national victim assistance program, voluntary return, and the national trafficking hotline, a slight decrease from the €215,000 (\$263,800) allocated in 2019. The government-funded, NGO-run victim assistance program provided Slovak and foreign victims with shelter, financial support, repatriation to Slovakia, health care, psychosocial support, legal assistance, interpretation services, and job training. In response to the pandemic, the victim-care service provider prepared a crisis plan that focused on the introduction of preventive and sanitation measures to ensure the safety and health of all victims enrolled in the victim-care program. The government reported that foreign victims, including both EU nationals and third country nationals, had access to the same scope and quality of victim care and support. All potential victims were eligible for at least 30 days of crisis care; victims enrolled in the assistance program were eligible for up to 180 days of care without having to participate in an investigation. However, victims who chose to cooperate with law enforcement were eligible to access victim care for the duration of the investigation and trial, which was often much longer than 180 days; in 2020, 54 (22 men, 32 women) out of 61 victims identified cooperated with police and prosecutors. Beginning in January 2021, foreign victims, including trafficking victims, who had been granted temporary residency, were included under the general government-funded healthcare insurance scheme, which improved the provision of healthcare services to potential foreign trafficking victims who chose not to enroll in the victim-care program. The government did not have dedicated shelters for trafficking victims, but rather accommodated victims in domestic violence shelters, with men and women housed separately, or in homeless shelters. There were limited accommodations for victims with families. Children were not usually assisted through the national victim-care program, rather authorities placed unaccompanied child trafficking victims in the care of child protective services in a government-run children's home or an NGO-run crisis home for children. However, if a child trafficking victim required additional services, it was possible to utilize trafficking-specific services through the national victim-care program, as one such child did in 2020. The government-run children's home was officially designated as responsible for child trafficking victims, among other child victims, and could accommodate up to eight victims. Referral of child victims to care was not systematic and officials noted that coordination between these two victim-care regimes required improved streamlining.

It was unnecessary for the government to grant work permits as foreign victims received subsidiary protection and could work legally, though NGOs noted obstacles, including length of stay, sometimes precluded this. The law authorized permanent residency for foreign victims who would face hardship or retribution if returned to their country of origin; authorities issued no such residence permits during the reporting period. The government granted asylum to one trafficking victim in 2020. The pre-trial and trial process was lengthy and not always adapted, nor prosecutors or judges sufficiently trained, to avoid re-traumatization of victims. The 2017 crime victim's protection act provided psychological assistance to victims in pre-trial proceedings, banned direct cross-examination of victims, and allowed recorded testimony as official trial evidence, among other protections. NGOs reported the government, including police and judges, implemented and applied the new law inconsistently, and police continued to lack proper interviewing rooms. Experts expressed concern that the law's limit of one victim interview may hinder opportunities to build rapport with traumatized victims, who are unlikely to provide reliable testimony in a single interview session. Though not systematic, judges were generally willing to accommodate requests to provide a separate waiting area for victims and to remove the suspected trafficker from the courtroom during victim testimony. Further, a new guideline, issued in 2020, required investigators to invite the government-funded NGO administering the victim-care program to victim interviews, to ensure victims knew their rights regarding the victim-care program, free legal advice, and restitution. Witness protection programs existed, but the government has never utilized these programs for any trafficking victim; in its June 2020 report, GRETA continued to urge the government to utilize



its witness protection programs for trafficking victims. Though the process was complicated, the 2017 crime victim's protection act enabled the government to grant between €5,800 (\$7,120) and €29,000 (\$35,580) in compensation to victims from state funding for the year 2020; during the reporting period, the victim-care service provider requested and received €16,890 (\$20,720) in compensation for one trafficking victim. Prosecutors could file for restitution from traffickers in criminal cases; however, unlike 2019, courts did not report awarding restitution to any victims in 2020. Civil society continued to allege that prosecutors were frequently reluctant to request restitution in trials to avoid prolonging already lengthy proceedings. Additionally, victims could seek damages through civil suits, but unlike 2019, no victims were awarded damages in 2020. NGOs continued to argue excessive legal costs and length of proceedings discouraged many victims from filing civil suits. Under the 2018 act, victims who opted to seek compensation from their traffickers through a civil suit could not also request restitution through criminal proceedings. Experts continued to assert that judges did not award criminal restitution or civil damages in the majority of cases. The law provided a narrow interpretation of the non-punishment of victims, giving prosecutors discretion to terminate criminal prosecution only for offenses committed by negligence and offenses carrying a maximum sentence of five years' imprisonment; it did not cover administrative or immigration-related offenses and GRETA noted that some prosecutors were unaware of the non-punishment clause.

## PREVENTION

The government maintained efforts to prevent trafficking. The State Secretary of the MOI was the official national coordinator for the fight against trafficking. The Expert Group within the MOI's Crime Prevention Department functioned as the national anti-trafficking coordination committee, met five times during the reporting period, and successfully coordinated policy documents, implemented anti-trafficking programs with civil society, organized trainings, and coordinated awareness-raising campaigns. The Expert Group comprises 21 members, including both government ministries and NGOs. The IC also contributed to national coordination by administering contracts for the victim-care program, gathering trafficking data, publishing an annual human trafficking report, and functioning as the national rapporteur. However, the IC continued to face challenges reconciling the data from different institutions, particularly data on prosecutions and convictions, and GRETA questioned whether, as the national rapporteur, the IC was sufficiently independent to critically monitor national efforts. The government continued to fund and implement its 2019-2023 anti-trafficking national action plan. The MOI allocated €11,140 (\$13,670) in 2020 for grants for prevention activities and awareness-raising on a variety of crimes, including on trafficking, an increase compared with no reported amount in 2019 and €39,700 (\$48,710) in 2018. The MOI maintained staff at eight regional centers throughout Slovakia who could offer information and assistance on trafficking prevention, victim identification, and assistance, in addition to crimes against the elderly and hate crimes.

The government launched extensive trafficking prevention and public awareness campaigns to engage the public, though trafficking was sometimes portrayed in a sensationalized manner. In light of the pandemic, the government successfully changed its in-person awareness campaigns to virtual platforms in order to continue prevention efforts. During the reporting period, the government continued to use television, radio, and social media to help raise trafficking awareness; it also employed 30 billboards along major roadways to promote its anti-trafficking helpline. The Crime Prevention Department conducted 66 awareness-raising sessions that reached 2,352 students and the IC organized an anti-trafficking art exhibition visited by approximately 200 school children. In 2020, the IC printed and distributed 1,500 human trafficking self-identification flyers with contact information for the national anti-trafficking helpline, translated into eight foreign languages. The IC also distributed 500 flyers on victims' rights to government institutions and 5,600 brochures

on general trafficking indicators. In October 2020, the government partnered with the British Embassy to raise awareness regarding the possibility of restitution for trafficking victims and highlighted traffickers who were sentenced to significant prison sentences.

The labor ministry continued to distribute a brochure to foreign workers on trafficking indicators, the labor code, and the rights and obligations of foreign employees in eight languages; however, the government did not report how many foreign workers received the brochure. Despite a 10 percent decrease from 2019 due to the pandemic, the number of foreign workers in Slovakia remained significant during the reporting period, resulting in continuing concerns regarding fraudulent labor recruitment and low victim identification in this vulnerable population. The 2004 law on employment services prohibited labor recruiters from charging a recruitment fee to workers and employment agencies were required to register with the government. During the reporting period, the government did not investigate or prosecute any cases of fraudulent labor recruitment as trafficking crimes, though it fined several labor recruiters for labor code violations. In its June 2020 report, GRETA urged the government to strengthen monitoring of recruitment and temporary work agencies. Experts and civil society continued to urge the government to increase efforts to inform foreign worker populations of their rights; lack of awareness of the availability of services, language barriers, and fear of immigration officials continued to prevent some foreign victims from seeking help from authorities. The lack of pre- and post-arrival training for foreign workers continued to concern civil society organizations.

In 2020, the labor inspectorate and BBAP conducted 57 joint inspections of worksites, a significant decrease compared with 101 in 2019, 332 in 2018, and 340 in 2017. During the joint inspections in 2020, officials reported screening 1,282 individuals, including 566 foreign workers (1,522 in 2019 including 891 foreign workers; 3,000 in 2018 including 1,200 foreign workers; and 3,200 people, including 1,700 foreign workers in 2017). While some of the decrease in the number of inspections in 2020 was due to the pandemic, inspection numbers have steadily decreased since at least 2017. Despite the large foreign-worker population in Slovakia with an increased risk of trafficking, the government has not reported identifying any trafficking victims through the joint inspections for at least four years, continuing to raise concerns regarding their ability to identify trafficking victims, despite training. GRETA noted that joint inspections tended to take an immigration control approach rather than a victim-centered approach and continued to recommend anti-trafficking training for all labor inspectors, especially on victim identification and referral. Foreign trafficking victims without legal employment status may have been reluctant to discuss their trafficking situation with labor inspectors for fear of deportation, as it is regular practice for labor inspectors to contact the immigration officials if illegally employed foreign workers are identified. A government-funded anti-trafficking hotline, operated by an NGO, took calls for 12 hours a day in five languages, and received approximately 354 calls related to trafficking. The hotline identified two victims and both were enrolled in the victim-care program. The government did not make efforts to reduce the demand for commercial sex acts.

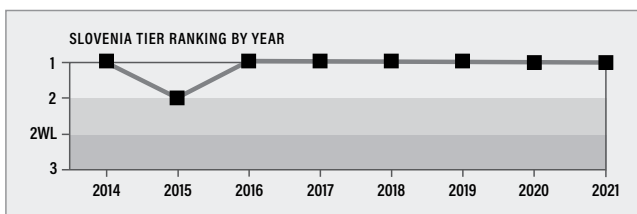
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Slovakia, and traffickers exploit victims from Slovakia abroad. Traffickers exploit Slovak men and women in labor trafficking in agriculture, manufacturing, and construction in Western Europe, increasingly in German-speaking countries. Traffickers exploit Slovak women in sex trafficking in Austria, Denmark, Germany, Switzerland, the UK, and other European countries. With the departure of the UK from the European Union, including new restrictions on freedom of movement, authorities have noted the UK is a less frequent destination for traffickers. Increasingly, traffickers exploit victims domestically within Slovakia, a recent development exacerbated by border closures due to the pandemic. NGOs report men and women,

mostly from the Balkans and South-East Asia, are vulnerable to forced labor in Slovakia and may be unable or afraid to seek assistance from authorities. Some temporary workers from non-EU European countries, recruited for the manufacturing and construction industries, are subjected to conditions indicative of forced labor, including non-payment of wages. Women from South-East Asia are vulnerable to sex trafficking and forced labor in domestic service, restaurants, massage parlors, or spas. Slovak women of Romani descent are particularly vulnerable to sex trafficking; traffickers transport them to the UK by force or deception for sham marriages for the purpose of sex trafficking or forced labor. Roma girls are vulnerable to forced traditional Romani marriages, which often includes the transfer of the girl into the care of her new “husband” where she is forced or coerced into domestic service. In some cases, parents of Slovak Roma children exploit their children in forced criminal activity in the UK. Traffickers force Slovak men, women, and children of Romani descent, and Slovaks with physical and mental disabilities to beg throughout Western Europe. Traffickers exploit children without family or relevant support structures who leave institutional care facilities in sex and labor trafficking.

## SLOVENIA: TIER 1

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Slovenia remained on Tier 1. These efforts included training more officials, identifying more victims, increasing funding for victim assistance, and convicting more traffickers than the prior reporting period. The government also adopted a national anti-trafficking action plan. Although the government meets the minimum standards, the government prosecuted fewer suspects than the prior reporting period, investigations and prosecutions for labor trafficking remained low compared with sex trafficking, and funding for prevention projects decreased. Gaps in victim identification resulted in the government not identifying any male, child, or labor trafficking victims, and the government did not report awarding any restitution to victims.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute both sex and labor trafficking crimes and impose on all convicted traffickers adequate penalties that involve significant prison terms. • Improve efforts to proactively identify victims, especially children, males, and victims of labor trafficking. • Prioritize investigation and prosecution of labor traffickers and improve coordination between labor inspectors and police. • Ensure labor trafficking is investigated and prosecuted as a trafficking crime and not pursued as an administrative labor code violation. • Increase training to all front-line officials on victim identification for labor trafficking and consider a partnership with NGOs for labor trafficking victim identification. • Increase efforts of prosecutors to systematically request restitution for victims in criminal trials, including for both EU and non-EU citizen victims, and increase victim access to the state fund for crime victims. • Amend the definition of trafficking under Slovenian law to align more closely with the definition under international law. • Enforce the elimination of recruitment fees charged

to workers and ensure any recruitment fees are paid by employers. • Establish a process to ensure systematic provision of care and designated facilities for child victims of trafficking, including enhanced training of caregivers and foster care parents. • Appoint a national rapporteur to provide independent review of government anti-trafficking efforts. • Establish a specialized police unit dedicated to investigating human trafficking, with sufficient resources, to ensure the prioritization of trafficking investigations. • Utilize the witness protection program for trafficking victims.

### PROSECUTION

The government maintained law enforcement efforts. Article 113 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from one to 10 years' imprisonment for offenses involving an adult victim and three to 15 years' imprisonment for those involving a child victim or other aggravating factors. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, inconsistent with the definition of trafficking under international law, Article 113 established the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime.

In 2020, though most court proceedings were postponed due to the pandemic, investigations of serious crimes, which included human trafficking, continued uninterrupted. During the reporting period, police conducted 12 trafficking investigations involving 12 suspects (nine from Slovenia, two from Dominican Republic, and one from Romania), compared with 14 investigations in the prior reporting period. During the reporting period, authorities initiated six prosecutions, a significant decrease compared with 32 prosecutions in the prior period. The government did not report investigating or prosecuting any suspects for labor trafficking during the reporting period. The government convicted seven traffickers in 2020, five of which were for labor trafficking, specifically forced criminality; this compared with five convictions in the prior period. Courts sentenced five traffickers to significant prison terms—one trafficker received a sentence of four years' imprisonment and a fine, and four traffickers received sentences of three years and 10 months' imprisonment and fines. Courts convicted an additional two traffickers who pled guilty to trafficking but had not sentenced them by the close of the reporting period. Though the government reported fining convicted traffickers €15,500 (\$19,020) and confiscating €111,800 (\$137,180) in 2020, it did not report awarding any of the money to trafficking victims as restitution. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

The government continued to conduct specialized human trafficking training during the year, although some sessions switched to virtual platforms in response to pandemic-related restrictions. The government reported training 32 mobile unit investigators from the Ministry of Finance, 763 police officers, 173 judges, 50 diplomats, 50 employees working with asylum-seekers, and 48 social workers and experts; this was a significant increase compared with 324 officials trained in 2019. The government maintained police attachés in Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia to assist in coordination of international cases, though there were no international cases reported in 2020. While the government did not have a specialized anti-trafficking investigation unit, each of the eight police districts had at least one officer responsible for coordinating trafficking investigations, creating a de facto nation-wide coordination network. However, NGOs expressed concern the police units responsible for investigating human trafficking were overburdened and understaffed; NGOs urged the government to establish dedicated police units to investigate and prioritize human trafficking. Several NGOs noted concerns regarding poor coordination between labor inspectors and police, which may have hindered the identification of labor trafficking cases. NGOs continued to assert the government did not prosecute labor traffickers because authorities instead pursued cases as administrative labor code violations, resulting in lesser consequences and decreased deterrence. The government

continued to dedicate two prosecutors with specialized expertise to prosecuting cases involving human trafficking. The government reported extraditing one Slovenian trafficking suspect from Canada in 2020.

## PROTECTION

The government increased victim protection efforts. In 2020, the government identified 65 sex trafficking victims, a significant increase compared with 31 victims in 2019 but similar to 70 victims in 2018. All of the victims were adult females. Of the 65 victims, 26 were from Ukraine, 17 from Dominican Republic, seven from Serbia, five from Romania, three from Paraguay, two from Croatia, two from Moldova, one from Colombia, one from Slovenia, and one from Venezuela. Experts raised concerns regarding gaps in victim identification as the government again did not identify any child victims; it also did not identify any male or labor trafficking victims in 2020. NGOs identified an additional 12 victims in 2020. The government referred and provided assistance to all 65 victims, including providing psychological assistance to all victims as well as housing for two victims (one from Slovenia and one from Ukraine) in a government-funded, NGO-run safe house. The government also enrolled five trafficking victims (two from Slovenia, one from Madagascar, and one unknown) into its reintegration program. The government increased its allocation for housing victims in 2020 to €145,520 (\$178,550), compared with €120,000 (\$147,240) in 2019. Government officials continued to utilize the national Manual for Identification of Victims of Trafficking in Persons. The majority of victims continued to be proactively identified by police, and coordination between police and NGOs was strong; however, observers reported ongoing concerns regarding the under-identification of labor trafficking victims and the tendency for officials to overlook cases of labor trafficking. Following victim identification, government regulations required police to refer victims to one of two NGOs that had formal cooperation agreements with the government to ensure adequate provision of care to the victims. NGOs noted continued strong cooperation with police on the identification of sex trafficking victims, as police continued to invite NGO care-providers to police interactions with commercial sex establishments to assist in victim identification; however, authorities did not take similar concrete steps regarding NGO requests to cooperate on identification of labor trafficking victims.

The government continued to partially fund two NGOs, supplemented by private donations, which provided trafficking-specific crisis and safe housing for victims. Both NGOs were among a wider range of organizations providing services such as counseling, psycho-social support, legal representation during investigations and court proceedings, and filing of documentation for residency status. All victims could receive crisis housing for a maximum of 30 days, after which victims could enter safe housing for as long as court procedures remained ongoing; however, in 2020, the government did not report providing crisis housing to any of the 65 identified victims. Crisis housing and safe housing services were available for 30 days regardless of victim cooperation with law enforcement. Both foreign and domestic victims had access to the same protection services and had free movement in and out of shelters. Though the government did not identify any children during the reporting period, child victims of trafficking continued to lack adequate assistance, as there were no designated facilities for unaccompanied child trafficking victims. If identified, child trafficking victims could be sheltered with unaccompanied migrant children and receive care through the Center for Social Work. GRETA highlighted a concern over unaccompanied child victims disappearing from public care, urging the development of more suitable accommodations for children with fully trained staff or foster parents. While acknowledging the issues, the government did not report taking concrete steps to effectively address the lack of adequate facilities for children or children disappearing from public care during the reporting period.

Non-EU foreign victims had a 90-day reflection period to remain in Slovenia while recovering and considering whether to participate in an investigation. However, the government did not allow them to

work during this period. Victims cooperating in criminal proceedings could temporarily stay for 180 days or longer, if needed, for the trial of their trafficker, but had limited options to extend their stay after the conclusion of criminal proceedings. The government did not issue any temporary stay permits during the reporting period. When participating in pretrial and criminal proceedings, victims had a right to interpretation services and a protective escort, though the government did not report how many victims received these services during the reporting period. While awaiting case adjudication, asylum-seekers were unable to legally work, though many did so illegally, which NGOs stated could increase their vulnerability to labor trafficking due to their illegal status, lack of knowledge of local labor laws, and language barriers. The 2018 GRETA report urged improving the process of providing comprehensive information to victims in a language they could understand to assess their options, including participation in programs to resist re-victimization. NGOs also noted there were insufficient professional interpreters fully trained in translating the details of rights of potential trafficking victims for asylum intake proceedings. Some victims were reluctant to speak with social workers and counselors about their situation, given that the same interpreters assisted in the different contexts of law enforcement investigations and court proceedings on their case. Only citizens of EU countries were eligible to apply for compensation from the state fund for crime victims; however, the government did not report awarding compensation to any victims during the reporting period. During the reporting period, prosecutors did not request restitution for any victims in criminal proceedings; historically, prosecutors typically did not do this, though there were no legal barriers to prevent it, instead requiring victims demand restitution for themselves in a separate court case. Experts urged prosecutors to systematically request restitution for victims at criminal trials. All victims, including non-EU citizens, could seek damages by filing a civil suit, though due to legal costs, victim re-traumatization, and the desire to avoid additional court proceedings, most victims did not pursue damages. The government had a witness protection program that trafficking victims could utilize, but it did not report using the program to protect any victims during the reporting period. Under the witness protection act, victims could provide testimony via video or written statements, and courts kept victim identities confidential.

## PREVENTION

The government maintained prevention efforts; while the government adopted a new national anti-trafficking action plan and increased personnel resources to the Anti-Trafficking Service Office, it did not conduct any anti-trafficking public awareness campaigns or prevention projects due to a decrease in funding for 2020. The Ministry of Interior's (MOI) national coordinator for counter trafficking in persons continued to head the government's interdepartmental working group (IWG), though the pandemic limited many of the trafficking prevention activities originally scheduled. The Anti-Trafficking Service Office within the MOI expanded from one to three dedicated staff members and continued to provide comprehensive support for investigators and victim service providers. The IWG included NGO representatives and met three times during the reporting period to organize and coordinate awareness efforts. The government adopted a new national anti-trafficking action plan in March 2021 to cover 2021-2022. Slovenia remained without an official independent national anti-trafficking rapporteur, a key GRETA recommendation. The federal government diverted funds to address the pandemic and therefore did not provide any funding in 2020 for NGO-led awareness raising projects; however, the city of Ljubljana provided €18,910 (\$23,200). Compared with €104,000 (\$127,610) in funding in 2019, this was a significant decrease. The government subsequently did not conduct any awareness raising during the reporting period, a significant decrease from the extensive efforts made in 2019 that reached an estimated 320,770 people. The government continued to host a website, in both English and Slovenian, which raised awareness of forced labor and labor exploitation through its manual for companies and employers; provided information on investigations and prosecutions; included a mechanism for contacting NGOs; and



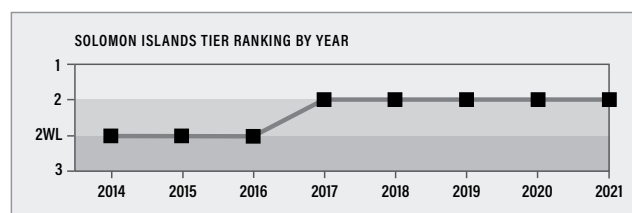
provided a portal for anonymous reporting of potential trafficking victims. The IWG published an updated handbook for employers on preventing and recognizing forced labor in October 2020. The government also continued to fund two NGO hotlines, available in several languages, offering assistance to both domestic violence and trafficking victims, although the hotlines did not track the number of calls received or how many had trafficking indicators.

Generally, the government had effective policies and laws regulating labor recruiters; however, NGOs urged increased monitoring and enforcement of these laws. The law prohibited contract switching, the charging of placement or recruitment fees to workers, and passport and wage withholding. However, NGOs noted labor trafficking received insufficient attention and resources to conduct adequate investigations. While the law allowed employers to pay recruitment fees, in practice, NGOs assessed the government did not effectively enforce the law, and employers frequently passed these fees on to workers through salary deductions and other means. NGOs continued to assert authorities pursued many labor trafficking cases as administrative labor code violations, resulting in lesser consequences and decreased deterrence. Further, authorities often prosecuted and shut down the legal entity or company rather than the perpetrator responsible; the perpetrator would then establish another company under a new name and continue to exploit victims in labor trafficking. The government reported conducting 62 labor inspections in 2020. As part of its inspection efforts, the government held a joint action day (JAD) in September 2020, where police and financial inspectors conducted 19 of the 62 total inspections; inspectors targeted transportation workers, cleaning companies, and the agricultural sector. The government reported identifying one potential labor exploitation victim during the JAD. Asylum centers and an NGO funded by the MOI continued to screen all new migrant and asylum arrivals for trafficking indicators, but the government did not report whether it identified any trafficking victims. In partnership with the Government of Austria, the government continued funding an anti-trafficking program in Serbia. The government did not make efforts to reduce the demand for commercial sex acts. The government continued the implementation of an initiative that resulted in 13 companies, including an additional four in 2020, committing to an action plan to respect human rights in business and supply chains, with a particular emphasis on preventing forced labor in supply chains.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Slovenia, and to a lesser extent, traffickers exploit victims from Slovenia abroad. Slovenes, as well as foreign workers and undocumented migrants from countries such as Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Romania, Serbia, Slovakia, and Ukraine are vulnerable to labor trafficking, including forced begging or domestic servitude in a variety of sectors including construction, transportation, hospitality, and domestic service. Sometimes these persons are in transit to Western Europe, particularly Austria, Germany, or Italy, where traffickers exploit them in forced labor. Temporary work agencies continue to exploit workers, which sometimes amounts to labor trafficking. While awaiting case adjudication, asylum-seekers are legally unable to work, increasing their vulnerability to labor trafficking. Traffickers exploit women and children from Slovenia, Eastern European, Western Balkan, Southeast Asian, and Latin American countries in sex trafficking within Slovenia, and many also transit to Western Europe, primarily Germany and Italy, where they are at risk of sexual and labor exploitation. Ethnic Roma are particularly vulnerable to trafficking, especially forced begging, in Slovenia.

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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Solomon Islands remained on Tier 2. These efforts included allocating a budget to review existing trafficking legislation and develop a comprehensive trafficking statute, as well as to accede to the United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementary Protocols, including the 2000 UN TIP Protocol. The government, in close coordination with relevant partners, conducted anti-trafficking training for government stakeholders, updated victim identification and protection standard operating procedures (SOPs), and for the first time in 25 years funded inspections and monitoring of labor laws by an interagency business committee. However, the government did not meet the minimum standards in several key areas. General lack of awareness of the crime and applicable laws among front-line officers, coupled with under-resourced protection services and widespread observance of informal justice models, adversely affected the government's ability to respond effectively to trafficking cases. While the government reported identifying four potential victims, it did not report the purpose of the victims' exploitation; it is therefore possible that the individuals were victims of other crimes. The Labor Division did not conduct systematic monitoring and inspection activities at logging operation sites or in the fishing or mining sectors. Victim protection services remained inadequate, and while the government reported closing several investigations, it did not advance any cases to prosecution or convict any traffickers.



## PRIORITIZED RECOMMENDATIONS:

Draft, enact, and implement a stand-alone trafficking in persons law prohibiting all forms of the crime, proscribe dissuasive penalties, and remove sentencing provisions under current legislation that allow fines in lieu of imprisonment for sex trafficking crimes occurring outside of Solomon Islands. • Investigate and prosecute both sex trafficking and labor trafficking offenses and convict and punish traffickers, including complicit officials, with significant prison sentences. • Increase efforts to identify Solomon Islander and foreign victims of sex trafficking and labor trafficking within the country, including in agriculture, the fishing, logging, and mining industries, and in relation to illicit commercial activities. • Provide comprehensive training on all relevant trafficking laws and victim identification procedures to immigration officials, law enforcement officers, and social service providers, including at the provincial level. • Increase government support for victim protection, including through the allocation of funding to shelter services with specialized trafficking knowledge and resources and benefiting both male and female victims. • Increase efforts to collect data on trafficking trends in Solomon Islands and disseminate among interagency anti-trafficking stakeholders. • Institute a campaign to raise public awareness of trafficking, including among remote logging and mining communities in all provinces. • Adopt and implement the 2020-2025 national action plan (NAP) on human trafficking and people smuggling and increase funding to relevant ministries for its implementation. • Ratify existing forestry legislation to include minimum social safeguards and child protection policies. • Accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained its law enforcement efforts. The penal code, together with the Immigration Act, criminalized sex trafficking and labor trafficking. Article 143 of the penal code

## SOLOMON ISLANDS: TIER 2

The Government of Solomon Islands does not fully meet the minimum

criminalized child sex trafficking under its “child commercial sexual exploitation” provision and prescribed penalties of up to 15 or 20 years’ imprisonment, based on the child’s age. Article 145 of the penal code criminalized sex trafficking and labor trafficking when the offense occurred within the country. Article 145(2) applied to trafficking offenses involving an element of force, fraud, or coercion; it prescribed penalties of up to 20 years’ imprisonment for offenses involving adult victims and up to 25 years’ imprisonment for offenses involving child victims. Article 145(3) prescribed penalties of up to 15 years’ imprisonment for offenses that did not involve an element of force, fraud, or coercion. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The Immigration Act criminalized other forms of trafficking, including crimes in which the recruitment, transportation, harboring, or receipt of the trafficking victim occurred outside Solomon Islands. The Immigration Act prescribed penalties of up to five years’ imprisonment, a fine of up to 45,000 Solomon Islands dollars (\$5,820), or both for the trafficking of adults; it prescribed a penalty of up to 10 years’ imprisonment, a fine of up to 90,000 Solomon Islands dollars (\$11,640), or both for the trafficking of children. These penalties were sufficiently stringent, but with respect to sex trafficking, by allowing for a fine in lieu of imprisonment, they were not commensurate with penalties prescribed for other serious offenses. Authorities continued to charge some trafficking cases under criminal statutes carrying lesser penalties. In coordination with a regional body, the government continued to review the Immigration Act in an effort to identify gaps in trafficking-specific provisions, among others. The government allocated 920,000 Solomon Islands dollars (\$118,960) to support the development of a comprehensive trafficking in persons statute and to accede to the UNTOC and its supplementary Protocols.

The government reported opening investigations of two potential trafficking cases involving two alleged perpetrators and four potential victims during the reporting period, compared with two investigations in 2019. Similar to the previous reporting period, the government did not report initiating any new prosecutions. Authorities concluded two investigations initiated in the previous reporting period. The government did not advance the cases due to an absence of evidence and testimony, and it deported the alleged perpetrators. In addition, authorities did not advance three potential forced labor cases initiated in a prior reporting period involving an unspecified number of suspects and potential victims. The government did not report any convictions during the reporting period, a decrease from one conviction in 2019.

In partnership with an international organization, the Department of Immigration (DOI) conducted joint training for an unspecified number of law enforcement and other anti-trafficking stakeholders on definitions, investigations, and psycho-social care for victims. The government reported conducting training focused on trafficking law enforcement, investigation, prosecution, victim identification, and protection to law enforcement officers, service providers, public solicitors, and prosecutors, and it shared plans to provide similar training to judicial officials. Geographic challenges, insufficient funding of enforcement agencies, lack of technical expertise, and a lack of awareness of the crime and of the relevant laws among front-line officers, particularly in remote areas of the country, adversely affected the government’s ability to respond effectively to trafficking cases. In addition, observers ascribed a higher likelihood of acquittals and dismissals of such cases to backlogs in court, incomplete investigations, insufficient evidence or lack of testimony, and safety concerns among victims and their families. Traditional justice practices involving retribution or informal restitution arrangements between victims’ families and their traffickers, continued to supplant formal law enforcement efforts and further complicated victims’ access to justice. Authorities did not report investigating, prosecuting, or convicting any government officials for complicity in trafficking offenses.

## PROTECTION

The government maintained efforts to protect trafficking victims. Key stakeholder agencies and protection partners relied on victim identification and referral processes that were unevenly applied to potential trafficking cases. The government, in conjunction with an international organization, undertook efforts to update and integrate among all stakeholders victim identification, referral, and protection SOPs; however, full implementation of the updated SOPs and coordination mechanisms was contingent on the future passage of the updated NAP. An international organization continued to provide training on victim identification and assistance to an unspecified number of law enforcement officials. The government reported identifying four potential trafficking victims (three overseas Solomon Islanders and one foreign national in Solomon Islands), compared to five victims in 2019 and 39 in 2018; however, the government did not report the purpose of exploitation in these cases, and some or all of them may have been other crimes. Authorities did not report identifying any cases of internal sex trafficking despite its reported prevalence throughout the country. Authorities referred the individuals to an international organization for repatriation, but pandemic mitigation measures, including the lack of commercial flights, reportedly hindered these efforts, and the government did not report whether the identified victims were repatriated.

Despite significant resource constraints due to the pandemic, the government provided its recurring budget allocation of 380,000 Solomon Islands dollars (\$49,130) to fund investigations, public awareness, and victim protection and assistance from DOI’s budget, compared with 386,700 Solomon Islands dollars (\$50,000) for shelter services and victim care in 2019. The government did not provide trafficking-specific services. The Royal Solomon Islands Police operated a domestic violence shelter in Honiara that could provide services to women and child sex trafficking victims; however, most trafficking victims came from the provinces, making services exclusively located in Honiara difficult to access. The government did not provide shelter for adult males or victims of labor trafficking. Observers noted these insufficiencies in protection services likely discouraged some victims from testifying in court proceedings, thereby hindering prosecutorial progress. The Immigration Act granted the government authority to provide temporary residence permits for foreign victims to assist police with investigations, and it insulated victims against prosecution for immigration-related crimes traffickers compelled them to commit. However, the government did not report providing these or other services to foreign victims identified during the reporting period, nor did it report providing services to foreign victims identified in previous years. The government did not report if it would extend these protections to victims whose cases were investigated under the penal code. The government developed a victim protection policy in connection with the proposed NAP focused on provisions to encourage victims’ voluntary participation in investigations and prosecutions; implementation was ongoing at the end of the reporting period. In the absence of established systematized and evenly applied identification and referral procedures, victims were more vulnerable to penalization for unlawful acts traffickers compelled them to commit; observers reported in prior years that authorities may have arrested and prosecuted sex trafficking victims for commercial sex violations without screening to determine whether they were trafficking victims. Due to lengthy legal processes, fear of retaliation by traffickers or prosecution by police, and a lack of incentives to remain and participate in cases, it was likely some unidentified foreign victims opted to return to their home countries. The government reported trafficking victims could seek compensation from their employers through civil suits, although it reported that no victims had ever filed such suits.

## PREVENTION

The government increased efforts to prevent trafficking. Despite challenges and restrictions associated with the pandemic, the Anti-Human Trafficking Advisory Committee (AHTAC), which included

government agencies and members of civil society, met on a regular basis. The government and its partners continued drafting the NAP against Human Trafficking and People Smuggling 2020-2025 to increase internal policy and operational coordination and to prepare the government to accede to and implement the UN Convention against Transnational Organized Crime and its supplementary protocols; however, the government did not formally adopt or implement the NAP by the end of the reporting period. In a nationally syndicated address about the pandemic, Prime Minister Sogavare raised concern about human trafficking in the fishing sector and committed his government to efforts, in partnership with international organizations, to develop a policy framework to eliminate modern slavery and sexual exploitation on national and foreign fishing vessels operating in Solomon Islands' waters. The address was significant as, according to an international organization, many Solomon Islanders had not heard the term "human trafficking" before; for those that had, the newspaper was the most cited source. The government also reported completion of both its National Security Strategy and National Border Strategy. The new strategies focused on issues relevant to trafficking, including migration, transnational crime, labor, trade, employment, and investment; implementation was ongoing at the end of the reporting period. In partnership with the Solomon Islands Forestry Association, DOI reportedly continued to conduct awareness-raising campaigns targeting communities near logging and mining operations; the campaign focused on the country's trafficking laws and the repercussions of involvement in trafficking in persons.

An international organization, in cooperation with the government, conducted a research study focused on trafficking in the fishing industry; the report was under pre-publication review at the end of the reporting period. Unlike in prior years, the Labor Division did not report conducting any monitoring and inspection activities at logging operations or in the fishing or mining sectors. Forestry officials stated a lack of industry regulation or laws outlining child protection and social safeguards prevented them from detecting and investigating potential abuses, including trafficking, related to logging operations' impact on local communities. The government continued collaborating with a local chamber of commerce to establish a policy for discouraging abuses, including worker exploitation, in labor-intensive industries. The interagency Business Monitoring Joint Agency Committee (BMJAC) was tasked with monitoring, inspecting, and investigating breaches of labor laws. During the reporting period, the government funded BMJAC inspections and monitoring activities throughout the country for the first time in 25 years; the national inspections and monitoring focused on compliance issues, trafficking in persons, and revenue collection. The government reported inspection of 450 foreign investments in six provinces. However, the government did not report identifying any victims from the inspections, nor did it take comprehensive measures to assess or address forced labor in supply chains or enforce its law.

In a prior reporting period, the ministries of health and medical services and of home affairs jointly introduced a civil birth registration program to improve statistical recordkeeping on local populations—a step an international organization previously recommended as a way to better understand and address trafficking vulnerabilities throughout the 900 islands within the country's diffuse maritime territory. The government established a working committee during the reporting period to review legislation and policies related to the program. Authorities reported an ongoing process to update this registration program through a centralized electronic system. The government did not make efforts to reduce the demand for commercial sex acts. Solomon Islands was not a party to the 2000 UN TIP Protocol.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Solomon Islands, and traffickers exploit victims from Solomon Islands abroad. Traffickers subject local, South Asian, and Southeast Asian men and women to forced labor and sex

trafficking in Solomon Islands, and local children are subjected to sex trafficking and labor trafficking. Women from China, Indonesia, Malaysia, and the Philippines often pay large recruitment fees for jobs in Solomon Islands and upon arrival are forced or coerced into commercial sex. Labor traffickers exploit men from Indonesia and Malaysia in the logging, fishing, palm oil, and mining industries. Fishermen from Indonesia, the Philippines, Vietnam, Sri Lanka, North Korea, and Fiji report situations indicative of labor trafficking, including non-payment of wages, dire living conditions, violence, and limited food supply, on Taiwan-flagged fishing vessels in Solomon Islands' territorial waters and ports. Traffickers subject Solomon Islander children to sex trafficking and forced labor within the country, sometimes in exchange for money or goods, particularly near foreign logging camps, on foreign and local commercial fishing vessels, and at hotels, casinos, nightclubs, and other entertainment establishments. The inflow of a cash economic system, coupled with the continuation of an unregulated logging industry, has increased vulnerability to trafficking in remote communities, specifically for women and children. Contacts have observed a recent increase in commercial sex—and a concomitant uptick in sex trafficking—resulting from certain economic changes. Family members are often the facilitators of such transactional agreements. Natural disasters significantly increase Solomon Islanders' vulnerability to trafficking; Solomon Islanders affected by a cyclone in 2020 may be at higher risk of trafficking due to the economic hardships caused by the destruction. Anecdotal reporting showed an increase in the sexual exploitation of girls, some of which may have been sex trafficking, as many returned to remote villages as a result of the pandemic.

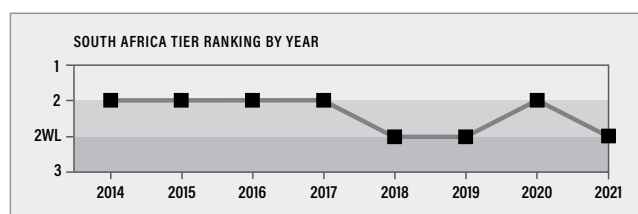
Some official corruption—especially in relation to facilitating irregular migration and involvement in the fishing and forestry sectors—may enable trafficking. Some boys, girls, and young women are recruited for domestic work and subsequently exploited in commercial sex at logging camps. Under informal or traditional justice practices, parents frequently receive payments for sending young women and girls into forced marriages with foreign workers at logging and mining companies, where many of them are exploited in domestic servitude or sex trafficking. Often these payments are rendered after the victims escape or are returned home as informal compensation brokered by local leadership. In this way, local community leaders may also benefit financially from these arrangements. Mining and logging camp leadership reportedly force boys to serve as *solairs*—illicit brokers procuring girls for sexual and domestic service in worker lodging facilities—and logging camp personnel force young males to work as domestic servants and cooks. Following the government's decision to cease issuance of new logging licenses, a decline in the industry has contributed to an increase in internal economic migration of communities located in former logging areas; these displaced communities may be at higher risk of sex trafficking and forced labor. Elsewhere, Solomon Islander children may be subjected to forced labor in the agricultural sector, forced harvesting of seafood, and forced criminality in the manufacturing and transportation of drugs and in pickpocketing. Anecdotal reports show an increase in children involved in street vending, begging, and pickpocketing during the pandemic. To pay off debts, some parents reportedly sell their children to other families via "informal adoption" that often involves forced labor or sexual servitude. Traffickers also use Solomon Islands as a transit point to subject foreign individuals to trafficking in other countries.

## SOUTH AFRICA: TIER 2 WATCH LIST

The Government of South Africa 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, sentencing convicted traffickers to substantial terms of imprisonment, and continuing a few investigations into officials allegedly complicit in trafficking. In addition, the government passed and began implementing, including training officials on, standard operating procedures (SOPs) for referring trafficking victims to care. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Corruption and official complicity in human trafficking remained a significant obstacle, and the government did not take action in most reported cases. Law enforcement was notably less engaged on trafficking during the reporting period, and multiple observers reported agencies did not investigate some reported trafficking cases, even when they had the resources and cooperative survivors to help build cases. While the government maintained modest shelter and protection services for victims, it identified substantially fewer victims and only referred approximately half of those identified to care. Moreover, some law enforcement continued to inappropriately arrest and detain suspected sex trafficking victims during raids targeting commercial sex establishments. The government removed, and did not replace, a key official who led inter-ministerial anti-trafficking efforts, which hampered coordination. For the eighth consecutive year, the government did not promulgate implementing regulations for the 2013 Prevention and Combating of Trafficking in Persons (PACOTIP) act's immigration provisions. Therefore South Africa was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict officials complicit in trafficking crimes and traffickers within organized crime syndicates.

- Increase efforts to identify human trafficking victims and, using the victim referral SOPs, systematically refer them to care.
- Increase human trafficking training to South African Police Service (SAPS) officers throughout the country, to include strengthening SAPS capacity and computer forensics to investigate child exploitation leads.
- Fill the role of Chair of the National Intersectoral Committee on Trafficking in Persons (NICITIP) to lead interagency anti-trafficking efforts.
- Pass Department of Home Affairs (DHA) implementing regulations.
- Increase resources and training for front-line responders to identify trafficking victims, including by screening for trafficking indicators among vulnerable populations, such as women in commercial sex, children, LGBTQI+ persons—including refugees and migrants—and Cuban medical workers.
- Promulgate the immigration provisions in Sections 15, 16, and 31(2)(b)(ii) of PACOTIP.
- Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking crimes.
- Ensure victims are issued appropriate immigration identification documents to receive protective services.
- Extend the availability of drug rehabilitation services to trafficking victims.
- Accredited or establish additional trafficking-specific shelters for male, female, transgender, and child victims.
- Reduce demand for commercial sex, including by prosecuting individuals, including police, who purchase commercial sex and launching an education campaign.
- Establish a channel for civil society to safely report allegations of official corruption and complicity to the government.

### PROSECUTION

The government decreased anti-trafficking law enforcement efforts, including maintaining insufficient efforts to address widespread official complicity in trafficking. PACOTIP criminalized sex trafficking and

labor trafficking and prescribed penalties of up to life imprisonment, a fine of up to 100 million South African rand (ZAR) (\$6.82 million), or both. The penalties were sufficiently stringent; however, with regard to sex trafficking, by allowing for a fine in lieu of imprisonment, the prescribed punishment was not commensurate with those for other serious crimes, such as rape. The implementing regulations for PACOTIP's immigration provisions found in Sections 15, 16, and 31(2)(b)(ii) have not been promulgated; therefore, critical sections of the act remained inactive for the eighth consecutive year. The Criminal Law (Sexual Offenses and related matters) Amendment Act of 2007 (CLAA) also criminalized the sex trafficking of children and adults and prescribed penalties of up to life in prison; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as rape. The Basic Conditions of Employment Act of 1997 (BCEA), amended in 2014, criminalized forced labor and prescribed maximum penalties of three to six years' imprisonment. In addition, the Children's Amendment Act of 2005 prescribed penalties of five years to life imprisonment or fines for the use, procurement, or offer of a child for slavery, commercial sexual exploitation, or to commit crimes. Prosecutors sometimes relied on the Prevention of Organized Crime Act of 1998 in combination with CLAA, which added additional charges—such as money laundering, racketeering, or criminal gang activity—and increased penalties of convicted defendants.

The Directorate of Priority Crime Investigation (DPCI, or Hawks) collaborated closely with the National Prosecuting Authority (NPA) to compile evidence and build cases. Together they investigated 31 cases of trafficking during the reporting period. This is an increase compared to investigating 24 new cases in the previous reporting period. Most suspected traffickers were foreign nationals, particularly from Nigeria, China, and Bangladesh. The government prosecuted 31 new trafficking cases of an unknown number of individuals and continued prosecutions in 14 cases from prior reporting periods, compared to prosecution of 71 individuals for trafficking crimes in an unknown number of cases during the previous reporting period. The government convicted seven traffickers in an unknown number of cases, compared to the conviction of eight traffickers in five cases in the previous year. Judges sentenced two traffickers to life imprisonment and five traffickers to between 22 and 25 years' imprisonment. While in the previous year, judges utilized the solicitation of sex trafficking victims section of the anti-trafficking act and convicted 34 people for sexual exploitation, grooming for sexual exploitation, solicitation, and keeping a brothel, the government did not report data for these provisions during the reporting period.

The government continued, from prior reporting periods, some law enforcement actions against government officials allegedly complicit in human trafficking offenses. The court convicted a former Johannesburg Metro Police Department superintendent on three counts of rape and human trafficking; he awaited sentencing at the close of the reporting period. A 2019 case against four police officers in Pretoria accused of human trafficking, kidnapping, and extortion of 10 Bangladeshi nationals remained ongoing. The government did not report an update on the Ministry of Defense's December 2019 task team created to investigate sexual exploitation and abuse cases within its armed forces dating back to 2014. The government placed a "prominent person" under investigation for labor exploitation and money laundering involving 105 Ethiopian victims allegedly forced to make counterfeit goods in two factories.

Despite these actions, NGOs and researchers continued to report widespread official complicity in human trafficking that went unaddressed, particularly among the Department of Home Affairs (DHA), the Department of Social Development (DSD), SAPS, and the DPCI. An academic report made allegations that law enforcement protected traffickers, including that at least three dozen police protected or tipped off traffickers, SAPS officials leaked information on operations to traffickers, and DSD returned survivors to their traffickers. The government reported allegation that a SAPS official

forced individuals to work on her farm but did not report whether it was investigating the case. International organizations reported that in one trafficking case, police returned a victim to her trafficker. Some officials committed sex trafficking by forcing individuals to perform commercial sex acts in exchange for visas or residence permits. Civil society reported to law enforcement cases of sex trafficking of Basotho women from Lesotho in South African brothels, but law enforcement did not take action that resulted in investigations, prosecutions, or convictions. Observers reported the lack of progress over several years to disrupt the suspected traffickers was due to official complicity of both Basotho and South African officials closely linked to the brothels. There were continued reports of officials accepting bribes to: falsify trafficking victims' travel documents, not report trafficking in brothels, not prosecute pimps who facilitated trafficking, and facilitate deportation of migrants so farm or factory managers would not have to pay their workers. Some police accepted kickbacks from organized criminal syndicates, which often facilitated trafficking, and some police did not pursue traffickers out of fear of reprisals. NGOs and asylum applicants reported immigration officials sought bribes from asylum seekers seeking legal permits to remain in the country, which may have increased vulnerability to traffickers. Civil society and observers continued to report that the government lacked a safe process, free from retribution, for reporting alleged police corruption and complicity, and that even when civil society did report such allegations, the government did not respond. In the previous reporting period, the government and four NGOs began negotiating memoranda of understanding on procedures for the NGOs to safely submit sensitive information, including on corruption and official complicity; the parties did not finalize these memoranda during the reporting period.

Law enforcement agencies, particularly SAPS, had insufficient resources to address all reported trafficking cases, including child trafficking leads. Even when agencies had sufficient resources and civil society referred suspected trafficking cases, however, civil society reported that some law enforcement units were notably less responsive to trafficking referrals than in previous years and were, on multiple occasions, unwilling to initiate investigations into the reported cases. Western Cape and City of Cape Town had "Vice Squads" within their law enforcement that had responsibility to proactively identify sex trafficking within commercial sex establishments. Some observers reported positive experiences working with the unit, while others noted they were only reactive and did not proactively investigate tips of alleged sex trafficking. In part due to the pandemic, the government did not comprehensively monitor or investigate forced child labor or the labor trafficking of adults in the agricultural, mining, construction, and fishing sectors. NGOs that provided trafficking victim care reported police were noticeably less responsive to their case inquiries and did not provide status updates on ongoing cases. Victims reported this lack of clarity on their case status, as well as the frequent delays in court cases and low prospects of success, dissuaded them from participating in trials against their traffickers.

The pandemic reduced the government's capacity to provide training; thus, it trained fewer law enforcement, social workers, and judicial officials on trafficking than in the previous reporting period. Nevertheless, it collaborated with international organizations to hold 12 in-person and virtual anti-trafficking trainings. The trainings reached 283 officials, including from police, social services, and labor officials. This was a decrease from leading 24 interdisciplinary trainings that reached 359 front-line officials and collaborating with NGOs and an international organization to conduct another 16 trainings that reached at least 680 participants during the previous reporting period. Police lacked training on trafficking, particularly in how to conduct anti-trafficking investigations and treat trafficking survivors.

## PROTECTION

The government decreased victim identification and protection efforts. The government and NGOs identified 16 trafficking victims. In prior reporting periods, the government did not disaggregate the number

of victims that it newly identified during the reporting period. The government's ongoing cases involved 226 victims, including those identified in previous reporting periods. This was a substantial decrease from prior years when there were 377 victims (2019) and 260 victims (2018) involved in ongoing cases. More than half of the victims involved in ongoing cases came from outside of South Africa, including 91 victims from Mozambique, significant numbers from Bangladesh, China, and Zimbabwe, and several victims from Lesotho, Botswana, and Mozambique. Most agencies, including SAPS, DSD, NPA, and the Department of Justice and Constitutional Development (DOJCD), had procedures to identify and refer trafficking victims to care, in accordance with PACOTIP. Implementation of these procedures varied by department and province, with some officials aware of the referral procedures, particularly regarding vulnerable groups. To fill this gap, the government adopted new SOPs for trafficking victim identification and referral to care. With an international organization, the government began conducting trainings on the SOPs, which reached more than 100 officials, and continued to rollout the SOPs to all provinces. In some cases, officials continued to arrest suspected sex trafficking victims, and in at least one case, officials returned a victim to her trafficker.

The government provided shelter and/or services to 105 victims, a large decrease from referring more than 210 victims to services in the previous reporting period. NGOs criticized SAPS for not identifying victims; some SAPS officers failed to follow referral guidelines. The DHA had no formal, written procedures to guide the handling of trafficking cases; for the second year, draft regulations awaited approval by the DHA Minister at the close of the reporting period. Although a range of government and non-government entities identified victims, DSD was responsible for designating and certifying trafficking victim status and authorizing the provision of protective services. In addition, DSD was responsible for monitoring the provision of protective services, preparing victim-witnesses for court, and accompanying them through trial and repatriation, if applicable. NGOs reported that front-line officials responsible for receiving referrals were often unreachable, and that DSD and SAPS sometimes were not informed of their responsibilities to certify and refer victims, a necessary step before victims could receive care of any kind. In prior years, NGOs reported that SAPS sometimes left victims at shelters without first contacting DSD; there was no evidence this had changed, although it was unclear whether SAPS brought victims to shelters generally during the pandemic. While SAPS was supposed to open investigations for all suspected trafficking victims identified and coordinate with the provincial DSD representative, NGOs reported this was not consistently done, making case follow-up difficult. Observers reported there was an insufficient number of shelters and that some DSD shelters occasionally refused to accept trafficking victims due to security concerns or drug addiction. There were no reports that the government ameliorated these issues during the reporting period. Police indicated they often did not have interpreters to acquire victim-witness statements within the two-day window during which charges must be filed, even if interpreters existed in the province.

The government continued oversight and partial funding of 13 accredited NGO-run multipurpose shelters and oversaw 88 shelters that provided temporary care to victims for up to 72 hours. In some rural areas, however, NGOs reported that due to insufficient space in shelters, officials turned away female victims of crime. The government provided NGOs a stipend on a per-person, per-night basis for the safe houses. NGOs, however, reported they could not always access available funds with the urgency required after identifying victims. Only one shelter provided care exclusively for trafficking victims, and only one shelter provided care for male trafficking victims; no shelters provided care exclusively for male victims. LGBTQI+ persons, particularly transgender persons and migrants, were especially at high risk for trafficking due to social stigmatization; there was one shelter dedicated solely for victims from the LGBTQI+ community, in the Western Cape. Shelters accessible to persons with disabilities provided limited services; however, the government did not report if any victims received these services during the reporting period.

The overall quality of victim care varied dramatically by province, gender, and circumstance. Gauteng, KwaZulu-Natal (KZN), and Western Cape provinces generally offered adequate standards of care in urban areas; trafficking victims in these provinces, even if identified in a rural area, were generally able to access care. Victim care in other provinces was sometimes inadequate; to address this, authorities sometimes transferred victims from provinces offering low levels of care to provinces offering high levels of care. The government operated a network of 55 Thuthuzela Care Centers (TCCs)—full-service crisis centers to assist victims of rape and sexual violence, including potential trafficking victims, but did not report if TCCs assisted any victims of trafficking during the reporting period. NGOs reported that government shelter staff sometimes failed to keep victims informed about their case status or to provide dependency counseling and adequate security. Victims could not seek employment while receiving initial assistance, but South African citizens, South African residents, and registered refugees could seek employment while a court case was pending; other foreign victims could not seek employment, even if they cooperated with law enforcement and their trials extended several years. As in prior years, there was at least one NGO report of a case in which police arrested and detained suspected sex trafficking victims. For the second year, the government reported it did not arrest or prosecute any trafficking victims for immigration offenses. The government provided repatriation assistance to four foreign trafficking victims identified in South Africa.

Officials made some efforts to encourage victims to participate in the investigation and prosecution of traffickers. It provided increased services to victim-witnesses, including psycho-social services and court preparation, the option to testify via video conference, and enhanced shelter and witness protection if the victim-witness faced danger due to his or her participation in the case. In contrast, however, the government only allowed victims 48 hours to decide whether to serve as a witness and receive these services, which was insufficient. Law enforcement took victim statements in confidential and safe environments. The government provided two victims with interpreters, 18 with specialized medical care, 62 with specialized psycho-social support, six with formal letters of recognition, and 26 with transportation. In most of these categories, the numbers of victims who received these services represented large decreases from the previous reporting period. Law enforcement referred 36 victims to the DPCI Coordinator for Trafficking to ensure authorities assigned officers trained in victim-centered investigations to the cases – a large decrease from 164 victims referred in the previous reporting period. While PACOTIP allowed judges to order victim restitution in trafficking cases, judges did not do so in any cases during the reporting period. PACOTIP allowed for trafficking victims to receive relief from deportation; however, the government did not promulgate regulations to implement this provision, and they remained awaiting approval for the second year. As a result, if undocumented foreign national victims did not participate in law enforcement investigations, the government sometimes deported them. DHA often required foreign nationals to renew their immigration paperwork every two weeks, which placed an unnecessary financial and logistical burden on them and the NGOs providing their care. As a result of the pandemic, however, the government may have waived some of these restrictions.

## PREVENTION

The government decreased efforts to prevent trafficking. The government continued to implement the 2019-2022 National Policy Framework to improve capacity and coordination to combat trafficking among government agencies. During the reporting period, however, the government removed the individual occupying the position of chair of NICTIP, which directed all governmental trafficking efforts and the framework, and did not communicate the change to stakeholders. The position was not filled by the end of the reporting period. NICTIP and its provincial task teams met irregularly to coordinate counter-trafficking efforts, although many officials lacked consistent access to the internet to join virtual meetings. Coordination and communication challenges were exacerbated by the lack of NICTIP

leadership and the inconsistent government participation in meetings with civil society. Some of the provincial task teams ceased meeting or functioning. There was no accountability mechanism to ensure these groups met their mandates; officials in positions of authority with the ability to facilitate change rarely attended meetings. The government conducted national awareness-raising activities during the reporting period, although due to the pandemic, there were fewer such activities than in the previous reporting period. The Deputy Minister of DOJCD conducted at least 15 radio interviews on trafficking, and DSD hosted several webinars on topics related to child trafficking.

The Department of Labor made some effort to monitor workplaces for forced labor. The department had an insufficient number of inspectors, and enforcement in the informal and agricultural sectors was inconsistent. While inspectors had the legal authority to investigate private farms, they reported difficulty in securing access. Despite these challenges, however, inspectors made some notable efforts, including raiding a Chinese-owned factory in Durban, where 14 local workers were forced to manufacture face masks; and discovering two makeshift factories where 105 Ethiopians were forced to make counterfeit goods. SAPS operated a hotline that could receive reports of potential trafficking cases; however, the government did not report how many calls the hotline received or whether it identified any trafficking victims as a result of calls to the hotline. The government and civil society directed most trafficking-related calls to the NGO-operated National Human Trafficking Resource Line, which the government advertised. It did not report how many trafficking tips it received during the reporting period but reported a substantial increase in job-vetting requests from individuals who had suspicions about the legitimacy of job offers. The South African National Defense Forces (SANDF) maintained a hotline for reports of sexual exploitation by armed forces but did not report whether it received any calls regarding such exploitation during the reporting period.

The government took steps to increase data collection and sharing regarding trafficking in the country. The Department of Science collaborated with a foreign donor to develop its first baseline study of the scale and nature of trafficking in South Africa. To further address a self-acknowledged data gap, DOJCD was reportedly developing a new integrated information system to collect data on, and improve responses to, trafficking. With support from an international organization, the government contributed information to a centralized anti-trafficking database that collected national data on criminal cases and victims identified and shared it with countries in the region. Nevertheless, some officials publicly downplayed the existence of trafficking, which stymied public awareness and data collection efforts. The government did not make efforts to reduce demand for commercial sex or forced labor. The Government launched the Generic and Sector Specific Training Manual on the PACOTIP Act during the reporting period, which contained a training plan for peacekeepers. The government did not report providing anti-trafficking training to its peacekeepers during the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in South Africa, and traffickers exploit victims from South Africa abroad. Traffickers recruit victims from poor countries and poor and/or rural areas within South Africa, particularly Gauteng province, and exploit them in sex trafficking locally and in urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein. South African trafficking rings exploit girls as young as 10 years old in sex trafficking. In some cases, traditional family practices contributed to victims' vulnerability to traffickers. For example, the practice of *ukuthwala* continued, the abduction of girls as young as 14 for forced marriage, particularly in remote villages in Western Cape, Eastern Cape, and KZN Provinces; girls in forced marriage are vulnerable to sex trafficking and forced labor by their husbands. Traffickers force foreign and South African LGBTQI+



persons to engage in commercial sex acts. Traffickers sometimes employ forced drug use to coerce sex trafficking victims.

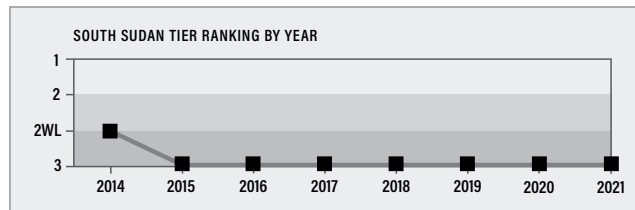
Traffickers force adults and children, particularly those from poor and rural areas and migrants, into labor in domestic service, mining, begging, street vending, food services, criminal activities, agriculture, and the fishing sector. Traffickers reportedly exploit South Africans in forced labor in some fruit and vegetable farms across the country. In 2020, one NGO reported an increase in children forced into commercial sex or labor by their families. Because many domestic workers do not have formal contracts, employers fired many without notice or pay during the pandemic, rendering them vulnerable to traffickers. Some domestic employers restricted workers' movements and forced them to remain at their worksites during the pandemic, which increased the workers' vulnerability to forced labor and abuse by those employers. For both internal and transnational trafficking, traffickers increasingly use social media to lure victims to urban centers within South Africa, including posting fake job advertisements on social media. Official complicity in trafficking crimes, especially by police, persisted. Some well-known brothels previously identified as locations of sex trafficking continue to operate with officials' tacit approval. Some officials seek bribes from asylum seekers and the government rejected most asylum applications, which rendered asylum seekers increasingly vulnerable to traffickers. Some refugees were unable to exercise their right to employment, which may have increased their vulnerability to traffickers.

To a lesser extent, syndicates recruit South African women to Europe and Asia, where traffickers force some into commercial sex, domestic service, or drug smuggling. Traffickers operating in South Africa increasingly are from Nigeria, the Democratic Republic of the Congo, Cameroon, and Ghana. Syndicates, often dominated by Nigerians, force women from Nigeria and countries bordering South Africa into commercial sex. In some cases, sex traffickers exploit women in brothels disguised as bed and breakfasts. Mozambican crime syndicates use the eastern border of Kruger National Park to transport South African men to other parts of the country for forced labor, which are the same routes the syndicates use to facilitate other crimes. Recruiters entice women from Asia and countries bordering South Africa with offers of legitimate employment but, upon arrival, some subject the women to domestic servitude or forced labor in the service sector. Traffickers exploit women from Lesotho in sex trafficking in South Africa. Traffickers exploit foreign male victims aboard fishing vessels in South Africa's territorial waters. Traffickers subject Pakistanis and Bangladeshis to forced labor through debt-based coercion in businesses owned by their co-nationals. In one case, a Nepali trafficker fraudulently recruited a Nepali man to South Africa and exploited him in forced labor. Traffickers exploit young men from neighboring countries who migrate to South Africa for farm work; some are subsequently arrested and deported as undocumented immigrants. Chinese businessmen have recruited workers to South Africa and forced them to work in factories. The Cuban government may have forced its citizens to work in South Africa, including at least 187 Cuban doctors and medical staff sent to all provinces to combat the pandemic. These agreements typically require payment directly to the Government of Cuba, which gives the medical workers between 5 and 15 percent of the salary only after they completed the mission and returned home.

## SOUTH SUDAN: TIER 3

The Government of the Republic of South Sudan does not fully meet the minimum standards for the elimination of trafficking and, even considering the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, is not making significant efforts to do so; therefore South Sudan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including convening its anti-trafficking inter-ministerial

task force consistently, cooperating with an international organization to release approximately 189 child soldiers, and launching a nationwide awareness campaign. However, during the reporting period there remained a government policy or pattern of employing or recruiting child soldiers. Government security and law enforcement officers continued to recruit and use child soldiers, at times by force, and did not hold any members of the South Sudan People's Defense Forces (SSPDF) or South Sudan National Police Services (SSNPS) criminally accountable for these unlawful acts. Authorities did not report investigating or prosecuting any forced labor or sex trafficking crimes for the ninth consecutive year. The government made negligible efforts to proactively identify and protect trafficking victims, did not report identifying any victims in 2020, continued to arrest and imprison child sex trafficking victims, and continued to indiscriminately arrest and imprison individuals for prostitution violations without screening for indicators of trafficking.



### PRIORITIZED RECOMMENDATIONS:

Cease all recruitment and use of children by government forces and associated militias and immediately release all child soldiers under the command or influence of government forces and affiliated militias and, in partnership with international organizations, transfer them to appropriate civilian rehabilitation and reintegration programs.

- Train law enforcement and social workers to identify trafficking victims, particularly among vulnerable groups such as children, individuals in commercial sex, and internally displaced persons.
- Increase funding and human resources for the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons in the Republic of South Sudan (Taskforce).
- Train law enforcement officers, prosecutors, and judges—including officials serving on the Gender Based Violence and Juvenile Court—on the 2008 Child Act, 2008 Penal Code, and 2018 Labor Act so officials can more effectively investigate, prosecute, and convict traffickers, including military officials complicit in the unlawful recruitment, use, and sexual exploitation of children.
- Starting in Juba, establish and implement victim identification screening and referral procedures in partnership with international organizations and civil society to prevent penalization of trafficking victims for unlawful acts their trafficker compelled them to commit.
- Following due process and respecting human rights, investigate and prosecute suspected trafficking offenses under existing laws and convict traffickers, including complicit government officials.
- Amend the 2008 Penal Code or pass a comprehensive anti-trafficking law to criminalize adult sex trafficking and prescribe penalties that are sufficiently stringent and commensurate with other grave crimes, such as rape.
- Provide additional financial and staffing support to the SSPDF's Directorate of Child Protection to facilitate efforts to identify perpetrators of child soldiering and refer cases to civilian courts.
- Contribute human resources and provide in-kind support for the second phase of the awareness raising initiative in Eastern, Central, and Western Equatoria.
- Accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government continued to demonstrate negligible law enforcement efforts to hold traffickers accountable. The 2008 Penal Code, 2008 Child Act, and 2018 Labor Act criminalized some forms of sex trafficking and labor trafficking. Article 277 of the penal code prohibited forced labor and prescribed penalties of up to two years' imprisonment, or a fine, or both; these penalties were not sufficiently stringent. Article 276 criminalized buying or selling a child for the purpose of prostitution and prescribed a punishment of up to 14

years' imprisonment and a fine, which was sufficiently stringent and commensurate with punishment prescribed for other serious crimes, such as rape. Articles 254 and 258 criminalized the procurement of a child for prostitution and the facilitation of the prostitution of a child by the child's parent or guardian and prescribed penalties of up to 10 years' imprisonment and a fine; these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The criminal code did not explicitly criminalize adult sex trafficking and conflated human trafficking with smuggling by requiring movement across borders. Article 282 prohibited and prescribed a sufficiently stringent punishment of up to seven years' imprisonment for the sale of a person across international borders. Articles 31 and 32 of South Sudan's 2008 Child Act prohibited the recruitment and use of children for military or paramilitary activities, and prescribed punishments of up to 10 years' imprisonment for such crimes. The 2018 Labor Act prohibited forced labor and prescribed penalties of up to five years' imprisonment, a fine, confiscation of property, cancellation of a business license, or closure of business, or a combination thereof; these penalties were sufficiently stringent.

The government reported authorities did not investigate, prosecute, or convict any traffickers for the ninth consecutive year. In 2020, the government contributed logistical support for an international organization to provide training for the Directorate of Nationality, Passports, and Immigration on human trafficking indicators, compared with partnering with the same organization to train approximately 30 officials in 2019. However, most police and judicial officials continued to lack a basic understanding of trafficking in persons and frequently conflated human trafficking and migrant smuggling. Officials estimated customary courts handled 80 percent of all cases due to capacity limitations of statutory courts, further limiting accountability for accused sex and labor traffickers. In December 2020, the government inaugurated the Gender Based Violence and Juvenile Court, although authorities did not report it trying any human trafficking cases. This specialized court—located in Juba—provides dedicated and expedited trials for gender based violence and juvenile cases, which may include cases involving trafficking in persons. The government convened the Technical Taskforce with the stated objective of bringing South Sudan's legal framework into harmony with the 2000 Palermo Protocols. In February 2021, the Taskforce completed a legal framework gap analysis, with technical assistance from an international organization, to examine existing laws and identify articles that law enforcement can use to complement the 2008 Penal Code until a comprehensive TIP law is developed.

Corruption and official complicity in trafficking crimes remained significant concerns; however, the government did not report investigating, prosecuting, or convicting government employees complicit in human trafficking offenses. Despite the ongoing recruitment and use of child soldiers by the SSPDF, SSNPS, and allied militias, the government has never held an offender criminally or administratively accountable for such crimes. The lack of resources for basic operations, a dearth of trained judicial officials, and corruption throughout the justice sector continued to impede law enforcement efforts.

## PROTECTION

The government decreased protection efforts. Officials did not report identifying any victims during the reporting period, compared with identifying 19 potential victims in 2019. International organizations stated the government may have identified some victims during the reporting period, but pandemic-related movement restrictions limited access and verification throughout much of the country. Members of the National Disarmament, Demobilization, and Reintegration Commission (NDDRC) and other government officials cooperated with an international organization to demobilize and release approximately 189 child soldiers during the reporting period; international organizations provided psychosocial and reintegration assistance for the children following their release. The government's enlistment procedures required an age assessment, usually done

through a dental exam, as many South Sudanese do not have access to birth registration documents. Government officials noted many SSPDF officers did not meet their annual training requirements to increase their awareness of international standards and obligations around child soldier recruitment and use due to ongoing conflict, poor communication, and general lack of capacity. The SSPDF's Directorate for Child Protection, headed by a brigadier general, maintained responsibility for investigating allegations of child soldiering. Despite ongoing reports government forces continued to recruit and use child soldiers, officials did not report opening any inquiries into complicit officers.

Social stigma and fear of punitive law enforcement actions continued to discourage victims—particularly those subjected to sex trafficking—from reporting crimes to law enforcement officers. The government has not passed any laws or policies to protect victims from prosecution for unlawful acts traffickers compelled them to commit, although the Minister of Gender reported opening special protection units during the reporting period at police stations in all 10 states, with six in Juba. The government designed these units to provide safe spaces for vulnerable populations; however, authorities acknowledged that the lack of female officers and high staff turnover limited the units' effectiveness. Officials did not report providing services to any victims of trafficking. Security forces and law enforcement continued to lack a formal mechanism to identify potential victims, resulting in officials indiscriminately arresting individuals in commercial sex without screening, including known child sex trafficking victims. The government did not provide specialized services for trafficking victims or legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution, nor did it offer legal assistance or other mechanisms to encourage victims to assist in the investigation and prosecution of trafficking crimes.

## PREVENTION

The government increased efforts to prevent trafficking. In coordination with an international organization, the government convened the Taskforce, co-chaired by the Ministries of Interior and Justice, multiple times during the reporting period. For the second consecutive year, the Taskforce did not accomplish its primary objectives of ratifying the Palermo Protocol and enacting the country's migration policy, which intends to improve the country's ability to manage migration flows including trafficking victims and smuggling clients. The government did not have a trafficking-specific national action plan, although officials worked with an international organization to produce the country's first comprehensive report on trafficking in persons, publicizing it in July 2020.

Trafficking awareness remained low among officials and the public, hindering the government's anti-trafficking efforts. During the reporting period, the Taskforce launched the first phase of its nationwide awareness-raising campaign in partnership with an international organization. The Taskforce coordinated with law enforcement and judicial officials, as well as civil society in Awiel in Northern Bahr El Ghazal, Rumbek in Lakes, Kapoeta in Eastern Equatoria, and Wau in Western Bahr El Ghazal. The awareness raising initiative included education and training components, and it lasted between five and seven days in each state.

Government security forces actively continued to recruit child soldiers, at times by force, and did not fully implement the existing action plan to demobilize child soldiers currently within the forces. In addition, poor command and control among SSPDF units and ongoing instability throughout the country hindered implementation. Authorities did not make efforts to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. Officials did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel and South Sudan is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in South Sudan, and traffickers exploit victims from South Sudan abroad. South Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to domestic servitude throughout the country. Male occupants of the household sexually abuse some of these women and girls while traffickers force others to engage in commercial sex acts. Prominent South Sudanese individuals in state capitals and rural areas sometimes force women and girls into domestic servitude. South Sudanese and foreign businesspeople exploit South Sudanese girls in sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. South Sudanese individuals coerce some children to work in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, gold mining, begging, and cattle herding. South Sudanese and foreign business owners recruit men and women from neighboring countries—especially the Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Republic of the Congo, and Uganda—as well as South Sudanese women and children, with fraudulent offers of employment opportunities in hotels, restaurants, and construction, and they force them to work for little or no pay or coerce them into commercial sex. An international organization reported Eritrean, Ethiopian, and Kenyan business owners recruited and exploited their compatriots, who enter South Sudan with valid visas and travel documents, to exploit them in forced labor or sex trafficking. Traffickers sexually exploit women most frequently in the country's capital, Juba, and in Nimule, a city located on the border with Uganda.

The COVID-19 pandemic exacerbated the population's vulnerability to exploitation during the reporting period, compounding already severe economic challenges. The closure of restaurants and hotels in Juba due to COVID-19 restrictions resulted in job losses particularly affecting migrant women, who became more vulnerable to sexual exploitation by business owners. Reports of child, early, and forced marriages rose with an increase in food insecurity, due to bride prices serving as an alternative source of revenue for families. An international organization reported criminal networks use traders and trucks transporting goods and produce to bypass COVID-19-related movement restrictions and move trafficking victims throughout the country. The government's pandemic-related lockdowns—beginning in March 2020—resulted in decreased access to support and assistance for victims.

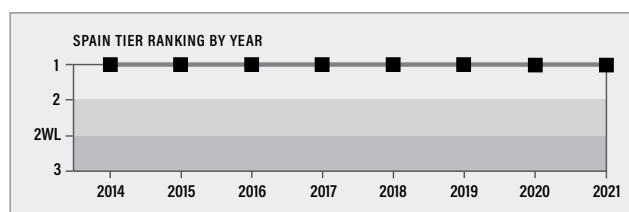
Child, early, and forced marriage remains a nationwide problem, with families forcing some girls into marriages as compensation for inter-ethnic killings; husbands and their families may subsequently subject these girls to sexual slavery or domestic servitude. East African migrants transiting through South Sudan to North Africa remain vulnerable to forced labor and sex trafficking. Observers report traffickers exploit individuals along the country's borders with Uganda and Kenya where economic activities are concentrated, as well as in artisanal mining operations along South Sudan's border with the Democratic Republic of the Congo.

Violent conflict continued throughout the year, resulting in approximately 1.3 million internally displaced persons (IDPs) and 2.2 million South Sudanese refugees living in neighboring countries as of December 2020, compared with 1.5 million IDPs and 2.2 million refugees in December 2019. These groups, including orphaned children, are at increased risk of trafficking and other forms of exploitation within South Sudan and neighboring countries due to sometimes limited access to formal justice and support networks. Unaccompanied children in camps for refugees or internally displaced persons are particularly vulnerable to abduction by sex or labor traffickers. Inter-ethnic abductions and abductions by external criminal elements and armed groups remain common, especially in Jonglei, Unity, and Upper Nile states; traffickers exploit some abductees in forced labor or sex trafficking.

An international organization estimated government and opposition-affiliated forces have recruited more than 19,000 child soldiers since the start of the conflict in 2013, and armed groups continued to recruit and use children during the reporting period. Experts assess there are currently between 7,000 and 19,000 child soldiers within South Sudan as of February 2021. Both the SSPDF and the Sudan People's Liberation Army - In Opposition signed or recommitted to action plans for child soldier demobilization and reintegration, but implementation remains incomplete. Government forces—including SSNPS—use children to fight and perpetrate violence against other children and civilians, to serve as bodyguards, staff checkpoints, and in other security support roles. According to the Revitalised Agreement on the Resolution of the Conflict in South Sudan signed in 2018, the parties committed to refrain from the recruitment or use of child soldiers by armed forces or militias in contravention of international conventions. Governmental and non-governmental groups continued to retain, recruit, and use child soldiers during the reporting period, with observers reporting armed groups used 48 percent of children in combat roles. Experts note more children fight on behalf of locally organized armed groups rather than formally organized groups with centralized command and control structures. International observers reported groups recruited and used child soldiers in Central and Western Equatoria, Unity, Western Bahr el Ghazal, and Greater Upper Nile. Observers reported armed groups used young boys to guard or raid cattle, a key source of income for many South Sudanese.

## SPAIN: TIER 1

The Government of Spain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Spain remained on Tier 1. These efforts included assisting more trafficking victims, opening a new trafficking shelter, increasing efforts and results regarding international investigations, and continuing to issue significant prison terms for convicted traffickers. Although the government meets the minimum standards, investigations, prosecutions, and convictions decreased; and, notably, the government did not prosecute any alleged labor traffickers. Gaps remained in victim identification protocols and resulted in the government identifying fewer victims. Additionally, the government continued to lack a national anti-trafficking action plan to guide its efforts.



## PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of trafficking offenses, particularly for forced labor. • Increase training of front-line officials on proactive victim identification, in particular among vulnerable populations such as irregular migrants, unaccompanied minors, and workers in industries and agricultural regions with high incidences of labor exploitation. • Adopt and implement one comprehensive national action plan that addresses both sex and labor trafficking and clearly outlines the roles of law enforcement and victim care providers. • Increase worker protections by implementing strong regulation and oversight of recruitment companies that are consistently enforced, including prosecuting fraudulent labor recruitment. • Allow formal victim identification without requiring



law enforcement interaction. • Allow formal victim identification by and referral from entities other than the police, including by labor inspectors, asylum case workers, healthcare professionals, social workers, and NGOs. • Expand victim service centers to all autonomous communities. • Continue to increase witness protection resources available to victims and expert witnesses, including increasing safety and security measures and considering measures to protect their identities. • Increase resources, including personnel, to the office of the national rapporteur and consider making it independent. • Increase protection and security of unaccompanied migrant children from traffickers operating in immigration detention centers. • Train all prosecutors and judges on human trafficking and a victim-centered approach to law enforcement. • Improve state compensation mechanisms, including re-distribution of confiscated traffickers' assets to victims.

## PROSECUTION

The government decreased law enforcement efforts. Article 177 bis of the criminal code criminalized sex trafficking and labor trafficking, prescribing penalties from five to eight years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. The rapporteur, NGOs, and GRETA reported the penal code did not clearly define forced labor, which made prosecutions difficult; the government had a draft stand-alone trafficking law to address forced labor, among other issues, but did not pass the law during the reporting period. Law enforcement officials adapted to pandemic-related restrictions by holding meetings virtually, though many victim and suspect interviews were postponed and courts shut down for six weeks. According to provisional data for 2020, law enforcement initiated 83 new human trafficking investigations (62 sex trafficking, 19 labor trafficking, and two forced criminality), a decrease compared with 103 (82 sex trafficking, 16 labor trafficking, two forced criminality, and three forced begging) in 2019. In addition to law enforcement investigations, the Office of the Prosecutor initiated 119 new investigations of 530 suspects, compared with 167 investigations of 637 suspects in 2019. From the investigations, law enforcement arrested 235 suspects in 2020 (173 for sex trafficking, 56 for labor trafficking, and six for forced criminality), compared with 285 suspects in 2019. Law enforcement conducted targeted operations against 66 criminal organizations involved in human trafficking and exploitation in 2020, a significant increase compared with 11 in 2019. The judiciary initiated prosecutions of 52 suspects – all for sex trafficking – a significant decrease compared with 127 in 2019 (117 for sex trafficking and 10 for labor trafficking). Prioritization of prosecuting labor trafficking offences remained a challenge, and there were no labor trafficking prosecutions in 2020. In 2020, courts convicted 32 traffickers for sex trafficking, compared with 44 convictions in 2019 (37 for sex trafficking, four for labor trafficking, and three for forced criminality). Of the convicted traffickers, 29 were Nigerian, two were Spanish, and one was Moldovan. Sentences were significant; all sentences were more than one year, with the longest being 35 years and 6 months' imprisonment; all cases except one included significant restitution for victims. Courts imposed separate sentences on multiple criminal offenses.

The Interior Ministry coordinated law enforcement efforts to combat trafficking and had specialized law enforcement units to address human trafficking. The government adapted to pandemic-related restrictions by switching to virtual platforms to continue providing training to an unknown number of officials in 2020. The prosecutor's office provided training on detection of trafficking, focusing on labor trafficking and a victim-centered approach, to an unknown number of officials. Compared with 2019, authorities increased cooperation on international law enforcement investigations, including with INTERPOL, Lithuania, Switzerland, Czech Republic, Italy, Nigeria, Austria, Colombia, and Romania; cooperation resulted in the identification of at least 85 victims, the arrest of at least 113 suspected traffickers, and the conviction of seven traffickers in 2020. The government did not have judges or courts that specialized in

trafficking, but with regard to sex trafficking, cases could be heard in courts dedicated to crimes related to gender-based violence. Experts concluded, however, that judges often lacked adequate training on human trafficking cases and had limited access to specialized trafficking training. Coordination between law enforcement, NGOs, and specialized trafficking prosecutors continued to be effective, though this varied by region. Several government entities adopted plans to help protect victims during the mandatory home confinement periods caused by the pandemic; this included a working group established by the prosecutor's office, which met weekly and included police and specialized NGOs. In January 2021, the prosecutor's office also established a new police liaison position to increase coordination with police, closely monitor human trafficking cases, and increase convictions, especially considering the additional investigative obstacles created by the pandemic. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government maintained mixed protection efforts – while victim identification decreased, victim assistance increased. In 2020, the three-month, pandemic-related national shutdown made identifying sex trafficking victims particularly difficult as the majority of inspections were traditionally conducted in clubs, all of which were closed during much of the year. Law enforcement continued efforts to identify trafficking victims during the reporting period, but gaps remained, and the government did not report identifying any child or Spanish national victims in 2020. In 2020, authorities reported identifying 226 victims (130 of sex trafficking, 89 of labor trafficking, and seven of forced criminality). This was a significant decrease compared with 467 victims (250 of sex trafficking, 173 of labor trafficking, 24 of forced criminality, and 20 of forced begging) identified in 2019, but similar to the 225 identified in 2018. In 2020, victims predominantly came from Colombia, Venezuela, Romania, Honduras, Nicaragua, and China. Law enforcement officials were the sole entity that could identify victims, and the government reported that formal victim identification was not tied to law enforcement cooperation. However, in its 2018 report, GRETA stated that law enforcement could only formally identify victims who cooperated in criminal investigations. Victims identified by NGOs or other entities outside of law enforcement, were not included in national statistics; according to NGOs, this, coupled with continued gaps in victim identification among irregular migrants and asylum seekers, resulted in probable underreported official victim statistics. However, victims who chose not to cooperate with law enforcement had the same rights and access to victim assistance. Experts asserted that 90 percent of women in commercial sex in Spain could be unidentified sex trafficking victims within the decriminalized commercial sex industry, and GRETA concluded victim identification statistics did not reflect the scale of trafficking. The government continued to utilize its national victim identification and referral protocols and usually coordinated formal victim identification with an NGO that would then assume care of the victims. The government lacked systematic victim identification protocols at temporary reception centers for irregular migrants and asylum seekers. The increased number of newly arrived irregular migrants, including 23,000 to the Canary Islands in 2020 (compared with 2,700 in 2019), were vulnerable to trafficking; officials did not identify any trafficking victims from among these numbers, but given the large number of vulnerable individuals, civil society suspected unidentified trafficking victims were among the new arrivals. The government continued to implement victim identification protocols at the Madrid airport and in 2020 added the Barcelona airport, as well, but it did not report how many victims were identified. The government continued to provide training to border police, though victim identification by border police remained low compared with identification by NGOs. Fourteen of the 17 autonomous communities in Spain continued to use their own protocols for trafficking victims, which they implemented simultaneously with the national protocol. The government and government-funded NGOs reported broadly

assisting approximately 1,468 victims and 4,661 potential victims in 2020, including job training for at least 148 potential victims and safe housing for at least 98 victims. Additionally, at least 16 victims received witness protection and 129 received legal assistance from government-funded NGOs. This compared with government-funded NGO assistance to 638 victims and 4,842 potential victims in 2019.

In 2020, the government allocated €6.5 million (\$7.98 million) to NGOs providing victim assistance, the same amount allocated in 2019. Additionally, in 2020, the autonomous communities and municipalities received €20 million (\$24.5 million) from the central budget for assistance to female sex trafficking victims, the same as 2019. The government, through victim service offices, referred victims to government-funded NGOs, which provided free healthcare, legal assistance, shelter, social welfare benefits, language training, psychological services, and funds for repatriation to victims. However, not all regions and cities had victim service offices; GRETA reported victim services were available in all regions except Castilla La Mancha, La Rioja, and the autonomous cities of Ceuta and Melilla. While receiving assistance in shelters, victims had the freedom to come and go, and foreign victims could receive assistance in returning home, if they wished. The government enacted a pandemic contingency plan in 2020, which included alternatives to traditionally available accommodation and a daily subsidy; though civil society noted many victims were unable to access this new assistance due to their lack of internet access or a bank account and poorly coordinated accommodation services in some regions. Law enforcement authorities reported increasing assistance to some trafficking victims who had been abandoned by their traffickers during the pandemic, which included providing victims with basic necessities like water and electricity. In 2020, Murcia opened a new shelter for victims of trafficking and sexual exploitation, and Granada began offering online psychological services to sex trafficking victims, targeting rural communities, in response to the pandemic. There were specialized centers for child victims of crime, and seven NGO-run trafficking shelters assisted child victims. GRETA cited NGO reports that unaccompanied migrant children in Ceuta and Melilla were vulnerable to trafficking in immigration detention centers, with reported cases of children disappearing from these centers; however, migration to these regions decreased significantly in 2020. Shelters for male victims remained limited.

Prosecutors were required to seek restitution from defendants during all criminal proceedings unless the victims expressly waived that right; in 2020, all but one of the 19 victims of convicted traffickers received significant restitution from the perpetrators. The crime victim statute provided victims with the right to state compensation, but authorities have not reported awarding any state compensation to date. Assets seized from convicted defendants supported a fund used to fight trafficking and to assist victims; however, victims rarely received these assets as the process remained complicated. NGOs continued to report inconsistent application of victim protections by judges and called for legal reform to better protect witnesses, including permitting video testimony in all cases and increasing measures to protect the identity of NGO expert witnesses, whose testimony could not be anonymous under current law. The government allowed non-EU victims to apply for reflection periods of 90 days, during which they could recover while deciding whether to assist law enforcement; the government reported granting this protection to three trafficking victims in 2020. Foreign victims could request a renewable residence permit for up to five years based on their cooperation with law enforcement, but most usually received a permit for one year, and could apply for permanent residency after that five-year period. The government reported issuing five-year residence permits to three victims, temporary protection assistance to 15 victims, and international protection to 25 victims in 2020. Despite this, civil society reported that the majority of victims decided not to cooperate with law enforcement. In both of its evaluations, GRETA expressed concern that reflection periods for non-EU citizens were contingent upon an application to the immigration police. Citizens of EU member states, however, were

not limited to the 90-day reflection period and faced no deadline for claiming social services or cooperating with authorities.

## PREVENTION

The government maintained prevention efforts. The national rapporteur was responsible for coordination, analysis, and assessment of efforts across the government and held two coordination meetings with representatives from the government, a formal NGO group, and law enforcement in 2020. Though meetings were still convened, pandemic-related restrictions prevented the national rapporteur from holding its usual quarterly meetings. The rapporteur and government generally included NGOs in proceedings and coordination efforts. Despite the large scope of work, the rapporteur's office had a very limited staff. GRETA criticized the office of the rapporteur's ability to evaluate government efforts due to its prominent inter-ministerial coordination function and asked the government to consider creating a fully independent evaluation body. The government continued to publish data on its law enforcement efforts and victims identified. The government's Delegate Against Gender-based Violence continued to play a central role in coordinating efforts against sex trafficking, including meetings for the Social Forum composed of central and regional government officials and NGO representatives. The government did not have an anti-trafficking national action plan for the reporting period; however, the government reported drafting a 2021-2025 national strategy to combat gender-based violence, including sex trafficking, and a separate national plan for forced labor.

In cooperation with an NGO, the civil guard continued to distribute an unknown number of awareness brochures about indicators of forced trafficking, available in nine languages, at airports and seaports, including the Canary Islands. The civil guard also continued to distribute leaflets to an unknown number of irregular migrants about labor trafficking. The government launched a new campaign in the form of an action guide for sex trafficking victims that provided resources and detailed victims' rights. The Barcelona municipal government distributed awareness brochures with trafficking indicators, translated into eight languages, to service providers and health professionals. The Spanish police supported a hotline that operated 24/7 and could be used for all crimes, including for reporting suspected trafficking cases; in 2019, the most current year data was available, the hotline received 2,349 communications, resulting in the identification of 387 victims of trafficking and exploitation and the arrest of 1,039 suspects. Irregular migrants and asylum seekers remained vulnerable during the reporting period. Approximately 41,900 irregular migrants arrived in Spain in 2020, of which 23,000 arrived at the Canary Islands. Upon migrants' arrival, the government screened for trafficking victims in temporary reception centers, but the centers were overcrowded and GRETA concluded there was no systematic victim identification protocol. An NGO identified 51 trafficking victims who applied for asylum, but the government did not report how many victims were granted asylum. Fraudulent labor recruitment remained a significant concern during the reporting period, especially in agriculture, and may have increased worker vulnerabilities to forced labor. The government did not have robust licensing or accreditation requirements for labor recruiters to operate, other than being subject to inspection and a requirement that "responsible declaration" be made. Though illegal, some labor recruitment companies and intermediaries probably charged recruitment or job placement fees to foreign workers which could increase vulnerability to debt bondage. Additionally, labor officials noted concerns regarding the practice of companies sub-contracting or illegally seconding their employees to other companies—all of which may have increased worker vulnerabilities to exploitation. In 2020, Spanish authorities reported conducting 3,298 labor inspections targeting labor exploitation and 1,128 labor inspections targeting sexual exploitation; however, labor inspectors did not have the authority to identify trafficking victims. Trafficking victims could only be identified through joint inspections between labor inspectors and law enforcement officers, but the government did not report how many trafficking victims were identified as a result

of any joint inspections. The government did not report whether any Spanish labor recruitment agencies were investigated or prosecuted for labor trafficking during the reporting period. Labor inspectors did not have the proper authority to inspect private households, despite the large number of domestic and care workers in Spain. The government reported extending an unknown number of expiring work permits for migrant workers who could not return home due to pandemic-related travel restrictions, which allowed them to continue working legally. The government had at least 20 labor attaches at Spanish embassies abroad who reported labor trafficking cases to the government and increased international cooperation with Bolivia, Paraguay, Peru, and Moldova through anti-trafficking training and information exchanges. The government significantly increased efforts to reduce the demand for commercial sex acts through several public awareness campaigns against soliciting commercial sex.

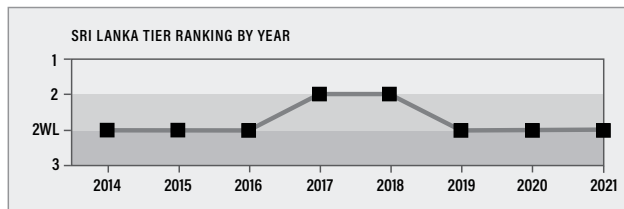
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Spain and to a lesser extent, Spanish victims in Spain and abroad. Labor trafficking is under-identified in Spain. Authorities report the pandemic increased worker vulnerabilities and contributed to the rise in labor trafficking in 2020, especially in Catalonia. Labor traffickers exploit men and women from Eastern Europe, South and East Asia, particularly Pakistan, in the textile, agricultural, construction, industrial, beauty, cannabis, retail, and domestic service sectors. Traffickers from Romania, Spain, Nicaragua, and Honduras often exploit their own family members in labor trafficking. Chinese and Vietnamese mafia groups increasingly exploit Vietnamese victims in labor trafficking in agriculture and on illegal cannabis plantations. Migrant workers from Morocco are vulnerable to labor trafficking on fruit farms and are often misled and fraudulently recruited. Chinese and Nigerian mafia groups commonly work with a local Spanish collaborator. In 2020, the three-month, pandemic-related national shutdown—including home confinement and limited freedom of movement—coupled with the increased use of private residences instead of brothels or clubs, exacerbated vulnerabilities for sex trafficking victims. Civil society reported victims' debts to their traffickers and subsequently the traffickers' control over the victim, increased during the pandemic because victims were sometimes unable to work and earn money. Sex traffickers exploit women from Eastern Europe, South America, Central America, Vietnam, the Dominican Republic, China, and Nigeria. Authorities report Venezuelan and Colombian women now make up the largest demographic of sex trafficking victims. Sex traffickers exploit Venezuelan women fleeing the collapsing social and economic conditions at home. Spanish law neither permits nor prohibits prostitution, and NGOs believe the vast majority of individuals in commercial sex in Spain are trafficking victims. Sex traffickers are increasingly using online platforms to recruit, exploit victims, and book apartment rentals to make their illicit operations difficult to track; this was exacerbated by the pandemic. The rising numbers of newly arrived irregular migrants, including 23,000 to the Canary Islands in 2020, are vulnerable to trafficking. Nigerian criminal networks recruit victims in migrant reception centers in Italy for forced prostitution in Spain. Unaccompanied migrant children continue to be vulnerable to sex trafficking and forced begging.

## SRI LANKA: TIER 2 WATCH LIST

The Government of Sri Lanka does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. These efforts included increasing prosecutions and investigating allegations of sexual exploitation of children at a state-run orphanage. The government also continued to work with international organizations on anti-trafficking training and awareness raising. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period,

even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not report efforts to investigate some allegations of official complicity, including those from previous years. The government achieved fewer convictions and its efforts to identify Sri Lankan forced labor victims abroad remained inadequate. Moreover, the Sri Lankan Bureau of Foreign Employment (SLBFE) continued to handle some migrant labor complaints administratively, many of which may have had indicators of forced labor, instead of referring these cases to police for criminal investigation for potential trafficking crimes. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Sri Lanka was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Sri Lanka remained on Tier 2 Watch List for the third consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Improve efforts to vigorously investigate and prosecute suspected traffickers, including isolated reports of officials allegedly complicit in trafficking, with fair trials and convict and sentence traffickers to adequate penalties involving significant prison terms. • Increase efforts to proactively identify trafficking victims, including among undocumented migrant workers abroad, women in commercial sex, and Chinese nationals working on Chinese government-affiliated projects. • Ensure victims are not penalized for unlawful acts traffickers compelled them to commit, including through increased training of law enforcement and the judiciary. • Provide support to victims who participate in trials against their traffickers, including the cost of lodging and travel expenses during trials. • Use Section 360(C) of the penal code to prosecute child sex traffickers. • Improve victim services, including their quality and accessibility, and ensure shelter and specialized services are available for all identified victims, including men and victims exploited abroad. • Increase regular monitoring of licensed recruitment agencies and refer allegations of criminal violations to law enforcement. • Vigorously improve efforts to address child sex tourism, including proactive identification of victims, engagement with hotels and tourism operators, and investigation of establishments and intermediaries who allegedly facilitate the crime. • Eliminate all recruitment fees charged by labor recruiters to workers. • Expand the foreign employment bureau's mandate to include regulation of sub-agents. • Promote safe and legal migration, ensure migration regulations do not discriminate based on gender, and increase awareness among prospective migrants of the steps necessary for safe migration and resources available abroad. • Through the anti-trafficking task force, continue to institutionalize sustained government coordination efforts.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Section 360(C) of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of two to 20 years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The government also used other sections of the penal code to investigate and prosecute sex trafficking crimes. Section 360(B) criminalized offenses relating to the sexual exploitation of children and prescribed penalties of five to 20 years' imprisonment and a fine. Additionally, Section 360(A) criminalized offenses relating to procurement and prescribed penalties of two to 10 years' imprisonment, significantly lower than those available under the trafficking provision.



The Criminal Investigation Department's (CID) anti-trafficking unit and police initiated 14 trafficking investigations (six sex trafficking and eight forced labor), compared with 10 investigations during the previous reporting period. The government initiated 27 prosecutions (16 under procurement, two under trafficking, and nine under sexual exploitation of children statutes), a decrease from 46 prosecutions (35 under the procurement statute) during the previous reporting period. The government secured the conviction of three traffickers under the procurement statute 360(A) and acquitted the defendants in three cases compared with the conviction of 10 traffickers (seven for procurement and three for trafficking) in the previous reporting period. Courts sentenced two traffickers to two years' imprisonment and suspended one trafficker's sentence. By issuing lenient sentences to convicted traffickers, courts created potential safety problems for trafficking victims and weakened deterrence. The government noted investigations stalled from mid-March to May 2020 due to the pandemic-related lockdown, and COVID-19 infections of key personnel also limited the government's law enforcement response. All new investigations remained ongoing at the close of the reporting period. Due to the pandemic, court hearings were delayed until the latter part of 2020 and once resumed, the government indicated it encountered challenges securing the attendance of witnesses. Of the reported trafficking investigations initiated in the previous reporting period, CID referred one sex trafficking case to the attorney general's department (AGD) for prosecution while the other three cases remained under investigation. SLBFE referred three forced labor cases from the previous reporting period to the AGD while two remained under investigation. The AGD reported 147 trafficking cases remained pending prosecution (112 under procurement, 29 under trafficking, and six under sexual exploitation of children statutes) at the close of the reporting period. Additionally, the National Child Protection Agency (NCPA) referred 82 cases of possible child sexual exploitation to police. The police dismissed 28 allegations with the remaining 54 investigations ongoing at the end of the reporting period.

Prosecutors' reliance on victim testimony, difficulty securing evidence from victims, and judges' issuance of suspended sentences contributed to both the government's general reliance on procurement charges and the lenient sentences applied under Section 360(C). Prosecutors could pursue procurement cases without the cooperation of the victim. Due to the lack of financial support and requirement that victim-witnesses travel to the courts, many trafficking victims cannot afford to participate in the law enforcement process, including to provide testimony. Additionally, lengthy trials—a problem endemic throughout the criminal justice system, as well as stigma faced by victims further deters many from participating in trials. As in previous reporting periods, Sri Lankan diplomatic missions did not refer any witness and victim affidavits from abroad to CID for investigation. The government allocated 6.1 million Sri Lankan Rupees (LKR) (\$32,970) to the SLBFE's anti-trafficking unit, a decrease from 8.6 million LKR (\$46,490) allocated to the unit in the previous year. Police continued to conduct anti-trafficking training for new recruits. NCPA in collaboration with an NGO and academic institution, developed and distributed a tri-lingual training manual for law enforcement officers and child protection officers on child trafficking. In partnership with international organizations, other government agencies continued to conduct anti-trafficking training; however, due to the pandemic, some trainings were delayed or conducted virtually.

Concerns about official complicity remained and the government did not make sufficient efforts to investigate all allegations or report any prosecutions or convictions of allegedly complicit officials. The government investigated allegations of sexual exploitation of children at orphanages, but some allegations of child sexual abuse, possibly involving child sex trafficking, persisted. Officials report that the police arrested the head of an orphanage, one of its staff members, and the probation commissioner with oversight of the orphanage. According to officials, no elements of sex trafficking were found during the investigation. The government did not report efforts to investigate past allegations, reported in international organization reports, that

some male and female Sri Lankan trafficking victims who fled abusive employers overseas and sought refuge at Sri Lankan embassies reported certain Sri Lankan consular officers sent female trafficking victims back to their exploitative employers and "sold" other women back to their exploitative employment agencies or new employers for financial gain. The same organization noted that embassy staff are able to facilitate new contracts for workers overseas upon consent of the worker and new employer, provided there are no other restrictions, which further contributes to perceptions of complicity between employers and embassies—especially when workers are victimized or otherwise dissatisfied with the new workplace. According to a July 2019 international organization report, some migrant workers bribed officials to obtain fraudulent "family background reports" and pre-departure training certificates required for legal migration.

## PROTECTION

The government maintained victim identification and protection efforts. The government identified more trafficking victims overall than the previous reporting period but did not identify any trafficking victims among Sri Lankan migrant workers exploited abroad and lacked adequate protection for Sri Lankan trafficking victims abroad. Twenty victims were identified by the government out of 56 potential trafficking victims screened during the reporting period, an increase from 13 potential trafficking victims identified during the previous reporting period. The 20 victims identified by authorities were Sri Lankan females exploited for forced labor. The government had standard operating procedures (SOPs) for the identification and referral of potential victims to services but did not implement them uniformly; both government representatives and members of civil society stated the capacity of local officials to identify trafficking victims remained low, especially among women in commercial sex. Officials and NGOs failed on occasion to identify forced labor and sex trafficking that did not involve transnational movement, especially of children, and categorized those cases as other crimes. The government began to use physical interviews that included trafficking indicators to identify potential foreign victims among migrants intending to extend their visas. The government also reported screening eighteen female foreign nationals for indicators of trafficking after their arrests for possible visa violations, six of the foreign nationals were identified as potential trafficking victims and referred to the CID.

The State Ministry of Women and Child Development closed its trafficking-specific shelter for female victims due to lack of usage in the previous reporting period. The government set aside space for female trafficking victims in a government-funded domestic violence shelter, but a magistrate's order is required to use the shelter, which trafficking victims who did not seek court assistance could not obtain. No government shelter could accommodate adult male victims, although the government stated it could provide shelter if male victims sought it. The government provided 21 Nepali victims shelter to facilitate their testimony at trial; the government reported none of the Sri Lankan victims requested shelter. The government partnered with international organizations to provide medical, psycho-social, legal, and some reintegration support to identified victims regardless of their decision to cooperate with law enforcement. Observers reported reintegration assistance remained inadequate to support victims. Officials and NGOs reported in 2019 that due to a lack of oversight shelter workers and older residents in some government- and privately-run homes sexually exploited child residents, possibly including trafficking victims.

Civil society noted that, at the local level, a lack of capacity and sensitization among police, immigration officials, and judges was an impediment to proper screening for trafficking victims. Additionally, lack of awareness and misunderstanding led some local authorities to believe sex trafficking victims were engaged in illegal conduct rather than consider them victims and may have resulted in officials arresting or detaining sex trafficking victims without proper screening. When properly identified, the government did not penalize trafficking victims for unlawful acts traffickers compelled them to commit. Law

enforcement reported many victims were reluctant to pursue cases against their alleged traffickers due to the social stigma attached with trafficking, and many victims could not afford the travel required to assist in prosecution of their traffickers. While Sri Lankan law has established a victim and witness compensation fund to assist in these circumstances, the government did not provide any funding to trafficking victims or witnesses during the reporting period. When authorities officially identified foreign victims of trafficking, the victims had equal access to rehabilitation services. Foreign victims who cooperated in prosecutions could receive a visa extension until the end of the trial; however, Sri Lankan law did not provide foreign victims with legal alternatives to deportation to countries where they might face hardship or retribution after trial completion or for victims who did not cooperate in the prosecution of traffickers.

SLBFE operated 15 short-term shelters at Sri Lankan diplomatic missions in 14 countries for female migrant workers in distress; however, the government reduced the number of labor attachés serving in Sri Lankan embassies and at the SLBFE, due to budget shortfalls related to the pandemic response, reducing human and financial resources previously available for assistance and protection of migrant workers abroad. During the reporting period, the shelters served 892 migrant workers. NGOs continued to identify Sri Lankan female labor trafficking victims returning from Gulf countries. According to an international organization, when carrying out screening and despite their training, some labor attachés often did not know what questions to ask migrant workers, what evidence to look for, or whom to contact in other agencies to refer potential cases. Sri Lankan diplomatic missions continued to provide funding and logistical support to international organizations that repatriated Sri Lankan migrant workers exploited abroad. Due to the pandemic, the government facilitated repatriation of more than 90,000 workers in 2020. According to the government, it did not identify any trafficking victims among those who were repatriated. Migrant workers who had gone abroad illegally or who possessed expired work permits are not always screened for indicators of trafficking raising concerns that some officials might be conflating human trafficking with migrant smuggling. Embassy shelters could only accommodate females, so it was unclear where exploited male migrant workers stayed before repatriation. Some migrant workers at the shelters reported poor conditions, including inadequate food, unsanitary living conditions, and insufficient legal assistance. Only Sri Lankan workers who had registered with SLBFE prior to departure could access legal assistance from Sri Lankan embassies, including assistance securing back wages from employers. However, due to the pandemic, SLBFE made resources from the Worker's Welfare Fund, including legal services, medical care, accommodation, and food, available to migrant workers regardless of their registration status. Although SLBFE maintained district-level offices, it usually required repatriated migrant workers to visit the main office in Colombo to launch an investigation into recruitment and labor violations, including trafficking, which many of the indebted and daily wage workers could not afford. As a result, trafficking victims continued to withdraw complaints or not come forward. Some officials at SLBFE reported in 2019 that, contrary to the SOPs, they only referred potential trafficking victims to services after initiating a police investigation.

SLBFE continued to operate a transit shelter near the Colombo airport, primarily for returned migrant workers who suffered abuse abroad. During the reporting period, SLBFE reported assisting 33 migrants at the shelter and it did not report identifying trafficking victims among those assisted. As in previous years, the lack of government identification of trafficking victims contrasted with the complaints from workers abroad. In 2018, the most recent year for which such data was available, 3,809 Sri Lankan migrant workers in more than 19 countries reported labor-related complaints to SLBFE, including indicators of trafficking. The vast majority of complainants were females in domestic work in Saudi Arabia, Kuwait, Oman, and the United Arab Emirates; male migrant workers in Saudi Arabia also reported many labor violations.

## PREVENTION

The government maintained minimal prevention efforts. The National Anti-Human Trafficking Task Force (NAHTTF) continued to meet, despite obstacles related to the pandemic lockdown, and finalized a new anti-trafficking NAP. NAHTTF drafted the 2021-2025 NAP with input from NGOs, international organizations, academics, and other relevant experts and in February 2021, the government adopted it, designating each task force member the lead on specific activities. Observers assessed that despite the efforts of the Ministry of Justice, the lead of the NAHTTF, insufficient coordination among NAHTTF members, and between the NAHTTF and civil society stakeholders, remained. The government, in coordination with an international organization, developed radio and TV campaigns to raise awareness of trafficking; distributed leaflets; and held forums with local officials, NGOs, and the public. The campaigns targeted potential victims, prospective migrant workers, and first responders, as well as the general public. In addition, SLBFE conducted awareness raising programs for prospective migrant workers within Sri Lanka and at some of its embassies abroad, particularly in the Middle East.

In January 2021, the government amended the Employment of Women, Young Persons and Children Act No. 47 of 1956 to increase the minimum age of employment from 14 to 16 years old. Additionally, the law specified that a person between the ages of 16 and 18 may be employed but subject to conditions, including a prohibition from working in jobs defined as hazardous. The Department of Labor (DOL) also launched an official YouTube channel to raise awareness of the labor law and added five short videos on the hazardous forms of child labor. Labor inspectors identified and referred for prosecution six child labor violations in 2020. Labor inspectors only had the authority to inspect private residences for violations against child domestic workers if a complaint was received. Additionally, pandemic-related movement restrictions adversely impacted the ability of DOL to conduct inspections and collect evidence regarding complaints and led to a temporary suspension of routine inspections, although child labor inspections continued. Overall, in 2020, DOL conducted 44,439 labor inspections, including a special investigation into the fisheries industry which concluded there was not widespread child labor.

SLBFE maintained its ban on migration of male and female domestic workers younger than 21, female domestic workers younger than 25 to Saudi Arabia, and female domestic workers younger than 23 to other parts of the Middle East. SLBFE also required all female migrant workers younger than 45 to submit a "family background report" to ensure the woman did not have children younger than age five and that she had obtained either her husband or a guardian's consent to work abroad; authorities did not require spousal or guardian consent for male migrant workers. Observers reported any ban on migration increased the likelihood of migrating illegally and therefore heightened vulnerability to human trafficking. Beginning in October 2020, agencies and individual sponsors were also required to obtain a "No Objection Certificate" (NOC) from the Sri Lankan Embassy for any female domestic worker migrating to Oman; this also required the worker to register with SLBFE. According to the new procedure, the Oman Police will only issue employment visas to Sri Lankan female domestic workers who submit both the NOC and an employment contract. To mitigate the risk of increased exploitation of domestic female migrant workers, the SLBFE issued a circular on December 30, 2020, instructing all licensed foreign employment agencies to submit a semi-annual report, starting February 1, 2021, that confirms the whereabouts of female domestic migrant workers until those workers return to Sri Lanka. The government did not make efforts to eliminate the legal fees that SLBFE and recruitment agencies charged to migrant workers, which increased workers' vulnerability to labor traffickers. SLBFE required each migrant worker to pay a registration fee equivalent to more than one month's salary that required renewal every two years. Additionally, an international report published in 2019 noted some workers reported recruitment agencies charged an additional 8,000 to 150,000 LKR (\$43-\$811). Some officials reported

SLBFE's lack of monitoring enabled agencies to charge fees in excess of the legal amounts; some workers paid as much as 1 million LKR (\$5,410) for the entire recruitment process, including fees charged by illegal sub-agents. SLBFE's unit at the main international airport in Colombo detected migrant workers who attempt to leave the country for employment abroad without proper registration. During the reporting period, the unit detected 12 individuals who attempted to go abroad for employment using tourist visas and 75 who did not have the proper documents for SLBFE registration. According to observers, during the pandemic, the government further limited outward migration and only permitted migration to a few countries involving a few licensed agents. For those Sri Lankan migrant workers overseas, the government negotiated with immigration authorities to waive penalties and other violations of immigration laws caused by the pandemic, facilitated free legal service, and secured general amnesty for migrant workers out of immigration status.

During the reporting period, SLBFE created an online system for registering and responding to complaints. Civil society and exploited migrant workers abroad continued to report cases of exploitative labor to SLBFE, including non-payment of wages, contract fraud, and document retention. SLBFE officers in the conciliation division do not always recognize elements of trafficking and may handle cases administratively, rather than referring the case to police. During the reporting period, SLBFE raided 30 recruitment agencies and filed cases against all 30 for illegal practices. This was a decrease from 252 raids in the previous reporting period, as SLBFE suspended three foreign recruitment agencies for illegal practices, compared to suspending 62 agencies the previous reporting period. SLBFE did not have the legal authority to regulate sub-agents, which officials recognized contributed to trafficking. The government continued to draft an amendment to the Foreign Employment Act to address the oversight of sub-agents and the investigative authority of MFE officials, including SLBFE.

The government did not report efforts to reduce the demand for commercial sex. NCPA continued awareness campaigns targeted to parents and children on child abuse, including child sex tourism in Sri Lanka's Coastal Belt. The government did not report efforts to reduce the demand for child sex tourism. Due to the pandemic foreign tourism largely came to halt in 2020. The NCPA continued to run a hotline to report child abuse. The hotline received 61 reports of child trafficking during the reporting period; it did not identify any victims or potential trafficking cases from these allegations, as the complaints are still under investigation. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sri Lanka, and traffickers exploit victims from Sri Lanka abroad. The majority of Sri Lankan trafficking cases involve traffickers forcing Sri Lankan migrant workers into labor overseas. Traffickers exploit Sri Lankan men, women, and children in forced labor in the Middle East, Asia, Europe, and the United States in the construction, garment, and domestic service sectors. Approximately 1.5 million Sri Lankans work in the Middle East, predominately in construction and domestic work, as well as in professional services. The majority of Sri Lankan female migrant workers seek employment in Saudi Arabia, Kuwait, Qatar, Japan, and South Korea, and authorities have identified labor trafficking victims among these workers. Over the past five years, thousands of Sri Lankan female migrant workers—especially from Nuwara Eliya, Ampara, and Batticaloa—reported employers exploited them in forced labor in domestic work in the Gulf. Before leaving Sri Lanka, many migrant workers accumulate debt to pay high recruitment fees imposed by unscrupulous labor recruitment agencies—most of them members of Sri Lanka's association of licensed foreign employment agencies—and their unlicensed sub-agents. For labor trafficking in domestic work, some traffickers target Sri Lankan women with

existing debts and use promises of a large advance to defraud them into accepting the positions. Some Sri Lankan migrant workers in the Gulf report employers retained their identity documents, including passports and work permits, which restricts freedom of movement and is a common means of coercion for labor and sex trafficking. Some recruitment agencies commit fraud by changing the agreed upon job, employer, conditions, or salary after the worker's arrival. Some recruitment agencies lure workers with promises of work abroad but send them with fraudulent or incorrect documents—including tourist visas instead of work visas—so victims are subject to penalization, including jail time and deportation, if they seek assistance abroad. An international organization reported in 2019 that sub-agents colluded with officials to procure fake or falsified travel documents to facilitate travel of Sri Lankans abroad. According to 2018 media reporting, at least six government-licensed recruitment agencies in Sri Lanka admitted that, if prospective Middle Eastern employers request, they force female migrant workers to take contraceptives before departure to provide a “three-month guarantee” maids will not become pregnant after arrival. Per the same 2018 reporting, sources alleged this was also used to cover up sexual exploitation by recruitment agents and employers, including sex trafficking. Traffickers have forced Sri Lankan women into commercial sex in South and Southeast Asian countries, among other countries. During the reporting period, traffickers increased their use of social media to reach out to workers and vulnerable communities due to pandemic-related restrictions in mobility. Sri Lanka is a transit point for Nepali women subjected to forced labor in the Middle East. Media estimates roughly 7,500 Chinese workers are in Sri Lanka, mainly employed on projects run by Chinese state-owned enterprises and may be vulnerable to forced labor by the Chinese government; allegations of illegal migrant labor from China suggest the number may be higher.

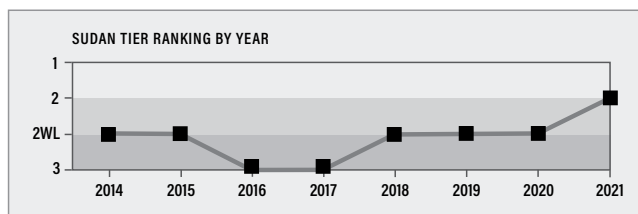
Within Sri Lanka, traffickers exploit men, women, and children in forced labor and sex trafficking. Traffickers recruit women from rural areas with promises of urban jobs in the hospitality sector, salons, spas, and domestic work but exploit some in forced labor or commercial sex. Due to the pandemic, observers report increasingly unethical labor recruitment practices within the local labor market, especially targeting women, as illegal sub-agent recruiters shift their focus from overseas jobs. Additionally, observers stated they believe more young women and girls were engaged in commercial sex due to pandemic-related economic hardships. Traffickers reportedly exploit boys and girls in commercial sex, including in coastal areas for child sex tourism, including in hotels, on beaches, and during annual festivals, though tourism volumes fell substantially in 2020 during the pandemic. Reports allege some hotels allow clients to book “services” with children for child sex tourism, and some hotels use intermediaries to provide their guests with males and females—including children—for commercial sex. In addition to foreign tourists—including from Germany, Russia, India, and China—researchers report significant local demand for underage commercial sex. In recent years, traffickers have subjected women from other Asian countries to sex trafficking in Sri Lanka, though foreign arrivals in Sri Lanka were suspended as of March 2020 due to the pandemic. Traffickers may have exploited migrant workers brought to Sri Lanka on tourist visas and foreign women in commercial sex in Sri Lanka. Some observers have long reported that some local government and security sector officials forced women who asked for information about their missing husbands, or widows who attempted to claim government benefits from their deceased husbands' military service, to perform commercial sex acts in exchange for information and/or government benefits. Officials and NGOs reported some workers and residents in government and private shelters that care for trafficking victims sexually abused and exploited some of the institutionalized children. Officials reported incidents of children being used for drug trafficking in previous years. Some child and women domestic workers in Colombo are subjected to physical, sexual, and mental abuse, non-payment of wages, and restrictions of movement—indicators of labor trafficking. Labor traffickers exploit children in small boutiques and informal markets. The government



does not grant asylum or refugee status, nor does it allow refugees or asylum-seekers to work or attend school, although it did allow international organizations to provide some services.

## SUDAN: TIER 2

The Government of Sudan 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Sudan was upgraded to Tier 2. Security forces ceased forcibly recruiting and using child soldiers; the government drafted and passed amendments to the 2014 anti-trafficking law that criminalized sex trafficking as well as labor trafficking; and officials investigated more potential cases and convicted more traffickers. Additionally, the country's National Committee to Combat Human Trafficking (NCCHT) expanded awareness raising activities and coordinated with an international organization to enhance journalists' ability to report on human trafficking cases, actions which began to improve the country's limited understanding of the crime. However, the government did not meet the minimum standards in several key areas. Lenient sentencing, resulting in all traffickers receiving inadequate terms of imprisonment or fines, undercut efforts to hold traffickers accountable and weakened deterrence. For the second consecutive year, there were allegations officials may have sexually exploited refugees in government run camps. Further, officials identified fewer trafficking victims and did not report providing care to any victims.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute traffickers as well as complicit officials, including distinguishing those allegedly responsible for labor and sex trafficking as distinct from migrant smuggling or kidnapping crimes. • While respecting fair trial guarantees, sentence convicted traffickers to adequate penalties according to the country's anti-trafficking law. • Provide sufficient human and material resources to the NCCHT, and open satellite offices in the following states with a high prevalence of human trafficking: North Kordofan, South Kordofan, West Kordofan, Gedaref, and Kassala. • Increase training for security and judicial officials on distinguishing trafficking from other crimes such as migrant smuggling and kidnapping for ransom, and ensure recipients use this guidance to train other officials. • Coordinate with civil society and international organizations to disseminate existing standard operating procedures (SOPs) for authorities and first responders to identify adult sex and labor trafficking victims. • Ensure authorities do not penalize trafficking victims for crimes committed as a direct result of unlawful acts traffickers compelled them to commit, such as women coerced into commercial sex acts. • The Civilian Led Transitional Government (CLTG) proactively ensures Sudan's armed forces do not recruit or use child soldiers and increases efforts to investigate and prosecute officials who have been complicit in child soldier recruitment and use. • Implement and dedicate adequate resources to the 2020-2022 national anti-trafficking action plan. • CLTG works with civil society, international organizations, and the private sector to establish additional shelter options for victims. • Develop a data collection and information management system in collaboration with international organizations to more effectively organize law

enforcement data. • Draft and finalize a standalone smuggling law to enhance judicial officials' ability to prosecute migrant smuggling crimes separate from human trafficking crimes.

### PROSECUTION

The government increased its overall law enforcement efforts; the CLTG strengthened its anti-trafficking legal framework and convicted more potential traffickers, but insufficiently stringent sentencing hindered accountability for perpetrators. Observers reported the government closed the country's courts from March to August 2020 to slow the pandemic's spread, resulting in severely decreased judicial activity; courts operated at diminished capacity from August to the end of the rating period. Sudanese law criminalized sex trafficking and labor trafficking. For the majority of the reporting period, the 2014 anti-trafficking law criminalized some forms of sex trafficking and some forms of labor trafficking but failed to define what constituted exploitation. Additionally, inconsistent with international law, Sudan's anti-trafficking legal framework 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 February 2021, the government amended the law to define exploitation and remove the requirement of a demonstration of force, fraud, or coercion in child trafficking crimes, thereby aligning the law with the international definition of trafficking. The law prescribed between three and 10 years' imprisonment for base offenses involving adult male victims and between five and 20 years' imprisonment for offenses involving adult female and child victims or involving additional aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Article 14 of the Sudan Armed Forces Act of 2007 criminalized recruiting children younger than 18 years old by members of the armed forces, enslaving civilians, or coercing civilians into prostitution, and prescribed penalties between three years' imprisonment and death.

The NCCHT reported authorities investigated 118 suspects and prosecuted 36 cases involving 80 suspected traffickers from April 2020 to January 2021. Ministry of Justice officials reported courts convicted eight traffickers; although authorities stated all eight cases involved exploitation, they may have included migrant smuggling crimes as well. Courts sentenced one perpetrator to six months' imprisonment as well as a fine of 100,000 Sudanese pounds (\$1,820) and sanctioned the other seven perpetrators with fines only. The government's insufficient sentencing weakened deterrence and were not in line with sanctions required by the country's anti-trafficking law. Separately, police coordinated with an international law enforcement organization in March 2021 to arrest more than 20 suspected traffickers who were exploiting children in a plastics factory and transporting potential victims illicitly to the Middle East. In 2019, the government reported investigating and prosecuting 97 suspected traffickers and convicting five perpetrators; in 2018, the government reported investigating 150 trafficking cases, prosecuting 30 of those cases, and convicting 45 traffickers.

The government reported providing training to military advisors, lawyers, and judges on trafficking principles; however, authorities continued to conflate human trafficking, migrant smuggling, and kidnapping for ransom, which impeded accurate assessment of Sudan's anti-trafficking law enforcement data. Experts noted the lack of a standalone smuggling law impeded judicial officials' efforts to prosecute migrant smugglers separate from human traffickers. Additionally, law enforcement officers stated potential foreign victims declining to cooperate with investigators impeded prosecutions of transnational cases during the rating period.

Authorities reported investigating allegations of sexual exploitation and abuse—which may have included aspects of sex trafficking to include transactional sex—by officials from the Commission of Refugees and General Intelligence Services; officials did not disclose

the results of an investigation into allegations made in 2020 by the close of the rating period. Experts noted in past years some law enforcement and border officers were complicit in or otherwise profited from trafficking crimes specifically related to exploiting migrants along Sudan's borders. The government did not report efforts to investigate complicit officials in 2019.

## PROTECTION

The government decreased efforts to identify and protect victims. The NCCHT reported Ministry of Interior officials identified 494 potential victims through law enforcement operations in 2020 (280 in Khartoum, 125 in Gedaref, 68 in Kassala, 14 in Nile River, and seven in North), compared with identifying approximately 1,200 potential victims in 2019; however, due to a dearth of training and the resulting conflation between migrant smuggling and human trafficking, some of the potential victims officers identified may have been individuals who purchased the services of smugglers to cross international borders illegally and were not exploited in forced labor or sex trafficking. Officials stated they referred some victims to shelters in coordination with NGOs and international organizations. The National Council for Child Welfare did not report providing services to victims in 2020, compared with collaborating with donors, international organizations, and civil society to provide shelter and medical services to 84 potential child trafficking victims in 2019. The lack of shelters adversely affected the country's ability to protect victims once identified.

For the second consecutive year, officials did not report disseminating or implementing child trafficking victim identification SOPs developed in 2018 in partnership with an international organization. The government's past denial of sex trafficking occurring within Sudan, coupled with authorities' inconsistent screening of vulnerable populations, likely resulted in the arrests and detention of women whom traffickers forced into commercial sex. Sudan's Domestic Workers Act of 2008 provided a legal framework for employing and registering domestic workers with limited labor rights and protections; however, the government did not report registering or protecting any domestic workers under the law during the reporting period.

Sudanese Armed Forces (SAF) officials continued to staff the Child Rights Unit (CRU) (established in 2019), which led the government's child protection efforts in conflict areas. The CRU reported providing training focused on the rights of the child in conflict—including sensitization on the illegality of child soldier recruitment and use—to 2,000 officials from April 2020 to January 2021; in the previous rating period, CRU officials implemented 71 training activities and reached more than 5,000 personnel. Additionally, the government inspected Rapid Support Forces (RSF) units in November 2020 to ensure there were no cases of child soldier recruitment or use; there were no reports SAF or RSF units recruited or used child soldiers during the rating period. In December 2020, 25 SAF officers coordinated with an international organization and NGO to hold a workshop to update the military's training manual on child rights, including child soldier prevention and referral; Ministry of Defense officials did not report finalizing the manual. The Sudanese Joint Chiefs of Staff continued to issue and disseminate command orders every three months during the reporting period directing military officials to follow the government's ban against using individuals younger than 18 years of age in support or combat roles.

## PREVENTION

The government increased efforts to prevent trafficking. The NCCHT formally extended the government's 2020-2022 national action plan into 2023, with a focus on prevention, protection, and prosecution. The NCCHT convened at least three times from November 2020 to March 2021 despite the government limiting operations for the entirety of the reporting period; the committee met approximately three times over the course of 2019. Observers noted a lack of human and material resources—as well as a limited presence outside of the capital—hindered the NCCHT's ability to execute its mandate.

In October 2020, the NCCHT signed a memorandum of understanding with a partner government to develop the committee's institutional capacity as well as its reporting and national legislative capabilities; in February 2021, the government formally adopted amendments to its 2014 anti-trafficking law. Following meeting restrictions and office closures ordered by the country's Supreme Committee for Health Emergencies from March 2020 to June 2020 to mitigate the pandemic's spread, government offices operated with half staffing up to the rating period's conclusion.

In 2020, the government supported an awareness raising initiative using 84 radio programs to sensitize community members in the eastern city of Kassala on the risks of human trafficking and irregular migration. Additionally, officials partnered with an international organization in December 2020 to hold workshops for 16 journalists to enhance their ability to report on human trafficking issues; the trainings were held in Khartoum, North Darfur, Gedaref, Blue Nile, North, South, South Kordofan, and Red Sea states. In 2019, officials held a workshop to raise awareness of exploitation in domestic work.

Authorities did not report whether the Kassala state government finalized its state-level action plan, drafted in 2018 and intended to mirror the national action plan. Ministry of Labor inspectors were responsible for providing oversight of recruitment agencies, but they did not report investigating or sanctioning fraudulent recruiters during the reporting period. The government did not report providing anti-trafficking training for its diplomatic personnel. Officials did not report efforts to reduce the demand for commercial sex.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sudan, and traffickers exploit victims from Sudan. Traffickers exploit homeless children in Khartoum—including Sudanese and unaccompanied migrant children from West and Central Africa—in sex trafficking and in forced labor for begging, public transportation, large markets. Business owners, informal mining operators, community members, and farmers exploit children working in brick-making factories, gold mining, collecting medical waste, street vending, and agriculture; the aforementioned traffickers expose the children to threats, physical and sexual abuse, as well as to hazardous working conditions with limited access to education or health services. Criminal groups exploit Sudanese women and girls—particularly internally displaced persons (IDPs) or those from rural areas—in domestic work and in sex trafficking.

Due to regional instability and conflict, there are more than 2.5 million IDPs and 1 million refugees in Sudan—populations with increased susceptibility to forced labor or sex trafficking. For the second consecutive year, observers reported concerns that government officials from the Commission of Refugees and General Intelligence Service were potentially sexually exploiting refugees—including newly arrived Ethiopians—in Sudan. Additionally, due to the government's refugee encampment policy which restricts refugees from moving freely within the country, some refugees utilized migrant smugglers inside Sudan which further increased their risk of exploitation. Additionally, reports alleged corrupt RSF officials financially benefited from their role as border guards and took a direct role in human trafficking. The non-governmental armed groups Justice Equality Movement and Sudan Liberation Movement/Transitional Council recruited and used child soldiers in Darfur during the reporting period.

Large populations of Eritrean, Ethiopian, and other African asylum seekers, as well as Syrians—populations vulnerable to trafficking due to their economic fragility and lack of access to justice—resided in Khartoum while planning to travel to Europe. Sudanese traffickers compel Ethiopian women to work in private homes in Khartoum and other urban centers. Well-organized and cross-border criminal syndicates force some Ethiopian women into commercial sex in Khartoum by manipulating debts and other forms of coercion. Attempting to escape conflict and poverty, many East African victims

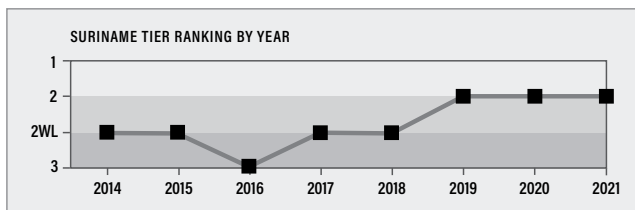
of trafficking initially seek out the services of migrant smugglers, who coerce the migrants into forced labor or sex trafficking.

Due to the years of conflict in South Sudan, the South Sudanese refugee population in Sudan was more than 700,000 in 2020; many of these refugees remain vulnerable to forced labor and sex trafficking in Sudan. In 2018, an international organization documented cases of traffickers exploiting West and Central African nationals—primarily from Chad, Mali, and Niger—arriving in Sudan via irregular migratory routes.

Darfuri armed groups exploit some migrants in forced labor or sex trafficking. Smugglers linked to the Rashaida and Tabo tribes abduct Eritrean nationals at border crossings, extort them for ransom, and subject them to abuse, including trafficking. Other cross-border tribes also force abductees to perform domestic or manual labor, and abuse them in other ways, including exploiting them in forced labor or sex trafficking.

## SURINAME: TIER 2

The Government of Suriname 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Suriname remained on Tier 2. These efforts included adopting a formal victim referral process, renovating a dedicated shelter for trafficking victims, finalizing a new annual national action plan (NAP), and increasing screening for trafficking indicators during labor inspections. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer cases, initiated no prosecutions for the third year in a row, did not convict any traffickers, and did not consistently screen vulnerable individuals for trafficking indicators.



### PRIORITIZED RECOMMENDATIONS:

Train and support all officials in contact with vulnerable individuals to implement the victim identification and referral protocol to identify trafficking victims, especially among temporary workers from Cuba and among children and migrants from Cuba, Haiti, Venezuela, and other countries. • Increase efforts to investigate, prosecute, convict, and sentence traffickers, including officials complicit in sex or labor trafficking. • Provide vulnerable individuals with trauma-informed assistance, reintegration support, and interpretation in their language prior to, during, and after screening for trafficking. • Train judges at all levels of the judiciary in human trafficking and the trafficking law and sensitize judges and prosecutors to the issue of secondary trauma. • Prosecute child sex and labor trafficking cases under the trafficking statute and provide specialized child protection services with trained providers. • Conduct trauma-informed training for police and labor inspectors and hire enough staff to conduct targeted inspections in urban, remote interior, and off-coast fishing locations where trafficking is most likely to occur. • Provide additional resources to the Police Trafficking in Persons (TIP) Unit. • Build the capacity of and collaborate with NGOs to increase outreach to potential trafficking victims among vulnerable groups. • Develop and execute

a robust monitoring and evaluation framework for anti-trafficking policies and efforts and publish the results.

### PROSECUTION

The government maintained prosecution efforts. Article 334 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to nine years' imprisonment and a fine of 100,000 Surinamese dollars (SRD) (\$7,000) for offenses involving a victim 16 years of age or older, and up to 12 years' imprisonment and a fine of 100,000 SRD (\$7,000) for those involving a victim under the age of 16. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

Police reported initiating six investigations (four for sex trafficking and two for labor trafficking), compared with eight investigations in 2019, three in 2018, and 10 in 2017. Police referred one sex trafficking case involving a Surinamese victim for prosecution but later dropped the case due to insufficient evidence; the victim also chose not to cooperate with the prosecution. Following investigations, authorities referred two trafficking investigations for prosecution as other crimes. Police continued to investigate another sex trafficking case at the end of the reporting period. Police investigated a fishing company for forced labor and a hotel for labor trafficking; no labor trafficking was identified in either case.

The prosecutor's office did not initiate any new trafficking prosecutions during the reporting period and has not initiated any prosecutions since 2017. The government did not report any convictions for human trafficking in 2020, compared with 18 in 2019, seven in 2018, and three in 2017. The government did not report the status of four pending prosecutions involving 12 suspected traffickers initiated in previous years. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The president noted in a speech in March 2021 in the National Assembly that the government would punish civil servants who were complicit in human trafficking, specifically those caught selling residency permits to organizations guilty of human trafficking, as well as those assisting these organizations when people enter the country. He further called on police and justice officials to intensify trafficking investigations and prosecutions generally.

The 13-person Police TIP Unit was the sole agency responsible for the investigation of sex trafficking, forced labor, and migrant smuggling cases throughout the country. The Police Youth Affairs Department also investigated any case involving persons younger than 18; the government reported the two units collaborated closely. During the reporting period, the Police TIP Unit determined one case initially investigated as trafficking was in fact a case of sexual abuse and referred it to the Police Youth Affairs Department. The TIP Unit referred trafficking investigations to prosecutors trained in human trafficking. The prosecutor's office had no prosecutors working solely on trafficking cases, and there were no courts specifically dedicated to human trafficking. The anti-trafficking funding for these bodies was part of their overall budgets. The TIP Unit consistently lacked sufficient funding, staffing, and other resources—including transport—to adequately investigate human trafficking cases. There were no operations in the interior of the country during the reporting period, although the permanently-manned checkpoints strategically located across the country on roads leading to the interior—set up in prior reporting periods as an alternative to expensive one-off raids—continued to function. Authorities were considering additional checkpoints at the end of the reporting period.

The pandemic significantly impacted the government's efforts to coordinate, execute, and monitor its anti-trafficking law enforcement efforts. Illegal movement across the eastern, western, and southern borders continued, despite pandemic-related border closures. The TIP Unit adapted operations to health protocols but could not monitor establishments that closed as a result of the pandemic. The TIP Unit faced staffing shortages as some of its staff tested positive for COVID-19. Courts heard only time-sensitive cases during a



pandemic-related shutdown and continued to have a large backlog of cases, including trafficking cases—a situation exacerbated by the pandemic. The Ministry of Justice and Police, in cooperation with an international organization, initiated a project to provide technical assistance, including on human trafficking.

## PROTECTION

The government maintained protection efforts. The government identified one victim during the reporting period, compared with identifying three victims in 2019. The government reported the victim declined government assistance. The Trafficking in Persons Working Group approved and partially implemented the First Response to the Victim of Trafficking in Persons Protocol, which outlines procedures for interacting with potential trafficking victims. The Police TIP Unit used the protocol during the reporting period, but the pandemic hampered its implementation and use by other care providers and first responders. Experts reported the government did not effectively identify victims among children, migrants in the interior, and in brothels emerging in private homes. In March 2020, authorities signed a special agreement with Cuba to allow 120 Cuban medical workers to help combat the pandemic; 51 Cubans came to the country during the reporting period, joining approximately 50 already in the country. Reports indicated the Cuban medical workers may have been exploited in forced labor; the government reported it did not screen the workers for trafficking indicators. The government reported partnering with an international organization to screen close to 500 migrants, predominantly Cubans, at the closed border with Guyana; authorities did not identify any trafficking victims. There were no reported cases of Suriname nationals exploited abroad.

No NGOs in the country specifically worked on human trafficking, although an international organization and other NGOs included trafficking victim protection in their activities. In March 2021, the president called for greater access to police and justice services for trafficking victims and for specialized training for counselors and shelter staff to provide support to victims, emphasizing the need to focus on community reintegration; he also directed border authorities to improve their screening of people entering the country to identify possible victims. The Ministry of Justice and Police used a referral process by which they moved victims to the Bureau of Victim Services for shelter, medical care, counseling, and other care funded out of their regular budget. The Bureau of Legal Aid could provide victims with legal assistance, if necessary. Under the new protocol, the government offered these services to potential victims upon first encounter with them. The government did not place time limits or conditions upon services, except for shelter; authorities did not require victim cooperation with law enforcement to receive care. The government continued to make available minimum quality services during the pandemic and offered them to foreign and domestic victims and those with disabilities. The government funded and operated a trafficking shelter for women and children; it was in the same complex as a shelter for victims of domestic violence. During the reporting period, the government completed physical renovations to the trafficking shelter to improve its functionality in serving victims. The trafficking shelter was the only facility the government had available for human trafficking victims. The government did not report any victims used the shelter during the reporting period. Previous efforts to place child trafficking victims in a shelter for abused children were not successful. Children who did not want to return to their homes had the option of entering a childcare facility or staying with a foster family. Special counseling was available for child victims, along with their families. Victims were free to leave the shelter, but only with a chaperone. The government reported being willing to assist foreign victims to apply for temporary or permanent residency and a work permit, but there were no longer term shelter options available for foreign victims. Victims could apply for temporary or permanent residency whether or not they assisted with trials, although there are no reported cases of victims using either of these provisions. Victim-witnesses could obtain employment, move freely within the country, or travel abroad. There was no witness protection program, although victims in shelters received police protection. Courts could obtain

testimony from victims in the early stages of judicial investigations in case victims were not available during the trial process, although this could weaken testimony in cases where victims were not given time for rehabilitation before providing testimony. In the case of foreign victims, prosecutors usually used a victim's initial report as testimony in the case, as victims often returned to their countries of origin before a trial was completed; in almost all cases, courts lost contact with the victim once the victim departed the country. However, victims continued to have the right to testify after providing an initial statement and/or after receiving counseling. The defense attorney continued to have the right to question the victim. Testimony via video or written statements was possible. Victims had the right to seek restitution through a civil process, though no such case has ever been filed.

Vulnerable individuals who violated the terms of their stay could be deported before being screened for trafficking, but the government reported it stopped deportations as part of its pandemic response measures unless the deportation involved persons suspected of committing a crime apart from having an irregular status, upon which the government deported the person on immigration violations without a separate criminal process. The government reported immigration status was not cause for deportation during the reporting period. The government reported it did not knowingly detain, fine, or jail potential trafficking victims for crimes their traffickers forced them to commit. In the previous reporting period, outside organizations reported the government jailed human trafficking victims under the Alien Act for having been in the country illegally after being referred to the TIP Unit for assistance; no such cases were reported during this reporting period.

## PREVENTION

The government increased prevention efforts. The government adopted a new annual NAP for 2020-2021, which designated the TIP Working Group as the primary interdepartmental group responsible for monitoring and implementing the NAP, coordinating government efforts to combat trafficking, and making recommendations to the government, including on legislation. The TIP Working Group, coordinated by the Director of Operations of the Ministry of Justice and Police, composed of representatives of the police, prosecutor's office, and Ministries of Justice and Police, Defense (immigration), Labor, Foreign Affairs, and Social Affairs, and reported to the Minister of Justice and Police on the effectiveness of the NAP and addressed emerging issues on a whole of government basis. The incoming government terminated the TIP Working Group's mandate in July 2020 and did not formally restore it until November 2020; however, the members of the TIP Working Group remained active in coordinating efforts, including drafting the NAP. The main priorities of the plan were to strengthen security at the borders, raise awareness of criminal activities related to trafficking, create a victim identification procedure, promote safe return of victims to their country of origin, and provide adequate medical treatment and shelter to victims with legal status. The government did not seek input from survivors or NGOs in drafting the NAP. The government allocated 2.4 million SRD (\$167,950) in 2020 to the agencies that combat trafficking, although that amount was not specifically allocated for trafficking. Despite the pandemic and a severe economic crisis, the government reported it did not divert financial resources from human trafficking, but placed implementation of the plan on hold because of the pandemic. Authorities struggled to compile data due to pandemic-related travel restrictions and delays.

The government continued to operate a 24-hour anti-trafficking hotline in the interagency National Command Center. The hotline primarily operated in Dutch, English, and Sranan Tongo. The government made informational flyers and brochures in different languages with the anti-trafficking hotline number and posted the flyers at multiple entry points, police stations, doctors' offices, and other locations. The government halted other awareness campaign activities because of the pandemic. The government did not conduct research on trafficking during the reporting period. The government

did not publicly post an assessment of its anti-trafficking efforts but made the information available upon request.

Labor laws prohibited employers, recruiters, and labor agents from charging workers recruitment fees, confiscating workers' passports or travel documents, switching contracts without workers' consent, or withholding wages as a means of keeping workers in a state of compelled service. Labor laws required all employment agencies to be licensed before recruiting domestic and foreign employees, and they had to receive permission from the Ministry of Labor before entering into work mediation with employees. The Labor Inspectorate under the Ministry of Labor increased its staffing from 50 to 70 people and appointed a new head as part of its reorganization. The government assigned the Labor Inspectorate as the lead agency responsible for overseeing the implementation of pandemic protocols in different business sectors, which significantly increased its reach to conduct regular inspections; however, the government did not provide sufficient funding, staffing, or equipment to cover all tasks. Most inspections were unannounced, but the law did not allow labor inspectors to inspect private homes or farms, and police had to be escorted and have a special warrant for any inspections on private property. The government reported fining businesses up to 250 SRD (\$17.50) for each foreign worker employed without having the proper registration paperwork. Labor inspectors also screened for indicators of human trafficking but did not report identifying any labor trafficking cases through such measures among its increased inspections during the reporting period. No inspectors were solely dedicated to child labor, but the government trained all inspectors to identify child labor and instructed them how to handle suspected cases, with the Labor Inspectorate required to report alleged cases of child labor and forced labor to the police within 45 minutes. The government warned businesses against hiring foreign workers without proper documentation and provided information on employment scams and fraudulent job offerings to businesses and workers through print and social media and on television, including public service announcements with contact information for questions or concerns. Authorities also could accept information on labor violations reported by the public. Migrant workers could not enter and exit the country, except for repatriation, after the borders closed in March 2020. The government only allowed repatriation flights between the United States, Netherlands, Cuba, Haiti, and Dominican Republic, along with occasional charter flights to Aruba and Brazil. Foreigners who were in the country when the borders closed and could not repatriate could register, have their stay permits extended, and work temporarily. The government provided this service to persons who entered the country legally, but overstayed, and whose stay permit expired before the borders were closed. Limited unemployment benefits only went to citizens. The government did not make efforts to reduce the demand for commercial sex acts. The government did not make efforts to reduce participation in international and domestic child sex tourism.

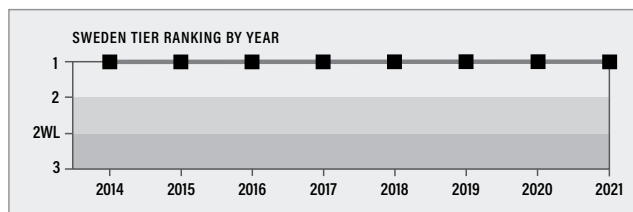
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Suriname, and traffickers exploit victims from Suriname abroad. Reported cases of trafficking in Suriname's remote jungle interior, which constitutes approximately 80 percent of the country, have increased in recent years; limited government presence in the interior renders the full scope of the problem unknown. Weak immigration policies, difficulty controlling Suriname's borders, and the draw of the gold and timber trade have led to an influx of immigrants from different countries entering Suriname legally and remaining in country after their legal stay expired. These persons become particularly vulnerable to sex and labor trafficking. Traffickers target the increasing influx of migrants into Suriname, particularly those from Haiti and Venezuela, as well as those from Brazil, Cuba, Dominican Republic, and Guyana. Migrant women and girls are especially at risk for sex trafficking in Suriname, including in brothels, massage parlors and hair salons, and illegal gold mining camps in Suriname's interior. Individuals involved in commercial sex offered through newspaper ads and social media are also at risk for trafficking. Adult and child migrant workers in agriculture, retail

shops, construction, and on fishing boats off Suriname's coast are at risk of trafficking, as are children working in agriculture, small construction, gold mines, and informal urban sectors. Given their irregular status, migrant groups avoid seeking assistance from the authorities for fear of criminalization or deportation, making them vulnerable to traffickers. Chinese associations, and allegedly some Hong Kong traffickers, recruit and exploit Chinese immigrants in sex and labor trafficking in the mining, service, and construction sectors. Surinamese women in neighboring countries are at risk of sex trafficking. Some Surinamese parents exploit their daughters in sex trafficking. Traffickers may transport victims through routes in Suriname's interior that bypass official checkpoints. There are reports of corruption and local official complicity in trafficking crimes that may impede anti-trafficking efforts. While traffickers are predominantly male, authorities have prosecuted and convicted women for human trafficking. Traffickers may exploit victims from the same migrant populations. The pandemic exacerbated trafficking risks as individuals engaged in commercial sex began to do so in private homes or more poorly protected clubs in the interior, making them vulnerable to trafficking. Organizations representing the HIV positive and LGBTQI+ communities also reported these groups became particularly vulnerable as they faced increased poverty.

## SWEDEN: TIER 1

The Government of Sweden fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Sweden remained on Tier 1. These efforts included prosecuting and convicting more traffickers and increasing the minimum penalty for the purchase of commercial sex acts from children following the entry into force of a 2020 amendment to the penal code. In addition, the government assessed the application process for residence permits to determine whether additional government actors should be allowed to apply on behalf of victims. Furthermore, as part of a four-year project, the government allocated 18 million krona (\$2.2 million) to strengthen labor market regulation compliance efforts and review compliance developments, including efforts to prevent forced labor. Although the government meets the minimum standards, authorities investigated fewer trafficking cases and identified fewer trafficking victims. Additionally, the police did not proactively identify trafficking victims among unaccompanied children. The government delayed funding the national support program (NSP) for victim assistance, which offered the only effective unconditional assistance provided to victims, resulting in the program's prolonged cessation. Moreover, the government did not provide overall consistent and sufficient funding for victim services, and assistance to victims was conditional on their cooperation with investigations and prosecutions.



### PRIORITIZED RECOMMENDATIONS:

Proactively identify trafficking victims, including among unaccompanied children, by providing clear procedures for identifying child victims and training relevant workers to recognize trafficking indicators. • Ensure adequate financial support for victim services by introducing a sustainable financial mechanism for consistent funding to NGOs and the NSP. • Ensure all victims have full, unconditional

access to assistance, regardless of whether they cooperate with authorities. • Investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms. • Provide adequate assistance and opportunity for recovery to all foreign victims by allowing additional government actors to apply for residence permits. • Increase efforts to identify labor trafficking victims and prosecute and convict labor traffickers. • Train officials involved in judicial proceedings, particularly judges, on all aspects of trafficking and understanding current anti-trafficking laws. • Increase the number of prosecutors who specialize in trafficking cases. • Enhance awareness efforts to educate asylum-seekers and unaccompanied children on the risks of sexual exploitation, forced criminality, and forced begging. • Establish specialized housing for trafficking victims, including for male victims. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism.

## PROSECUTION

The government increased law enforcement efforts and strengthened anti-trafficking laws. Chapter 4 Section 1a of the Penal Code criminalized sex trafficking and labor trafficking and prescribed penalties of two to 10 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Chapter 4 Section 1b criminalized a lesser offense of "human exploitation," which included the exploitation of individuals for labor or begging, and prescribed penalties of up to four years' imprisonment; these penalties were also sufficiently stringent. In January 2020, an amendment to Chapter 6 Section 9 entered into force, increasing the penalties for the purchase of commercial sex acts from a child from a fine or up to two years' imprisonment to a maximum of four years' imprisonment.

According to the National Police, pandemic-related effects, such as reduced movement into Sweden, caused a decline in investigations. As a result, in 2020, police investigated 191 trafficking cases (109 sex trafficking, 41 labor trafficking, 41 uncategorized) and 80 human exploitation cases, compared with 272 and 47, respectively, in 2019. Authorities prosecuted 21 traffickers (seven sex trafficking, 14 labor trafficking) and convicted 12 traffickers (seven sex trafficking, five labor trafficking), a significant increase from four prosecutions and convictions in 2019. Of the 12 convicted traffickers, seven received sentences ranging from two to six years' imprisonment; three received fines; and two received suspended sentences. Authorities convicted a migration official working at the Swedish embassy in Nigeria to one year in prison for facilitating trafficking-related crimes. In 2020, Swedish authorities collaborated with foreign governments on transnational investigations, including a pan-European case led by Europol involving child trafficking.

The National Police and the Migration Agency maintained coordinators focusing exclusively on leading their respective agencies' anti-trafficking efforts. During the reporting period, the police trafficking rapporteur reported the government restored previously diverted resources that went toward other priorities, such as organized crime. Conversely, the Migration Agency coordinator noted a lack of government funding and the pandemic hindered the agency's anti-trafficking efforts. In 2020, the police trafficking rapporteur and agency coordinator conducted online training for police, judges, and agency staff. The National Police incorporated trafficking training as part of the education program for new police recruits to improve awareness within the police force. The National Police also offered an online course for police officers and an annual advanced training course for all police officers and prosecutors working on trafficking cases. The Migration Agency provided guidance to migration agents on how to detect potential trafficking cases. The national courts offered training for judges and lawyers that included sections on sex trafficking and child victims; however, experts reported some judges continued to lack a sufficient understanding of trafficking cases and current trafficking laws. NGOs also reported the need for specialized prosecutors working on trafficking cases. The Prosecutor's Office offered online education on trafficking issues with the goal to train

all personnel to identify trafficking violations and enhance their ability to engage with victims. Additionally, the office's educational center developed new methods for working on trafficking cases and monitoring the standards of current methods. The Swedish Coast Guard, police, and customs officials participated in joint regional intelligence operations in trafficking cases involving travel by sea.

## PROTECTION

The government marginally maintained victim protection efforts. NGOs identified 131 victims, compared with 162 victims in 2019. Authorities and frontline professionals utilized the existing national referral mechanism to identify and refer victims. In 2020, as a result of the pandemic and tightened migration policy, the Migration Agency reported a substantial reduction in the number of asylum applications submitted, receiving approximately 13,000 applications (492 from unaccompanied children), compared with 21,000 (902) in 2019, marking the lowest recorded number in the last 20 years, and allowing authorities to process and screen more efficiently applicants for trafficking indicators. The agency identified 366 potential trafficking victims among asylum-seekers, compared with 481 in 2019. Of the 366 potential victims, 48 were children—a decrease of nearly 50 percent from 92 in 2019. Experts noted many unaccompanied children were either trafficking victims or at risk of becoming victims, particularly of sexual exploitation or forced criminality. Experts also noted the police did not proactively identify potential victims among unaccompanied children and expressed concern that the number of reported cases misrepresented the real scale of child trafficking in Sweden.

Municipalities, in collaboration with NGOs and other government agencies, were the primary providers of victim services, including medical and psychological care, shelter, and social assistance. Assistance opportunities to victims and their families through municipalities were conditional on victims cooperating with authorities. Municipalities funded assistance and appropriate services, and the government subsequently reimbursed the expenses. However, statistics on the costs incurred by the municipalities were unavailable. Although the country lacked shelters dedicated solely to trafficking victims, some municipalities ran shelters offering services to sex trafficking victims. Adult female trafficking victims could receive services at women's shelters for victims of domestic and honor-related violence. Authorities referred child victims to social services officials, who placed child victims in foster care or group housing. There was no protected housing available to male trafficking victims. The Gender Equality Agency, which managed anti-trafficking efforts for the government, led a network of approximately 40 NGO-run safe houses. NGOs reported insufficient funding and the pandemic hindered the ability to assist victims. Furthermore, social distancing protocols to contain the spread of the pandemic contributed to victims staying at shelters for longer periods than anticipated, thereby unintentionally preventing other victims from receiving shelter, when care shelters had reached maximum capacity. In 2020, the Gender Equality Agency delayed funding the NSP, a civil society platform representing 20 NGOs that provided assistance to victims and that ceased operations in 2019 due to lack of funding. Experts expressed concern the temporary cessation of the NSP's operation meant Sweden no longer fulfilled its international commitments regarding assistance to victims because the NSP offered the only effective unconditional assistance provided to victims. The program focused on victims who in their current state did not have a right to assistance through the formal system. Ultimately, the government allocated 1.5 million krona (\$183,550) to the NSP, and it resumed operations in the middle of the reporting period. However, NGOs considered the amount allocated inadequate to comply with obligations and demand. In previous years, funding for the program fluctuated—zero in 2019; 800,000 krona (\$97,900) in 2018; zero in 2017; and 500,000 krona (\$61,180) in 2016. NGOs criticized the Gender Equality Agency for poor coordination on anti-trafficking efforts.

The Aliens Act entitled foreign victims to a 30-day reflection period to



contemplate cooperation with law enforcement, during which they were eligible for assistance and emergency financial aid; however, only an investigating police officer or prosecutor could file an application for residence permits, limiting availability to victims already in contact with law enforcement. In an effort to ensure availability of adequate assistance and opportunity for recovery to all foreign victims regardless of their cooperation with authorities, the government started an evaluation of the application process for residence permits to determine whether additional government actors should be allowed to apply on behalf of victims. Foreign victims who cooperated with authorities received temporary residence permits, which allowed them to seek employment. Sixty trafficking victims received permits in 2020 (44 in 2019).

## PREVENTION

The government increased prevention efforts. The government continued to implement its national action plan; however, experts raised concerns regarding the lack of resources dedicated to the plan as demonstrated by the inconsistent funding of the NSP. The Gender Equality Agency maintained a regional coordinator in each of the country's seven regions who assisted police and judicial authorities with trafficking cases. Authorities from Denmark, Finland, Norway, and Sweden facilitated international policing efforts and information-sharing, including on trafficking-related issues, through Nordic liaison officers stationed at 20 Nordic embassies and consulates around the world. In collaboration with other Baltic Sea Region countries, the government participated in a project establishing long-term cooperation between stakeholders and academia to educate future journalists on trafficking issues through workshops, panel discussions, and competitions. National and regional authorities conducted training for workers in the hotel, restaurant, and taxi sectors on how to detect potential trafficking victims. In 2020, Sweden and France continued to conduct a joint campaign raising awareness on sex trafficking. The Gender Equality Agency continued conducting a three-year study on the scope of sex trafficking in Sweden, focusing on children exploited in commercial sex. As part of the study, the agency collected and disseminated educational materials to professionals on responding to sex trafficking cases and mapped local and regional support initiatives. The Bar Association offered training on the commercial exploitation of children, including child sex trafficking and child sex tourism. The National Police's Department of National Operations handled investigations involving Swedish citizens suspected of child sex tourism and assisted police departments throughout Sweden on matters of child sex trafficking. The National Police's specialized cybercrime unit maintained a child protection team that trained travel agencies to detect and report child sex tourism. The government did not make efforts to reduce the demand for participation in international sex tourism by its citizens, despite allegations of such actions by its citizens. The National Taskforce Against Prostitution and Human Trafficking (NMT) launched an information campaign aimed at female commercial sex trafficking victims with messages in six languages. The campaign collaborated with the 24-hour National Women's Helpline, which supported victims of violence, including trafficking. In addition, NMT operated a helpline for potential trafficking victims to receive support and advice. The government funded both helplines with an annual budget of 20 million krona (\$2.45 million). During the reporting period, the government developed a comprehensive action program to prevent and combat men's violence against women, including trafficking, as well as the exposure of members of the LGBTIQ+ community to all types of violence. The government made efforts to reduce the demand for commercial sex acts, including awareness campaigns aimed at educating purchasers of commercial sex and an assessment of the purchase of sexual acts legislation (Chapter 6, Sections 9 and 11). The assessment examined the effectiveness of the legislation and its application with the goal to reveal how the judicial system handles such crimes from investigation to sentencing. The assessment also analyzed the nexus between the purchase of commercial sex and trafficking and the role of social services.

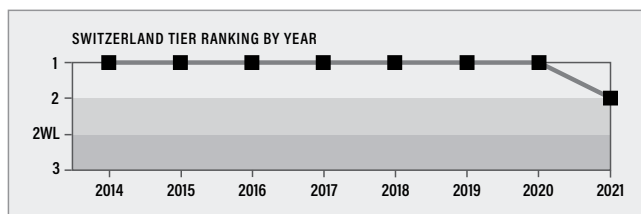
Authorities and NGOs acknowledged labor trafficking was an increasing problem, especially for seasonal workers and vulnerable migrants. In 2020, the National Audit Office published a report examining Swedish efforts to combat labor trafficking and proposing activities to strengthen the government's anti-trafficking work. Experts recommended better interagency coordination to facilitate the identification of labor trafficking cases. In an effort to identify cases, authorities conducted mandatory interviews with foreign workers employed in at-risk sectors and seeking to extend their work permits. The Migration Agency conducted background checks on companies employing foreign workers and occasionally denied work visas in cases where employment contracts did not meet the necessary requirements. Additionally, the agency developed a training module on trafficking and provided a manual to assist migration agents in detecting trafficking cases. Multiple agencies carried out joint workplace inspections as part of a major EU effort against labor exploitation. As part of a four-year project, the government allocated 18 million krona (\$2.2 million) in 2020 to strengthen labor market regulation compliance efforts and review compliance developments, including efforts to prevent forced labor. The government participated in a multi-country anti-trafficking taskforce that evaluated trafficking related to migration flows. The International Development Agency in conjunction with an international organization continued implementing a five-year project aimed at ensuring Asian companies pursue ethical recruitment and employment of migrant workers.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sweden, and, to a lesser extent, traffickers exploit victims from Sweden abroad. Most traffickers are the same nationality as their victims and are often part of criminal networks engaged in multiple criminal activities, although an increasing number of reported cases involve traffickers who are family members or have no ties to organized crime. Police report traffickers exploit transgender women from countries in South America, such as Colombia, Venezuela, Brazil, and Peru, in commercial sex in Sweden. Most sex trafficking and labor trafficking victims originate from Eastern Europe, Africa, East Asia, and the Middle East. Sex trafficking remains the most prevalent form of trafficking in Sweden with most cases involving women and children from West Africa and Eastern Europe. Authorities and NGOs report the prevalence of Swedes traveling abroad, primarily to East Asia, for the purpose of child sex tourism. Victims of labor trafficking, who largely originate from Eastern Europe, East Asia, and West Africa, face exploitation in the service, cleaning, private delivery, and construction industries. Since 2010, there has been an increase in labor trafficking cases. The migration agency notes increased exploitation in the private delivery industry, such as messengers and food delivery drivers, who work under conditions that violate Swedish labor laws. Police report citizens of Thailand working in nail salons and massage parlors exploited in trafficking. Cases among seasonal berry pickers have decreased significantly in recent years; however, individuals mostly from Asia and Bulgaria, continue to face exploitation in the agricultural sector. Roma, primarily from Bulgaria and Romania, remain vulnerable to forced begging and criminality and, to a lesser extent, sex trafficking. As a consequence of the pandemic, the Migration Agency reports a substantial reduction in the number of asylum applications submitted, marking the lowest recorded number in the last 20 years. Asylum-seekers, particularly those from Africa, Eastern Europe, Central Asia, and South America, as well as many stateless individuals, are at risk of trafficking. In recent years, traffickers subjected Moroccan boys and young men to forced criminal activity, though reports indicate a decline in the number of victims in 2020. Unaccompanied children are especially vulnerable to trafficking, with a majority of suspected child trafficking victims arriving in Sweden primarily from Africa and the Middle East.

## SWITZERLAND: TIER 2

The Government of Switzerland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increased cooperation on international investigations, which resulted in the identification of victims and the arrest of traffickers abroad. The government also increased funding for victim assistance and public awareness and prevention projects; continued to hold cantonal roundtables; and continued to ensure early access to legal aid in the asylum process. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic, on the government's anti-trafficking capacity. Lenient sentencing, resulting in 60 percent of traffickers receiving fully suspended sentences or fines, undercut efforts to hold traffickers accountable, weakened deterrence, created potential security and safety concerns—particularly for victims who cooperated with investigations and prosecutions, and was not equal to the seriousness with which other similar crimes were treated regarding sentencing. The government did not report the number of trafficking investigations for the third year in a row and reported fewer convictions, which could not be attributed to pandemic-related court closures. Law enforcement efforts on labor trafficking remained low compared with sex trafficking, and the government lacked comprehensive and sufficiently disaggregated data on trafficking. For the third consecutive year, the government decreased victim identification and identified the fewest victims since 2015. The government remained without a national standardized identification and referral mechanism and continued to lack legal safeguards to protect trafficking victims against potential prosecution. Therefore Switzerland was downgraded to Tier 2.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected labor and sex traffickers and sentence convicted traffickers to adequate penalties, which should involve serving significant prison terms. • Establish a standardized national identification and referral mechanism for all victims. • Increase victim identification training for all front-line officials, with increased focus on identifying labor trafficking. • Increase law enforcement efforts for labor trafficking and provide sufficient resources, personnel, and training. • Coordinate and centralize the collection of trafficking data across the government, including sufficiently disaggregating data between trafficking and other forms of exploitation, as well as between sex and labor trafficking. • Provide sufficient personnel and funding to specialized anti-trafficking police units as well as the Specialist Unit Against the Trafficking in Persons and Smuggling of Migrants (FSMM) to coordinate national anti-trafficking efforts. • Adopt a national anti-trafficking action plan to effectively and efficiently coordinate national efforts across all cantons. • Expand authorities for labor inspectors to allow for the identification of trafficking victims. • Increase access to specialized services, especially for labor trafficking victims, asylum-seekers, male, child, and transgender victims. • Amend the anti-trafficking provision of the criminal code to include force, fraud, or coercion as an essential element of the crime in accordance with international law and ensure that the criminal code clearly defines labor exploitation. • Ensure labor trafficking is investigated and prosecuted as a trafficking crime and

not pursued as an administrative labor code violation. • Enact a legal provision in addition to the existing non-punishment legal norm to protect specifically trafficking victims from prosecution for acts that traffickers compelled them to commit. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Appoint a national rapporteur to provide independent review of government anti-trafficking efforts. • Increase worker protections by eliminating recruitment or placement fees charged to workers by Swiss labor recruiters and ensure employers pay any recruitment fees. • Utilize the witness protection program for trafficking victims.

### PROSECUTION

The government decreased law enforcement efforts. Article 182 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to life imprisonment and/or a fine; the penalties included prison sentences of no less than one year for offenses involving a child victim and those where the trafficker acted for commercial gain. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Inconsistent with the definition of trafficking under international law, Article 182 does not include a demonstration of force, fraud, or coercion as an essential element of the crime. Additionally, both adult and child sex trafficking crimes could be prosecuted under Article 195 of the criminal code ("exploitation of sexual acts" and "encouraging prostitution"), which prescribed penalties of up to 10 years' imprisonment or fines. NGOs stated the lack of an explicit legal definition for labor exploitation under Article 182 complicated labor trafficking investigations and limited data collection necessary for prevention efforts. The government did not disaggregate data on law enforcement efforts between sex and labor trafficking for Article 182.

In 2020, court proceedings were postponed while courts closed due to the pandemic. Federal courts closed for one month, and cantonal courts may have been closed longer as directives varied by canton; however, most courts adapted by utilizing virtual platforms to continue processing cases. For the third consecutive year, the government did not report the number of human trafficking investigations in Switzerland in 2020. In 2020, cantonal authorities prosecuted 136 defendants, 61 under Article 182 and 75 under 195. This compared with 146, 59 under Article 182 and 87 under Article 195, in 2019. Of the 136 prosecutions, at least 75 suspects were prosecuted for sex trafficking under Article 195, but the government did not report whether any prosecutions involved labor trafficking as it did not disaggregate data between sex and labor trafficking under Article 182. The government reported most federal statistics, including conviction data, on a year delay. The government convicted 15 traffickers in 2019; four under Article 182, eight under Article 195, and three under both. The total number of convictions represents a decrease compared with 21 in 2018, including two under Article 182, 17 under Article 195, and two under both. At least 11 of the convictions pursued under Article 195 involved sex trafficking, but the government did not report whether any convictions involved labor trafficking as it did not disaggregate data between sex and labor trafficking under Article 182. Historically, prosecutions and convictions for labor trafficking were low, while NGOs continued to assert many labor trafficking cases were instead pursued as administrative labor code violations, resulting in lesser consequences and decreased deterrence. Of the 15 convictions in 2019; courts fully suspended the prison sentences of nine traffickers (60 percent) and only issued fines to two of these traffickers of 800 and 1,000 Swiss francs (\$908 and \$1,140). Courts sentenced five traffickers (33.3 percent) to significant prison terms and partially suspended a prison sentence to one trafficker, which was more than one year (6.6 percent), for a total of 40 percent of traffickers serving significant prison time of one year or longer. Two of the traffickers were also issued fines of 500 Swiss francs (\$570). This compared with 21 traffickers convicted in 2018, of whom, 33 percent served one year or longer in prison. While 2019 sentencing remained insufficient,

compared to 2018, it increased. The government's lenient sentencing practices weakened deterrence, potentially undercut efforts of police and prosecutors, and created security and safety concerns, particularly for victims who cooperated with investigations and prosecutions. While the length of some sentences increased, over the past five years, approximately 64 percent of all trafficking convictions resulted in fines, fully suspended sentences, or prison sentences of less than one year, which did not serve to deter the crime or adequately reflect the nature of the offense. NGOs observed that lenient sentencing of convicted traffickers also resulted in infrequent restitution for victims. As a comparison, in 2019 of the 72 convicted rapists, 62 (86 percent) were sentenced to significant prison sentences of one year or longer in prison. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities continued to report the prevalence of "lover boy" traffickers, which was a method of trafficking that involved young male traffickers who coerce girls and women into sex trafficking, often through a sham romantic relationship. This method of trafficking affects both Swiss nationals and foreign nationals and NGOs noted that "lover boy" traffickers continued to operate with impunity – though 42 instances of this type of trafficking was reported in 2020, zero prosecutions had been initiated against such traffickers to date. Nigerian sex trafficking victims remained numerous during the reporting period, although there were few corresponding prosecutions involving Nigerian victims.

Trafficking investigations and prosecutions fell strictly under the jurisdiction of individual cantons except for cases involving organized criminal networks, which fell under federal police (FedPol) jurisdiction. At least six of 26 cantons had their own specialized anti-trafficking police units, but NGOs raised concerns that these units lacked sufficient funding and personnel, given the government's competing priorities for other crimes. The government had specialized prosecutors, with trauma-informed training, who usually handled human trafficking cases. Civil society continued to report the government's predominant focus on sex trafficking hindered the identification of labor trafficking cases as well as their prosecution. Insufficient personnel, resources, and the absence of a mandate that included human trafficking, hampered in-depth labor inspections; additionally, civil society reported labor inspectors frequently regarded foreign victims as criminals working illegally. NGOs also reported that insufficient coordination between cantons hindered law enforcement efforts against organized human trafficking networks, with frequent duplication of efforts. In 2020, the government reported most law enforcement trainings were delayed until 2021 due to pandemic-related restrictions – compared with the approximately 230 officials trained in 2019. The government continued to facilitate international investigations and criminal trials, including with Nigeria, Romania, and Spain, which resulted in the arrest of 23 suspects and the identification of 25 victims. Law enforcement assisted in 24 new international trafficking cases during the reporting period, two of which related to extradition, 18 to mutual legal assistance, and two to delegation of prosecution; an increase compared to 21 cases in the prior reporting period. In 2020, through two joint action days between law enforcement, labor inspectors, and EUROPOL, the government reported conducting at least 151 labor inspections that resulted in the identification of at least three potential victims; a decrease compared with the identification of five victims, 46 potential victims, and 10 suspects in 2019. However, the government reported that several joint action days were postponed due to the pandemic. Switzerland continued to maintain a network of at least 10 police attachés posted abroad, who provided support to government prosecution authorities in combating trans-border crime, including human trafficking.

## PROTECTION

The government decreased victim protection efforts. While civil society asserted that the pandemic caused a shift in government priorities and resources away from human trafficking, civil society also noted that low prioritization of victim identification occurred

prior to the pandemic. For the third consecutive year, authorities reported identifying fewer total victims, the fewest since 2015. In 2020, cantonal authorities reported identifying 117 victims (150 in 2019 and 170 in 2018). Under article 182, authorities identified 53 human trafficking victims but did not sufficiently disaggregate data between sex and labor trafficking; a decrease compared with 83 human trafficking victims identified in 2019. Under article 195, authorities reported identifying 64 victims; however, this was a broader statistic that included victims of sex trafficking but may have also included victims of sexual exploitation; this compared with 67 victims in 2019 and 106 in 2018. The government did not report identifying labor trafficking victims, as it did not adequately disaggregate data. Of the trafficking victims identified by the government in 2020, eight were children, 15 were Swiss, 11 were male, and 106 were female. The federal government continued to lack national standard victim identification and referral procedures across cantons; however, it continued to distribute and update a previously updated victim identification checklist. NGOs expressed concerns that officials prioritized the identification of sex trafficking victims over labor trafficking, although the majority of the victims NGOs separately identified and assisted were labor trafficking victims. The Zurich police reported training an unknown number of NGOs on the identification of sex trafficking victims. Victim care varied across the cantons, and civil society continued to criticize the absence of a national victim protection program to ensure uniformity in victim assistance across the country. Cantonal authorities maintained jurisdiction on providing protection for victims, and trafficking victims were entitled to utilizing free and immediate assistance centers that varied from canton to canton. Eighteen of 26 cantons had roundtables, which functioned as victim referral mechanisms; roundtables included police, prosecutors, and NGOs. NGOs highlighted that eight cantons remained without roundtables for victim identification and referral. FSMM reported holding 15 cantonal roundtables to improve cantonal interaction and coordination on anti-trafficking measures in 2020. Victim assistance was available in at least 24 out of the 26 cantons, providing a wide-ranging network of care facilities mainly tailored to the needs of women and children; however, trafficking specific services varied from canton to canton. At least 13 cantons maintained referral agreements with NGO-operated victim assistance facilities that specialized in trafficking.

The Swiss Victim Assistance Law entitled all adult trafficking victims access to the government-funded women's shelters or assistance centers for victims of abuse and to special safeguards during criminal proceedings; however, the government did not report how many trafficking victims received shelter or special safeguards during the reporting period. At least four government-funded and NGO-operated shelters continued to provide specialized assistance for victims of trafficking, two of which provided services to children. However, according to GRETA and civil society, the government did not have specialized shelters or assistance for child victims of trafficking, nor did it have standardized identification procedures for children. With the noted variances, most cantons generally provided victims with a minimum of four weeks of emergency lodging and living allowance, several hours of consultations with a lawyer, mental health counseling and medical treatment, transportation, and translation services. If recovery required more time, the victim assistance law obligated the government to assume the additional cost of longer-term care. Victims had free movement in and out of shelters. While victim assistance was not dependent on cooperation with law enforcement, some NGOs asserted that authorities sometimes used victim penalization to pressure victims into cooperating with law enforcement. In 2020, the government granted 506,960 Swiss francs (\$575,440) to seven NGOs for victim assistance, as well as 63,240 Swiss francs (\$71,780) to two NGOs for prevention and public awareness projects for 2021; an increase compared with 453,290 Swiss francs (\$514,520) granted in 2019 for 2020.

Government-funded NGOs provided assistance to 184 trafficking victims in 2020, an increase compared with 169 trafficking victims



assisted in 2019. Additionally, the government provided government-funded trafficking-specific counseling for 85 potential sex trafficking victims in 2019, compared with 306 victims in 2018. Many NGOs reported assisting fewer victims in 2020, which could have been due to pandemic-related restrictions, resulting in victim isolation and limited access to victims by NGOs and authorities; NGOs also reported difficulty in obtaining the necessary government documents to help victims due to the closure of government offices. A variety of sources referred victims to NGO services, including other NGOs, government-operated counseling centers, government offices, foreign consulates, police and judicial authorities, health care sector employees, lawyers, and family. Civil society stated services for labor trafficking victims were limited, and the government lacked case management resources for victims in the asylum system. According to NGOs, services for child and male victims were inadequate, especially counseling and victim referral resources. The government provided male victims temporary shelter in hotels or government-funded NGO-operated shelters in at least five cantons. The government had a witness protection program that trafficking victims could utilize, but the government did not report providing this protection to any victims during the reporting period.

The government also facilitated additional assistance to foreign victims of trafficking, which included financial support and residence permits; however, authorities granted few long-term residence permits and instead provided victims with repatriation assistance to help them return home. In 2020, the government provided repatriation assistance to 17 victims, compared with 27 in 2019, and provided 67,000 Swiss francs (\$76,050) to an international organization for repatriation assistance in 2020. Cantonal immigration authorities were required to grant victims a minimum 30-day reflection period to decide whether to participate in judicial proceedings against their traffickers, but longer stays generally required cooperation with law enforcement. Foreign victims who were willing to cooperate with law enforcement could be granted a six-month residence permit, renewable for the duration of the investigation and criminal proceedings, after which, victims were required to depart the country. NGOs stated that victims who gave unclear statements to law enforcement due to trauma suffered were often denied residence permits.

The government could also grant short-term residence permits based on hardship that victims might face upon return to their country of origin, but the application of this benefit varied by canton. In 2020, the government granted 37 individuals reflection periods, 62 short-term residence permits, and 15 hardship-based residence permits (compared with 52 reflection periods, 71 short-term residence permits, and 14 hardship-based residence permits in 2019). In 2020, the government did not report the number of trafficking victims that were granted refugee status or temporary admission; compared with three granted refugee status and 13 granted temporary admission in 2019. Authorities continued to note the growing number of trafficking victims among asylum-seekers during the reporting period. The State Secretariat for Migration (SEM) did not report the exact number of victims undergoing the asylum process in 2020, compared with 73 in 2019. The government reported that the majority of trafficking victims were identified during the asylum procedure; NGOs stated that implementation of the 2019 asylum law which ensured early access to legal aid increased successful victim identification. However, civil society criticized the government for not systematically referring foreign victims to services once identified and often shifting responsibility to the legal advisor. The victim's legal advisor could refer victims to NGOs for assistance, but the government did not offer financial support for victim assistance, according to an NGO. The government's border police screened newly arrived asylum-seekers alone to eliminate the potential influence of traffickers operating within migrant camps, and specialists at SEM ensured identification and coordination practices remained consistent across the federal asylum reception centers. However, NGOs and GRETA continued to report asylum accommodations and psychological counseling in asylum centers were inappropriate and insufficient for

assisting victims. Victim services were only available to victims who experienced trafficking within Switzerland; asylum-seekers remained vulnerable as they could be deported back to their first country of EU entrance without first receiving victim protection. GRETA noted cantons often did not transfer victims detected in the asylum system to specialized trafficking victim support centers because of financial constraints and instead continued to host them in asylum centers. GRETA also noted the lack of adequate accommodation and supervision for unaccompanied children, and lack of a systematic approach; GRETA urged the government to address these issues in its 2019 report. In response to the pandemic and to prevent delays in application processing, the government reduced the number of people participating in asylum application interviews, enhanced sanitation and reconfigured interview rooms to reduce exposure and transmission, extended deportation deadlines, and added up to 600 new housing units to respect social distancing guidelines.

To encourage victims' cooperation with law enforcement, the law allowed victims to keep their identities confidential if they were in danger and to testify in a separate room from the defendant. The government prohibited cross-examinations for child trafficking victims, testimonies were videotaped, and authorities were limited to two interviews to minimize re-traumatization. Trafficking victims could receive restitution from their trafficker through criminal proceedings; however, unlike prior years, the government did not report awarding restitution to any victims in 2019, compared with 25 victims in 2018 and 31 victims in 2017. NGOs observed lenient sentencing of convicted traffickers also resulted in infrequent restitution for victims. GRETA and civil society noted restitution amounts were insufficient, especially compared with other serious crimes such as rape, and traffickers frequently did not pay. Trafficking victims could also pursue damages through a civil case, but the government did not report awarding damages to any victims during the reporting period. Victims could seek compensation from the government if the convicted trafficker was unable to pay the awarded restitution or damages, but the government did not report awarding compensation to any victims during the reporting period. GRETA criticized the lack of viable avenues for victim restitution when victims had no verifiable expenses or employment losses because the courts found it difficult to quantify the specific amount of lost income. While the government had a legal norm prohibiting the non-punishment of victims of crimes, the relevant provision of Swiss law did not explicitly address human trafficking or the criminal coercion often experienced in trafficking cases. Although the government continued to screen for trafficking victims, NGOs asserted that penalization of victims was common, with victims frequently charged with violating immigration laws, labor laws, local prostitution regulations, or violating pandemic-related restrictions as compelled by their traffickers. In its 2019 report, GRETA urged the government to adopt a provision on the non-punishment of specifically trafficking victims and encouraged additional training of public prosecutors in this regard.

## PREVENTION

The government maintained prevention efforts. Under FedPol, FSMM coordinated national efforts, including anti-trafficking policies, information exchange, cooperation, and training. In 2020, due to pandemic-related restrictions, FSMM cancelled its national meeting of the heads of the cantonal anti-trafficking roundtables, which focused on improving cantonal interaction and coordination on anti-trafficking measures; however, the government reported holding roundtables in 15 cantons. Following a 2018 restructuring of the FSMM, civil society and GRETA continued to express concerns regarding a decrease in a victim-centered, multidisciplinary and collaborative approach to trafficking. NGOs asserted that the government provided insufficient personnel and funding to FSMM, which hindered their ability to coordinate national anti-trafficking efforts for all 26 cantons. The government remained without an official independent national anti-trafficking rapporteur. The government did not adopt a new national action plan after the

expiration of its 2017-2020 plan and did not draft a new plan during the reporting period. After prior civil society reports of inaction, the government reported completing several action items under its now expired plan, including the appointment of trafficking victim identification specialists in the police and public prosecutor's offices, improvement of the identification process within the asylum system, and the funding of an awareness campaign on male trafficking victims through several podcasts. The government continued to fund an NGO to operate the national anti-trafficking hotline; the government reported receiving 63 calls to the hotline in 2020, 42 of which were likely cases of human trafficking, involving 70 presumed victims. The government, in partnership with an NGO, included the hotline's contact information in a flyer for labor inspectors and in various federal publications. The government continued a prior awareness campaign targeting victim identification and assistance by health care providers, but due to pandemic-related restrictions, the government only held one training in 2020. Government authorities asserted that labor inspectors continued to lack the mandate to initiate trafficking investigations or identify trafficking victims, however, if inspectors did identify any victims, they were required to refer potential trafficking cases to police. Joint inspections between labor inspectors and police were rare and only occurred a few times a year. However, while labor inspectors continued to lack a trafficking mandate, in recognition of the critical role labor inspectors had in identifying trafficking victims, in July 2020, the labor directorate published and distributed a flyer for labor inspectors on the identification of victims of labor exploitation and trafficking, and in August 2020, the government launched a trafficking awareness campaign for labor inspectors. The government had effective regulations for labor recruitment companies during the reporting period, but enforcement of the regulations remained a concern. Swiss labor recruitment agencies required a license and were liable if foreign recruitment agencies did not uphold Swiss recruitment regulations. However, Swiss employers could charge a registration or placement fee to workers, which could increase their vulnerability to debt bondage. Although fraudulent labor recruitment remained a concern during the reporting period, the government did not report holding any labor recruitment agencies accountable for labor trafficking. In October 2020, four government-funded NGOs established a national network to combat human trafficking, which enabled NGOs specializing in human trafficking to create a forum for national dialogue, but no further results were reported.

The government continued to provide funding to foreign countries for anti-trafficking efforts, including computer equipment to Serbia for the national anti-trafficking coordinator; funding for a regional anti-trafficking project in Russia and Central Asia; a responsible recruitment program in Sri Lanka; and, in partnership with an international organization, an anti-trafficking national action plan and traveling exhibition under the bilateral migration partnership with Nigeria. Programs to fund anti-trafficking assistance to Bangladesh, Bosnia and Herzegovina, and Kosovo also continued during the reporting period, as did contributions to the FAIRWAY program, the Better Work program, the Sustaining Competitive and Responsible Enterprises program, and the International Recruitment Integrity System program, which focused on workers' rights, forced labor in global supply chains, and ethical labor recruitment. The government reported training an unknown number of its consular officials on victim identification abroad. The government did not demonstrate efforts to reduce the demand for commercial sex acts. While the government participated in several international law enforcement efforts to increase government and law enforcement collaboration on child sex tourism, the government did not demonstrate overall efforts to reduce the demand for international sex tourism by Swiss nationals.

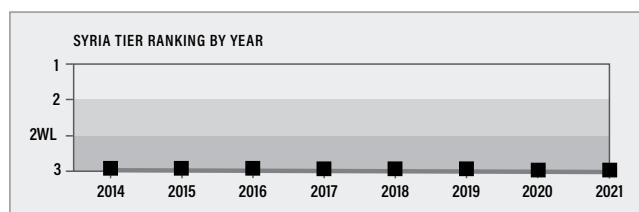
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Switzerland. The pandemic exacerbated vulnerabilities for trafficking victims, and sex traffickers are

increasingly using online platforms to recruit, exploit victims, and book apartment rentals to make their illicit operations difficult to track. Victims' debt to their traffickers, and subsequently the traffickers' control over the victims, increased during the pandemic because victims were sometimes unable to work and earn money. Victims' access to services was limited due to pandemic-related restrictions in 2020, which increased isolation and vulnerabilities to trafficking. Traffickers can frequently be family members, friends, or romantic partners, as well as agencies offering fraudulent employment, travel, and marriage. Traffickers are both Swiss and foreign nationals; foreign traffickers typically have the same nationality as their victims. Although the vast majority of traffickers are male, female traffickers are not uncommon, especially women from Nigeria and Thailand. Traffickers are increasingly mobile and adaptable, switching industries and locations frequently. Sex traffickers exploit both foreign and domestic women, transgender individuals, and children. Traffickers, often involved with criminal networks, increasingly exploit female and transgender victims from Thailand. Swiss nationals continue to engage in child sex tourism abroad. Authorities report an increase in young male traffickers, known as "lover boys," coercing vulnerable Swiss girls and women into sex trafficking, often through a sham romantic relationship. The majority of sex trafficking victims identified by the government are from Eastern Europe, West Africa, notably Nigeria, and Asia, particularly Thailand. Traffickers continue to fraudulently recruit and later coerce Nigerian women and girls to stay in exploitative situations using a "voodoo oath" they are forced to swear. Foreign trafficking victims originate primarily from Central and Eastern Europe (particularly Bulgaria, Hungary, and Romania), with increasing numbers from Asia and Africa (especially from China, Nigeria, and Thailand) but also from Latin America (Brazil and Dominican Republic). Traffickers often force female victims among asylum-seekers from Angola, Eritrea, Ethiopia, and Nigeria into commercial sex and domestic servitude. More than one-third of female trafficking victims are asylum-seekers who sought protection after arriving in Switzerland. Labor traffickers exploit men, women, and children in domestic service, health care, agriculture, hospitality, catering, postal courier services, construction, tourism, and in forced criminal activity. Male victims among asylum-seekers come primarily from Afghanistan and Eritrea and are exploited in forced labor. Forced begging, especially among the Roma communities, has increased in recent years.

## SYRIA: TIER 3

The Government of Syria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on the government's anti-trafficking capacity; therefore Syria remained on Tier 3. During the reporting period, there was a government policy or pattern of employing or recruiting child soldiers. The government did not hold any traffickers criminally accountable, including complicit government officials, nor did it identify or protect any trafficking victims. The government's actions directly contributed to the population's vulnerability to trafficking, and it continued to perpetrate human trafficking crimes routinely. The government and pro-Syrian regime-affiliated militias continued to forcibly recruit and use child soldiers, resulting in children facing extreme violence and retaliation by opposition forces; the government also did not protect and prevent children from recruitment and use by armed opposition forces and designated terrorist organizations. The government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers, and punished them for unlawful acts traffickers compelled them to commit.



### PRIORITIZED RECOMMENDATIONS:

Criminalize all forms of human trafficking. • Stop the forcible recruitment and use of child soldiers by government forces and pro-government militias. • Proactively identify victims of all forms of trafficking and provide them with appropriate protection services, including long-term care for demobilized child soldiers. • Ensure trafficking victims are not punished for crimes traffickers compelled them to commit, such as child soldiering. • Investigate, prosecute, and convict perpetrators of sex and labor trafficking and the unlawful recruitment and use of child soldiers, including complicit officials.

### PROSECUTION

The government made no discernible anti-trafficking law enforcement efforts, and the government and government-affiliated militias remained complicit in the unlawful recruitment and use of child soldiers. The violent conflict continued to amplify the magnitude of human trafficking crimes occurring within Syria. Decree No.3 of 2010 appeared to criminalize some forms of sex trafficking and labor trafficking, but it did not include a clear definition of human trafficking. This decree prescribed a minimum punishment of seven years' imprisonment and a fine between one million and three million Syrian pounds (\$800 and \$2,390), a penalty that was sufficiently stringent but, with respect to sex trafficking, not commensurate with those prescribed for other serious crimes, such as rape. Law No.11/2013 criminalized all forms of recruitment and use of children younger than the age of 18 by the Syrian armed forces and armed groups; however, the government made no efforts to prosecute child soldiering crimes perpetrated by government and pro-regime militias, armed opposition groups, and designated terrorist organizations. The government did not report investigating, prosecuting, or convicting suspected traffickers, nor did it investigate, prosecute, or convict government officials complicit in human trafficking, including child soldiering offenses. The government did not provide anti-trafficking training for officials.

### PROTECTION

The government did not identify or protect trafficking victims. The government did not protect children from forcible recruitment and use as soldiers and in support roles by government forces and pro-government armed groups, armed opposition groups, and terrorist organizations. The government continued to severely punish victims for unlawful acts traffickers compelled them to commit, such as child soldiering and prostitution. The government routinely arrested, detained, raped, tortured, and executed children for alleged association with armed groups and made no effort to offer these children any protection services. During the reporting period, there were isolated reports of the government detaining women and children—including unaccompanied children—across Syria for suspected family ties to foreign ISIS fighters; some of these individuals may have been unidentified trafficking victims. The government neither encouraged trafficking victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

### PREVENTION

The government made no effort to prevent human trafficking; the government's actions continued to amplify the magnitude of human trafficking crimes in the country. The government did not implement measures to prevent children from unlawful recruitment and use

as combatants and in support roles by government, pro-regime militias, opposition armed groups, and terrorist organizations. The government did not raise awareness of human trafficking among the general public or officials. The government did not report efforts to reduce the demand for commercial sex acts, nor did it prevent child sex tourism by Syrian nationals abroad. 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 Syria, and traffickers exploit Syrian victims abroad. The situation in Syria continues to deteriorate amid the ongoing conflict with sub-state armed groups of varying ideologies exerting control over wide geographic swaths of the country's territory. As of December 2020, human rights groups and international organizations estimate between 220,000 and 550,000 people have been killed since the beginning of protests against the Bashar al-Assad regime in March 2011. This vast discrepancy is due in large part to the number of missing and disappeared Syrians whose fates remained unknown. More than half of Syria's pre-war population of 23 million has been displaced; as of September 2020, the UN High Commissioner for Refugees reported there were 6.6 million IDPs, 2.6 million of whom were children, and more than 5.5 million Syrian-registered refugees outside the country. Syrians that remain displaced in the country and those living as refugees in neighboring countries are extremely vulnerable to traffickers. Syrian children are reportedly vulnerable to forced early marriages, including to members of terrorist groups such as ISIS—which can lead to sexual slavery and forced labor—and children displaced within the country continue to be subjected to forced labor, particularly by organized begging rings.

Despite the territorial defeat of ISIS at the beginning of 2019, it continued to force local Syrian girls and women in ISIS-controlled areas into marriages with its fighters, and it routinely subjected women and girls from minority groups into forced marriages, domestic servitude, systematic rape, sexual slavery, and other forms of sexual violence. Incidents of human trafficking increased, and trafficking victims were trapped in Syria in 2014 when ISIS consolidated its control of the eastern governorates of Raqqa and Deir al-Zour. ISIS publicly released guidelines on how to capture, forcibly hold, and sexually abuse female slaves. As reported by an international organization, ISIS militants' system of organized sexual slavery and forced marriage is a central element of the terrorist group's ideology and systemic means of oppression. ISIS subjected girls as young as nine years old, including Yezidi girls abducted from Iraq and brought to Syria, to sexual slavery and other forms of sexual violence. Although ISIS no longer maintains territory inside Syria at the end of 2020, according to an NGO, approximately 2,800 Yezidi women and girls remain missing; reports indicate some of these women and girls remained with ISIS in eastern Syria or were held in Al-Hol camp.

The recruitment and use of children in combat in Syria remains common, and since the beginning of 2018 international observers reported a continuation in incidents of recruitment and use by armed groups. Syrian government forces, pro-regime militias, and armed non-state actors, including the Free Syrian Army (FSA) and FSA-affiliated groups, Kurdish forces, ISIS, Hayat Tahrir al-Sham (HTS), al-Qa'ida, and Jabhat al-Nusra—the al-Qa'ida affiliate in Syria—recruit and use boys and girls as child soldiers. Jabhat al-Nusra and ISIS also have used children as human shields, suicide bombers, snipers, and executioners. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment. Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces, or "shabiha," forcibly recruit children as young as six years old. During the reporting period, there were reports armed groups, including the Syrian National Army and Samarqand Brigade, abducted or recruited children to be used in hostilities outside of Syria, in particular in Libya. ISIS forces continue to deploy children—some as young as eight years old—into hostilities. Despite the territorial



defeat of ISIS, it continued to target children for indoctrination at schools and camps for IDPs, endangering children and preventing their access to education. Before the liberation of Raqqa in October 2017, ISIS operated at least three child training camps in the city, where it forced children to attend indoctrination seminars and promised children salaries, mobile phones, weapons, a martyr's place in paradise, and the "gift" of a wife upon joining the terrorist group. The Kurdish People's Protection Units (YPG and YPJ) in northwest Syria continued to recruit, train, and use boys and girls as young as 12 years old. Since 2017, international observers reported that YPG and YPJ recruited—at times by force—children from displacement camps in northeast Syria. NGOs alleged that some Popular Mobilization Forces-affiliated militias in Iraq recruited boys in Iraq to fight in Syria. As in previous reporting periods, credible sources widely reported that Iran's Islamic Revolutionary Guard Corps (IRGC), the Iranian Basij Resistance Force, and IRGC-supported militias actively recruited and used—including through force or coercive means—Afghan children and adults, Afghan migrant and refugee men and children living in Iran, Syrian children, and Iranian children, to fight in IRGC-led and -funded Shia militias deployed to Syria.

Terrorist groups, including ISIS and HTS, reportedly forced, coerced, or fraudulently recruited foreigners—including migrants from Central Asia and women, including Western women—to join them. Central Asian women traveling with men to Syria are also vulnerable to sex trafficking and forced labor on arrival; many are reportedly placed alongside other Central Asian family members in makeshift camp communities, where their travel and identity documentation is confiscated, and their freedom of movement is restricted. Many of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may feature corollary sex trafficking or forced labor indicators. During the reporting period, thousands of foreign women remained in IDP camps across northeastern Syria, and some had suspected family ties to foreign ISIS fighters; some of these individuals may have been unidentified trafficking victims. As of January 2021, an international organization reported 27,000 children, including 8,000 children of foreign terrorist fighters, remained at IDP camps across northeastern Syria, including Al-Hol, managed by the Syrian Democratic Forces (SDF); humanitarian actors had access to these camps to provide services. A portion of these children were potential human trafficking victims used in direct hostilities or in support roles by armed groups, including ISIS. In February 2021, an international organization reported the repatriation of foreign children from camps across northeastern Syria had slowed significantly due to the pandemic. During the reporting period, the SDF and Syrian government detained children, including trafficking victims, for their alleged association with armed groups. An international organization verified at least 11 cases of sexual violence against girls in detention by government forces that occurred in previous years.

In June 2019, the SDF, and by association the YPG and YPJ, took steps to end the recruitment and use of children and demobilize children within SDF ranks after adopting a UN Security Council Resolution-mandated action plan. In 2020, the UN confirmed the SDF had demobilized 86 children, including 56 girls, and, working with the Autonomous Administration of North and East Syria (SNES), returned them to their families for community-based reintegration, pursuant to UN requests. The SDF and SNES in August 2020 announced the establishment of the Civil Complaints Mechanism, a key component of the child soldier demobilization initiative, which provides parents a single SNES and SDF point of contact to inquire about, identify, and demobilize children from the SDF. In 2020, the SDF also continued implementing the action plan by facilitating training on it with an international organization and withdrawing from schools it was using for military purposes.

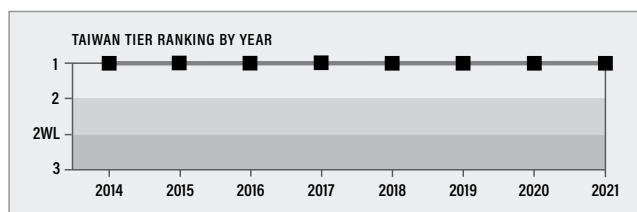
In July 2020, a nongovernmental organization reported government officials subjected LGBTQI+ persons in Syria to various forms of sexual violence, including cases amounting to sexual slavery, in

military detention centers, prisons, and checkpoints. Isolated media reporting alleged Syrian men were fraudulently recruited to fight in the Nagorno-Karabakh conflict believing they were going to Azerbaijan for work opportunities. In July 2020, the Indonesian government repatriated 104 Indonesian migrant workers from Syria, some of whom may have been trafficking victims. In January 2021, media reported traffickers fraudulently recruited dozens of Filipino domestic workers to work in the United Arab Emirates but instead transported them to Damascus for forced domestic work; media reported the Government of Philippines repatriated 34 victims in February 2021.

The Syrian refugee population is highly vulnerable to sex trafficking and forced labor in neighboring countries, particularly Jordan, Lebanon, Iraq, and Turkey. International organizations report a high number of child and early marriages of Syrian girls among refugee populations, which increases their vulnerability to trafficking. Syrian refugee women and girls are also vulnerable to forced or "temporary marriages"—for the purpose of commercial sex and other forms of exploitation—and other forms of sex trafficking in refugee camps, Lebanon, Jordan, and cities in the Iraqi Kurdistan Region, including Sulaimaniya. Illicit prostitution rings in Turkey and Lebanon compel Syrian refugee women and girls into sex trafficking. In Turkey, some female Syrian refugees are reportedly exploited in sex or labor trafficking after accepting fraudulent job offers to work in hair salons, modeling, entertainment, or domestic work. In Turkey, Lebanon, and Jordan, Syrian refugee children continue to engage in street begging or peddling goods, some of which may be forced or coerced. Syrian children are also observed working in Turkey's agricultural sector and informally in textile workshops and the service sector, where they experience long working hours, low wages, and poor working conditions; children in these sectors may be vulnerable to forced labor. In Jordan and Lebanon, traffickers force Syrian refugee children to work in agriculture alongside their families; in Lebanon's Bekaa Valley, Syrian gangs force refugee adults and children to work in agriculture under harsh conditions, including physical abuse, with little to no pay. LGBTQI+ persons among the Syrian refugee population in Lebanon are reportedly vulnerable to sex trafficking. During the reporting period, Sudanese authorities identified seven Syrian trafficking victims in Khartoum.

## TAIWAN: TIER 1

Taiwan authorities fully meet the minimum standards for the elimination of trafficking. Authorities continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic, if any, on their anti-trafficking capacity; therefore Taiwan remained on Tier 1. These efforts included investigating and sentencing more traffickers to significant prison terms. Authorities identified the highest number of victims in three years, with increased identification of children and domestic victims. In addition, authorities continued to enhance victim identification protocols and labor inspection resources in the vulnerable maritime industries and recovered more illegally withheld wages from abusive fishing vessel operators than in 2019. Although Taiwan met the minimum standards and individual agencies established and disseminated improved victim identification methodologies, some official stakeholders continued to operate under disparate and often ineffective victim identification procedures, complicating some victims' access to justice and protective care. Authorities' insufficient staffing and inspection protocols continued to impede efforts to identify, investigate, and prosecute forced labor on fishing vessels in Taiwan's highly vulnerable Distant Water Fleet (DWF). Taiwan authorities' lack of specific labor laws ensuring the rights of migrant domestic caregivers left thousands vulnerable to exploitation in forced labor.



### PRIORITIZED RECOMMENDATIONS:

Increase inspections and, where appropriate, prosecute the senior crew and owners of Taiwan-owned and -flagged as well as Taiwan-owned, foreign-flagged fishing vessels suspected of forced labor in the DWF, including vessels stopping in special foreign docking zones. • Implement port entry restrictions for Taiwan-flagged, foreign-owned fishing vessels whose operators have a trafficking criminal record or have otherwise been implicated in trafficking crimes overseas. • Increase efforts to prosecute and convict traffickers under the anti-trafficking law, and sentence convicted traffickers to adequate penalties, which should include significant prison terms. • Enact and implement policies to expedite maritime forced labor investigations and reduce suspect flight. • Expand the mandate of foreign port-based Fisheries Agency (FA) personnel to include detection of forced labor indicators, and train all maritime inspection authorities on victim identification, referral, and law enforcement notification procedures. • Conduct comprehensive, victim-centered interviews to screen foreign fishing crewmembers for forced labor indicators during portside and at-sea vessel inspections. • Formally include civil society input into the labor broker evaluation process. • Amend relevant policies and legislative loopholes to eliminate the imposition of all recruitment and service fees and deposits on workers, and by coordinating with sending countries to facilitate direct hiring. • Strengthen oversight of all foreign worker recruitment and placement agencies and processes to screen for abuse indicators, including illegal fee requirements and contract discrepancies. • Continue to strengthen efforts to screen for trafficking among vulnerable populations, including foreign students recruited to for-profit universities; individuals returned to Taiwan in connection with alleged overseas criminal activity; and foreign workers falling out of visa status within Taiwan after fleeing abusive working conditions and/or surrendering to immigration authorities, and refer them to protective services. • Increase transparency of the fishing vessel monitoring system, including by publishing information on vessel ownership and operating locations. • Clearly define roles and responsibilities for, and increase coordination between, the agencies that oversee Taiwan-owned and -flagged as well as Taiwan-owned, foreign-flagged fishing vessels. • Enact legislation that would address gaps in basic labor protections for household caregivers and domestic workers. • Enact a full ban on the retention of migrant workers' identity and travel documentation. • Extend trafficking victim identification authority to key stakeholder agencies. • Increase resources for and implement anti-trafficking training for police, prosecutors, and judges. • Strengthen efforts to publicize the foreign worker trafficking hotline number among migrant crewmembers of Taiwan-owned and -flagged fishing vessels and train hotline personnel on victim-centered approaches.

### PROSECUTION

Taiwan authorities increased law enforcement efforts, but they did not commit adequate resources to or sufficiently prioritize the detection, investigation, or prosecution of forced labor crimes in the coastal-offshore or DWF fishing industries. The Human Trafficking Prevention and Control Act (HTPCA) criminalized all forms of trafficking and prescribed penalties of up to seven years' imprisonment and fines of up to 5 million New Taiwan Dollars (NT) (\$178,100); these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Observers noted ambiguities in HTPCA provisions complicated implementation in cases where victims

received some financial compensation. Other HTPCA provisions protected workers from having to remit "unreasonable payments of debt" to brokers or supervisors; observers expressed concern that these provisions were too vague to effectively prevent debt-based coercion. HTPCA amendments enacted in 2018 increased penalties to a maximum of one year in prison and a possible fine of 300,000 NT (\$10,690) for individuals who, "through recruitment, seduction, shelter, arrangement, assistance, exploitation, or other means, cause a child to act as a host or hostess in a bar or club or engage in acts associated with tour escort and singing or dancing companion services that involve sexual activities." The amendment prescribed a maximum penalty of five years' imprisonment and a possible fine of 1.5 million NT (\$53,430) for such crimes committed by means of "violence, coercion, drugs, fraud, hypnosis, or other means violating the free will of the child or youth concerned." In 2019, authorities formed an interagency working group to seek civil society input for revising the HTPCA; in December, authorities submitted draft amendments to the Executive Yuan, where they remained pending at the end of the reporting period. Authorities continued to prosecute the majority of trafficking cases under other laws in the criminal code and the Child and Youth Sexual Exploitation Prevention Act (CYSEPA); some penalties prescribed for child sex trafficking offenses under these laws were not sufficiently stringent or commensurate with other grave crimes, such as rape, although other laws retained appropriate penalties. Authorities prosecuted and convicted some traffickers under criminal code provisions proscribing crimes outside the standard definition of trafficking, such as Article 231 (forced sexual intercourse or obscene acts), Article 296 ("trading or mortgaging of humans"), and Article 302 (false imprisonment), some of which carried lesser penalties.

Authorities reported arresting 458 individuals on suspicion of trafficking crimes in 2020 (unreported in 2019), culminating in 159 new criminal trafficking investigations—29 cases of alleged labor trafficking and 130 cases of alleged sex trafficking—completed and referred to prosecutors for additional processing, compared with 143 total investigations in 2019. Ten investigations initiated in 2019, including eight sex trafficking cases and two forced labor cases, were also concluded and transferred to prosecutors; these were ongoing at the end of the reporting period. Authorities newly prosecuted 116 individuals under a total of 120 trafficking charges—25 forced labor charges and 95 sex trafficking charges—compared with 122 total in 2019. This figure included 58 individuals indicted under the CYSEPA, 15 under the HTPCA, and 43 under other laws and sections of the criminal code (compared with 48 under CYSEPA, 23 under HTPCA, and 43 under other laws in 2019). The 15 individuals indicted under HTPCA included eight charged with sex trafficking and seven charged with labor trafficking (nine and 14, respectively, in 2019). Authorities convicted 50 traffickers; this included four individuals convicted for forced labor, 45 convicted for sex trafficking, and one convicted for both forced labor and sex trafficking (compared with seven for forced labor and 43 for sex trafficking in 2019). In prior years, authorities ascribed the tendency to impose lenient penalties to Taiwan's judicial evaluation and promotion system, which reportedly penalized judges if courts granted convicted individuals' appeals to overturn or shorten their sentences. However, for the third consecutive year, sentences imposed on the majority of convicted traffickers (at least 43, compared with at least 27 in 2019) were greater than one year imprisonment. As in prior years, law enforcement bodies and court authorities maintained disparate statistical records on anti-trafficking cases; as such, the true number of trafficking indictments, prosecutions, convictions, and sentences—including those processed through appeals in multiple court systems—may have been higher than reported.

Although pandemic-related restrictions on large gatherings curtailed some training activities, authorities allocated 1 million NT (\$35,620) to train more than 3,000 law enforcement officers, prosecutors, and judges through a wide range of virtual workshops, seminars, and conferences (compared with more than 3,500 officials trained at an

estimated cost of 7.85 million NT (\$279,620) in 2019). Nonetheless, authorities and NGOs noted court personnel perceiving cases as labor disputes rather than trafficking crimes continued to hinder effective prosecution of labor trafficking cases. In previous years, labor rights groups alleged some low-level corruption among local government officials impeded action against forced labor in the fishing industry, although no such allegations were reported in 2020. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. However, the National Immigration Agency (NIA) did identify and refer to prosecutors a Taiwan-based foreign government official suspected of colluding with her Taiwan citizen spouse to recruit three foreign nationals for sex trafficking in Taiwan; the case was ongoing at the end of the reporting period. Despite coordination obstacles to international law enforcement due to Taiwan's unique diplomatic status, authorities continued to conduct joint anti-trafficking investigations with several countries, including Kosovo, Montenegro, Paraguay, Serbia, and Vietnam. Taiwan's laws criminalized sexual exploitation of children by Taiwan passport holders traveling abroad, but authorities have not investigated or prosecuted any child sex tourism offenses committed abroad since 2006. Authorities reported one Taiwanese individual was investigated in Japan for child sexual exploitation; case details were insufficient to determine whether Taiwan cooperated on the case, or whether the relevant crime included genuine trafficking elements as established in international law. Taiwan authorities investigated eight foreign nationals—three from Vietnam and one each from South Korea, Japan, Indonesia, the Philippines, and South Africa—for suspected CYSEPA violations, but they did not report whether these constituted child sex tourism crimes or other forms of exploitation proscribed under CYSEPA.

Authorities reported 2,617 inspections of recruitment brokers in 2020 (compared with 2,813 in 2019); authorities ascribed this decrease—the first in five years—in part to pandemic-related challenges. They did not report any criminal investigations, prosecutions, convictions, or incarcerations of brokers engaged in illegal acts contributing to trafficking as a result of these inspections. Separately, in December the Taichung District Prosecutor did initiate proceedings under the HTPCA against an individual affiliated with a licensed recruitment broker for allegedly using shell manufacturing companies to fraudulently hire migrant workers for informal, unlawfully low-wage positions in the construction sector. Also in December, authorities charged another licensed brokerage agency in Yilan under the HTPCA for falsely reporting migrant fishermen as “missing,” and for registering others under falsified employment rosters to facilitate their work in separate positions in the informal economy. The FA reported conducting random inspections on 124 fishing vessels, including 102 at domestic ports, 20 at foreign ports, and two on the high seas, interviewing a total of 658 crewmembers (compared with 199 inspections—82 at domestic ports, 74 at foreign ports, and 43 on the high seas, interviewing a total of 720 crew—in 2019). Inspectors uncovered 141 violations relating to contract issues, excessive overtime, and wage discrepancies (88 in 2019); authorities referred eight cases to prosecutors—six involving Taiwan-flagged DWF vessels and two involving Taiwan-owned, foreign-flagged vessels; six remained under investigation, and inspectors did not report whether the referrals were the result of the aforementioned inspections (three referred under the HTPCA in 2019; three in 2018). In previous years, judicial officials noted bureaucratic lags generated by complicated reporting hierarchies also impeded timely law enforcement response in maritime cases, allowing some alleged perpetrators to flee long before the competent authorities could begin formal investigations. In an effort to mitigate these delays, Taiwan's interagency anti-trafficking task force worked with the FA to complete and promulgate a policy granting police and prosecutors the authority to initiate maritime forced labor investigations immediately upon receipt of complaints, rather than following lengthier bureaucratic approval processes. Civil society groups continued to decry systemic shortcomings in Taiwan's maritime anti-trafficking law enforcement evidenced by lack of robust investigations into formal complaints filed by NGOs

and human rights watchdogs. Only nine of the 32 international ports authorized for use by Taiwan DWF vessels had assigned FA inspectors (an increase from eight in 2019), and observers noted these personnel operated under mandates that were largely limited to detection of environmental abuses, rather than labor abuses. Taiwan's unique diplomatic status reportedly complicated ongoing Ministry of Foreign Affairs (MOFA) and FA efforts to continue placing additional personnel in resident FA positions abroad. Division of responsibility for foreign fishermen between Ministry of Labor (MOL) and the FA continued to hinder the coordination necessary to prosecute maritime forced labor cases. The FA attempted to address some of these insufficiencies by promulgating new guidelines on victim identification and law enforcement notification procedures for inspections of fishing vessels operating in both the DWF and in domestic waters. The guidelines also included new instructions to guide FA personnel on how to identify labor conditions that would warrant referral to prosecutors as possible trafficking crimes; authorities did not provide specific information on implementation of these guidelines during the reporting period.

## PROTECTION

Authorities increased protection efforts, but implementation of monitoring and referral procedures remained insufficient to adequately identify and provide services to forced labor victims among the foreign crewmembers aboard Taiwan-flagged and -owned and Taiwan-flagged, foreign-owned fishing vessels. Officials reportedly continued to be less proactive in identifying victims of forced labor than victims of sex trafficking due to definitional ambiguities in the HTPCA. By law, only NIA officials, police, and prosecutors could formally identify victims, while MOL and the FA and other relevant stakeholders were required to follow notification procedures to report possible victim status. NGOs and prosecutors believed some victims went undetected under this arrangement; as such, they continued to advocate for authorities to allow social workers, labor inspectors and other stakeholders to independently identify victims as well. Law enforcement authorities used standardized questions and evaluation forms when interviewing and referring potential trafficking victims, including among foreigners accused of having committed immigration violations. During the reporting period, they identified 322 trafficking victims (208 exploited in sex trafficking and 114 in forced labor), of whom they referred 83 to shelters for assistance, compared with 300 identified and 202 referred to shelters in 2019. Of the 322 victims identified, 143 were foreign and 168 were children (compared with 169 and 98, respectively, in 2019); this significant increase in the identification of Taiwanese and child victims was consistent with a reported increase in the commercial sexual exploitation of children during the pandemic. At least 48 of the forced labor victims were migrant women (unreported in 2019). Seventeen of the victims were identified and referred to protection services via Taiwan's public hotline, and at least 13 were referred by the authorities to shelters run by the Vietnamese Migrant Workers' Office.

MOL and NIA continued to fund civil society organizations to provide protection services to trafficking victims as outlined under the HTPCA. MOL maintained its annual budget for overall victim protection at 18 million NT (\$641,160), and NIA allocated 18 million NT (\$641,160) for operation of the two shelters, equaling its 2019 earmark; both ministries may have redirected some of these funds to pandemic-mitigation activities. Shelters generally continued their work unabated by the pandemic in 2020 but assisted fewer victims than in previous years; NGO contacts attributed the marked decrease in shelter referrals to stakeholder ministries' pandemic-related redirection of resources, rather than to pandemic-related capacity or staffing limitations. NIA operated two shelters dedicated to foreign trafficking victims who had not acquired work visas. Citing security concerns, authorities limited shelter access for victims from the People's Republic of China to NIA shelters, while other nationals could access a wider array of NGO shelter services. NIA shelters provided both male and female trafficking victims with medical and psychological services, legal counseling, vocational training,



small stipends, language interpretation, and repatriation assistance; authorities reported offering these services to foreign trafficking victims in a total of 1,162 instances, including 517 instances of interpretation assistance and nine instances of legal aid (compared with 2,697 instances of service provision, including 1,081 cases of interpretation assistance and 13 instances of legal aid in 2019). NIA administered questionnaires to foreign trafficking victims at the conclusion of all publicly-funded short-term care regarding the quality of food, healthcare, legal and employment assistance, and other such services; in 2020, more than 80 percent of respondents reported having been highly satisfied. MOL subsidized an additional 22 “resettlement facilities” and maintained a separate 24-hour migrant worker hotline, from which the FA reported fielding and investigating 75 complaints from migrant fishermen. Authorities reported not having the jurisdiction to further investigate 27 of these calls because they had originated from crew aboard foreign-flagged fishing vessels; however, they resolved 42 of the remaining cases, leading to the recovery of approximately 870,000 NT (\$30,990) in improperly withheld or deducted wages in 2020 (compared with 568,820 NT, or \$20,260, in 2019). Six of the cases were under investigation at the end of the reporting period. In previous years, observers noted crewmembers aboard vessels in the DWF may have had difficulties accessing the MOL hotline due to limited awareness of its existence and restrictions on their communication imposed by senior vessel crew. Some migrant fishermen have alleged significant lags in hotline response times, and that hotline staff had relayed expressed complaints directly back to senior vessel crew, thereby exposing callers to potential retaliation. The National Police Agency (NPA) and NIA each ran its own hotline – the latter in 24-hour operation and offering Chinese and English language services. Calls to the three hotline systems resulted in the positive identification of 17 trafficking victims and the initiation of 18 investigations during the reporting period (compared with seven victims identified from at least 30 calls received and investigated in 2019). Civil society contacts continued to call for expansion of formal victim designation authority in order to enhance identification through these and other channels.

Authorities reported granting foreign victims 58 temporary residency extensions and 69 work permits in 2020 (compared with 56 new temporary residence permits, 107 extended temporary residence permits conferred in a previous reporting period, and 57 temporary work permits in 2019). During pandemic-related travel restrictions, authorities granted immigration extensions to foreign victims unable to return to their home countries in order for them to benefit from shelter services and other assistance. Authorities also allowed migrant workers with residence permits that had been expired for less than 90 days to renew these permits and avoid deportation through payment of a fine. However, this relief did not apply to migrant seafarers, many of whom were required to remain on their vessels, face fines if they attempted to come ashore, or transfer to employment on other ships through informal arrangements that may have catalyzed additional trafficking vulnerabilities. NIA officials reportedly worked with shelter organizations to facilitate the repatriation of 17 foreign trafficking victims in 2020, compared with 59 in 2019; authorities attributed this decrease to pandemic-related travel and entry restrictions. NIA also issued alien residence certificates to 13 stateless Tibetans during the reporting period. No Taiwanese individuals exploited in trafficking overseas requested repatriation assistance in 2020 (compared with repatriation assistance for 21 Taiwan victims with work visas and 38 Taiwan victims without work visas in 2019). Authorities encouraged victims to participate in their traffickers’ criminal investigations by allowing them to testify outside of the courtroom or through video equipment. In 2020, the Ministry of Interior issued guidelines instructing front-line officers and judicial officials handling trafficking cases to provide foreign victims or their representatives with all relevant documents, solicit their feedback, and confirm they understood the information provided during the judicial process, among other considerations. Authorities permitted victims to obtain compensation through out-of-court settlements or file civil suits against traffickers but required them to provide all

relevant evidence themselves. District courts concluded four civil suits awarding a total of 7.93 million NT (\$282,470) to trafficking victims in 2020 (compared with four out of five civil suits concluded in favor of plaintiffs with compensation orders totaling more than 18.7 million NT, or \$666,100, in 2019); two of the cases were under appeal at the end of the reporting period. At year’s end, six Indonesian and Vietnamese migrant workers had requested prosecutors settle with their alleged traffickers out of court; none of the victims had successfully reached settlement or received compensation by the end of the reporting period. According to the aforementioned NIA survey, the most common complaints among foreign trafficking victims at the conclusion of their publicly-funded protection services involved the quality of legal counseling, the lengthy duration of judicial proceedings, and general difficulty in obtaining compensation from their traffickers.

NGOs and official stakeholders continued to stress the need for Taiwan to pass a long-stalled domestic worker protection bill that would mandate hours of rest, days off, and annual leave. Amendments to the Employment Services Act that entered into force in 2018 required employment agencies to report abuses their clients committed against migrant workers—especially foreign household caregivers—or face severe fines. The amendments also banned employers from retaining passports, work permits, or any identity documents of migrant domestic workers and fishermen without their consent. Civil society groups argued these amendments were insufficient to deter forced labor, as employers were reportedly easily able to coerce migrant workers into “voluntarily” turning over their identity documentation. Lawmakers reported easing respite care regulations in 2018 to encourage employers to grant workers annual leave, ostensibly mitigating a key freedom of movement concern for migrant workers employed as household caregivers. However, NGOs claimed these administrative changes did little to enhance migrant domestic worker protections in implementation; instead, they continued to call for an amendment to bring migrant domestic workers under the broader protections and jurisdictions outlined in Taiwan’s Labor Standards Act, or to adopt and implement new legislation to enhance relevant protections.

Taiwan’s Labor Standards Act did not protect fishing workers hired to work aboard DWF vessels, who instead fell under the jurisdiction of the FA. The FA maintained regulations that standardized fishing workers’ employment contracts, set a minimum wage with direct payment options, provided medical and life insurance, unified working hours and rest time, and established access to new complaint mechanisms. However, NGOs remained concerned that the minimum compensation established in these regulations remained below Taiwan’s broader minimum wage, and that senior vessel crew continued to delay or withhold salary remittance in violation of contractual pay schedules, leaving some foreign fishing workers vulnerable to debt-based coercion. Civil society contacts described the FA’s purview over Taiwan fishermen’s associations—which played a role in the approval of labor recruitment systems—as a possible conflict of interest. Observers reported insufficient FA staffing and oversight mechanisms in the DWF were permissive of forced labor and other abuses. In an effort to enhance this oversight, in 2019 authorities agreed to pursue regulatory “harmonization” with the contents of the ILO Work in Fishing Convention (C188); the language required standardized working conditions and benefits and raised the minimum wage for DWF and coastal-offshore migrant fishermen. However, implementation measures remained under consideration at the end of the reporting period for a second year. Proposed amendments to the HTPCA aimed at improving the victim identification process and expanding victim benefits, including by increasing visa validity to trigger eligibility for national health insurance, were also incomplete at the end of the reporting period for a third year. During the reporting period, the FA promulgated new guidelines on victim identification and law enforcement notification procedures for inspections of fishing vessels operating in both the DWF and in domestic waters; these included updated trafficking

indicator questionnaires for migrant fishermen and senior vessel crew intended to detect cases of debt-based coercion, restricted freedom of movement, wage irregularities, physical abuse, retention of travel and identity documents, and other such forced labor indicators. They also outlined specific responsibilities among stakeholder agencies for the proper detection and referral of potential trafficking cases to police, MOFA, and/or foreign government counterpart agencies, depending on available evidence. According to NGO observers, some migrant fishermen were hesitant to relay their experiences to FA or Coast Guard interviewers due to fear of reprisal and concerns over personal safety.

Taiwan law provided victims with immunity for unlawful acts traffickers compelled them to commit. However, unlike the previous reporting period, there were allegations of victim penalization in 2020. In one illustrative case, a migrant fisherman attempted to file a complaint accusing his employers of forcing him to work overtime without pay. He fell ill, after which authorities annulled his work permit; police then arrested and detained him for alleged immigration violations, screened him without detecting trafficking indicators, and deported him. NGO observers disputed the results of the screening procedure. Civil society contacts reported limited or inconsistent understanding of trafficking among front-line law enforcement officers and judges, compounded by high turnover impacting institutional memory, continued to constrain victims' access to protective care while leaving them vulnerable to temporary detention, fines, and jail time.

## PREVENTION

Authorities maintained efforts to prevent trafficking. In January 2021, Taiwan approved a new "2021-2022 Anti-Exploitation Action plan" outlining prevention of sex trafficking and forced labor among key vulnerable groups. A cabinet-level minister-without-portfolio continued to implement the national action plan and oversee an interagency working group that met semiannually. The working group maintained two subgroups—one to focus on domestic workers and the other on migrant fishermen—that convened meetings more frequently and included participation from NGOs and academics. Various agencies continued to fund advertisements, public service announcements, and other materials on trafficking and held trainings for vulnerable populations, including youth, foreign workers, and fishing sector workers. Due to pandemic-related restrictions on public gatherings, many publicly-funded anti-trafficking information and education campaigns were held via videoconference; this reportedly enabled more than two million people to receive information through such awareness-raising activities in 2020. Authorities continued to operate international airport service counters and foreign-worker service stations around Taiwan to assist foreign workers and educate them on their rights. During the reporting period, MOL announced new regulations to impose fines between 60,000 NT and 300,000 NT (between \$2,137 and \$10,686) for employers who illegally dock migrant workers' pay; authorities did not report implementing this new policy in 2020. The FA distributed multilingual cards containing information on worker rights and hotline numbers to foreign crewmembers during random inspections of ships docking at certain foreign ports. It also initiated a pilot program to provide free satellite-based wireless internet for crew aboard fishing vessels to facilitate contact with family members and channels for communication of labor and safety grievances. In 2020, FA personnel conducted inspections of 102 DWF vessels moored in Taiwanese ports and interviewed 560 migrant fishermen—an increase compared to 468 interviews on 82 vessels in domestic ports in 2019—and detected a total of 120 cases of unauthorized employment of foreign crew, 18 contract violations, and three "illicit acts" by labor brokers, for which the FA reportedly imposed a total of 18 million NT (\$641,160) in fines. It conducted an additional 20 random inspections of fishing vessels at foreign ports and two on the high seas, interviewing a total of approximately 98 foreign crewmembers (compared with 74 at foreign ports and 43 on the high seas, interviewing approximately 252 crewmembers, in 2019). The authorities required vessel owners

or brokers to record videos of mandatory discussions informing all foreign crewmembers of their basic rights prior to signing employment contracts; FA randomly selected 82 such video recordings from 16 brokers during the reporting period to screen for compliance with these required discussions and proof of employee consent. Authorities reported a 96 percent compliance rate from this audit but did not provide information on the circumstances of, or consequences for, the four percent of cases in violation.

Regulations promulgated in 2017 ostensibly aimed at better protecting foreign fishermen contained provisions allowing brokers to charge unlimited fees for recruitment and unspecified "reasonable service items," which likely perpetuated debt-based coercion. During the reporting period, authorities amended the Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels to revoke or deny licensure to Taiwanese individuals who owned foreign-flagged fishing vessels engaged in forced labor; they did not provide information on the implementation of this amendment. Authorities also required all Taiwan-flagged DWF vessels to have an International Maritime Organization identification number or Lloyd's Register registration number to obtain a DWF operating license, and to log these registration numbers along with their radio callsigns, vessel names, license numbers, authorized fishing areas, and crew lists in a standardized FA database for 24-hour monitoring. However, these regulations did not apply to Taiwan-owned, foreign-flagged vessels. While lauding this as a positive step, many civil society observers stressed that increasing the transparency of the vessel monitoring system—particularly by publishing information on vessel ownership and operating location—would significantly improve anti-trafficking coordination between the authorities and maritime labor NGOs. Civil society groups noted overlapping mandates and procedural gaps between the MOL and the FA continued to hinder effective oversight of labor conditions in the fishing industry. In 2020, the FA sponsored a national university to conduct a field study on labor rights within the DWF. In June 2020, Taiwan's Control Yuan issued an investigative report on the impact of insufficient migrant labor oversight practices on the October 2019 Nanfang'ao bridge collapse that killed several migrant fishermen and injured others. The report called on the MOL and FA to improve working conditions and ensure employers' compliance with existing requirements, including on the enrollment of migrant fishermen in mandatory labor insurance that provides for workers' compensation. NPA and NIA sponsored and conducted internal surveys and evaluations to enhance anti-trafficking law enforcement and interagency work.

In an effort to reduce dependence on recruitment brokers, MOL continued to hold informational sessions to educate members of various industries on direct hiring options. An online Direct Hiring Service Center (DHSC) allowed employers to hire foreign workers without utilizing brokers who may charge illegally excessive fees. In prior years, NGOs noted the DHSC was not used widely enough to significantly reduce brokerage vulnerability; however, in 2020 more than 5,000 employees and 5,800 employers benefitted from the service, demonstrating an annual utilization increase of 14.4 percent and 16.7 percent, respectively. Authorities made permanent a small direct-hire pilot program initiated in 2019 to bring foreign workers into Taiwan's agricultural sector, but civil society contacts claimed the program was not designed to adequately screen for sending countries' compliance with recruitment fee elimination or other vulnerabilities. Most employers continued to deem it easier and more expedient to use brokers, and labor rights groups continued to call on the authorities to eliminate legal loopholes that enable excessive fees. Taiwan maintained a broker evaluation system initiated in 2015 that could revoke the business licenses of low-scoring brokerage firms and impose fines for certain violations, including imposition of illegal fees. During the reporting period, the MOL fined one broker for illegal confiscation of migrant worker's identity documents and 11 brokers for charging illicit recruitment fees (unreported in 2019). The FA also reported using a similar evaluation system to conduct annual reviews of 49 authorized DWF

recruitment agencies (43 in 2019), of which it suspended one and revoked the license of another (compared with two suspensions in 2019). In 2020, three DWF recruitment agencies received fines of 1 million NT (\$35,620) each (compared with two in 2019; four in 2018; and six in 2017). Civil society observers continued to express concern the evaluation system could not be sufficiently objective or accurate in detecting abuses, including forced labor, because the authorities provided brokers with advance notification prior to inspections. Human rights NGOs claimed the system would be more effective with unannounced inspections, and if the authorities granted NGOs a role in the formal approval and licensure review process.

Despite Taiwan's unique diplomatic status, it maintained bilateral trafficking memorandums of understanding (MOUs) with 22 foreign countries; this included a new MOU with the Philippines on immigration affairs and trafficking prevention signed during the reporting period. Among these agreements, some did not outline adequate screening for forced labor aboard Taiwan-owned and -flagged or Taiwan-owned, foreign-flagged fishing vessels docking at certain designated foreign vessel harbor areas. Authorities made efforts to reduce the demand for commercial sex acts, including through Tourism Bureau awareness campaigns and industry training sessions.

### TRAFFICKING PROFILE

As reported over the last five years, human traffickers subject foreign men and women to forced labor and sex trafficking in Taiwan, and they subject local men and women to forced labor and local women and children to sex trafficking. Traffickers also subject Taiwanese people to forced labor in some European countries. Taiwan women and children are subjected to domestic sex trafficking, including as part of an increasing trend in which traffickers induce and exploit Taiwan and foreign women's and children's drug addictions. Taiwan traffickers increasingly use the internet, smartphone apps, livestreaming, and other such online technologies to conduct recruitment activities, often targeting child victims, and to mask their identities from law enforcement. Taiwan traffickers also exploit persons with disabilities in sex trafficking.

Traffickers lure women from China and Southeast Asian countries to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking. Many trafficking victims are migrant workers from Indonesia, the Philippines, Thailand, Vietnam, and, to a lesser extent, individuals from China, Cambodia, and Sri Lanka. Indonesian, Vietnamese, and Thai nationals continue to represent the majority of foreign sex trafficking and forced labor victims in Taiwan. Taiwan is host to approximately 714,000 foreign workers, most of whom are hired in their home countries through recruitment agencies and brokers – including some from Taiwan – to perform low-skilled work as home caregivers and domestic workers (34 percent), or in farming, manufacturing, meat processing, construction, and fishing. In order to pay brokers' often exorbitantly high recruitment fees and deposits, some foreign workers incur substantial debts, which the brokers or employers use as tools of coercion to obtain or retain their labor. After recruitment fee and guarantee deposit repayments are garnished from their wages, many foreign workers in Taiwan earn significantly less than the minimum wage. Foreign workers who leave their contracted positions—nearly 50,000 at any given time—are at particularly high risk of trafficking because they lose their immigration status and access to formal sector employment; some of them initially flee due to abusive work conditions, including forced labor. Domestic workers and home caregivers are also especially vulnerable to exploitation, since they often live in their employers' residences, making it difficult to monitor their working and living conditions. One NGO survey found that 90 percent of all migrant domestic caregivers have their travel and identity documents withheld by their employers, constituting a significant freedom of movement concern. Brokers in Taiwan sometimes assist employers in forcibly deporting "problematic"

foreign employees should they complain, enabling brokers to fill the empty positions with new foreign workers facing continued debt-based coercion. Some traffickers use Indonesian-owned stores in Taiwan as illegal remittance channels, confining Indonesian workers and subjecting them to sex trafficking. Traffickers reportedly take advantage of relaxed visa requirements under Taiwan's "New Southbound Policy" to lure Southeast Asian students and tourists to Taiwan and subject them to forced labor and sex trafficking. According to NGOs, more than 200 for-profit universities in Taiwan aggressively recruit foreign students—particularly Indonesians—and subsequently place them into exploitative labor conditions under the pretense of educational opportunities. These students are often unaware of the work component prior to arrival and reportedly experience contract switching, excessive working hours, and poor living conditions contrary to their original agreements. University students from Sri Lanka and Eswatini who traveled to Taiwan under similarly deceptive circumstances have been subjected to coerced labor with extremely harsh working conditions in slaughterhouses and meat processing factories.

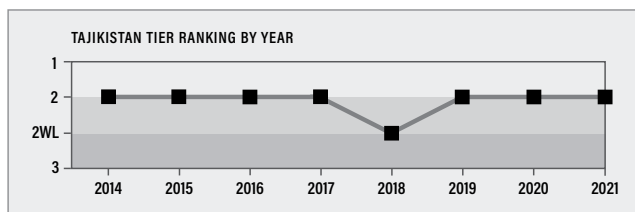
Documented and undocumented Chinese, Indonesian, Filipino, and Vietnamese fishermen working on Taiwan-owned and -flagged and Taiwan-owned, foreign-flagged fishing vessels experience non- or under-payment of wages, long working hours, physical abuse, lack of food or medical care, denial of sleep and substandard safety equipment, and poor living conditions while indebted to complex, multinational brokerage networks through the continued imposition of recruitment fees and deposits. Migrant fishermen have reported senior crewmembers employ such coercive tactics as threats of physical violence, beatings, withholding of food and water, retention of identity documents, wage deductions, and non-contractual compulsory sharing of vessel operational costs to retain their labor. These abuses are particularly prevalent in Taiwan's DWF, comprising 1,140 Taiwan-owned and -flagged fishing vessels, as well as on 230 Taiwan-owned, foreign-flagged fishing vessels operating thousands of miles from Taiwan and without adequate oversight. According to FA estimates, approximately 8,000 Filipinos and more than 20,000 Indonesians work onboard DWF vessels. Senior crew force migrant workers to fish illegal stock, including threatened, endangered, and protected species, placing them at higher risk of criminal repercussions. Many ships remain at sea for years at a time, selectively disabling their transponders and stopping at "refrigeration mother ships" or remote, uninhabited islands to resupply, transfer victims to other ships, and offload illegally caught fish while avoiding detection by law enforcement. Owners or operators can easily change their fishing vessel's names and nationality of registry to evade detection by law enforcement. Some migrant fishermen subjected to forced labor onboard international fishing vessels transit Taiwan ports, especially Kaohsiung, en route to other maritime locations. Men and women from Taiwan engaged in telephone scams overseas reportedly present indicators of trafficking.

## TAJIKISTAN: TIER 2

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Tajikistan remained on Tier 2. These efforts included achieving a significant increase in trafficking convictions; providing shelter to more victims than the previous year; and continuing to conduct and participate in training sessions on legislation, investigative methods, and victim identification. However, the government did not meet the minimum standards in several key areas. The government did not approve standard operating procedures (SOPs) for the national referral mechanism (NRM) for the third consecutive year, constraining victim identification and interagency



anti-trafficking coordination. Despite allegations of possible official complicity in some localities, the government did not report any criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.



### PRIORITIZED RECOMMENDATIONS:

Adopt and implement standard operating procedures for identifying trafficking victims and referring them to care. • Train law enforcement to screen for signs of trafficking among vulnerable groups, including adults in commercial sex, LGBTQI+ individuals, foreign and returned Tajikistani migrant workers, Tajikistani nationals employed in local Chinese enterprises, and children and adults working in the cotton sector. • Ensure victims are not penalized for unlawful acts traffickers compelled them to commit. • While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking, and sentence and incarcerate convicted traffickers with significant prison terms. • Continue to contribute funding and in-kind support to provide comprehensive care to victims and expand available protection services for male victims. • Increase oversight of provincial and local authorities' seasonal labor recruitment processes to ensure no adults or children are subjected to forced labor in the cotton harvest and hold those in violation criminally accountable. • In partnership with international organizations, conduct screening among women and children returned from Iraq, Syria, and Afghanistan for trafficking and child soldiering indicators, respectively, and provide them with rehabilitation and reintegration support. • Improve the collection of anti-trafficking law enforcement data and statistics on labor migration trends. • Increase awareness of pre-departure and post-return support services available to Tajikistani migrant workers. • Provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement in or facilitation of trafficking crimes and to increase their capacity to identify and assist victims. • Monitor private employment agencies for recruitment fees charged to workers and take steps to eliminate employee-paid fees.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 130.1 and Article 167 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 167 defined child trafficking broadly to include illegal adoption without the purpose of exploitation; as such it was difficult to ascertain how many cases investigated, prosecuted, and convicted under Article 167 featured elements consistent with the standard definition of trafficking.

Redirection of government resources for pandemic mitigation constrained anti-trafficking law enforcement efforts. The government investigated 10 trafficking cases involving 21 suspected perpetrators in 2020, compared with 19 cases involving 32 suspected traffickers in 2019. The government did not provide updated information on an investigation initiated in 2017 into four private employment agencies suspected of facilitating the trafficking of Tajikistani victims in Saudi Arabia, nor on the investigation of a suspected Tajikistani trafficker allegedly residing in Germany initiated in a prior reporting period. The government prosecuted 14 trafficking cases involving 26 defendants in 2020, compared with 20 cases involving 35 defendants

in 2019. Courts convicted all 26 individuals—a significant increase from four convictions in 2019; the government did not provide sentencing data for these convictions, compared with four traffickers receiving reduced sentences of two years' probation each in 2019.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Some state employees may have been subjected to forced labor as part of provincial authorities' efforts to increase participation in the annual cotton harvest, although no information was available on compensation, methods of recruitment, or consequences for inability or unwillingness to participate. Although authorities opened a criminal case into a senior military official for exacting bribes in exchange for exempting an individual from mandatory military service—an arrangement under which failure to pay has often resulted in kidnapping and forcible conscription—the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for cadets as part of its training academy curriculum. State university law students received training on trafficking legislation and investigative techniques as part of a government-mandated curriculum. The government also cooperated with an international organization to train judicial officials on methods for successfully prosecuting trafficking cases in criminal courts. Tajikistan maintained a joint law enforcement agreement with the Commonwealth of Independent States that included anti-trafficking provisions, but authorities did not report information on whether the agreement was implemented in 2020.

### PROTECTION

The government maintained protection efforts. Tajikistan continued to operate under an NRM that included formal written procedures outlining some screening, referral, and assistance protocols, but these were generally insufficient to guide interagency anti-trafficking work. In 2018, the government established a working group to append the NRM with SOPs for victim identification; for the third consecutive year, authorities did not take action to adopt these guidelines. Authorities identified 24 trafficking victims during the reporting period, compared with 53 in 2019, and referred 15 to protection services (unreported in 2019). The government did not provide additional information on the victims' nationalities, genders, ages, locations, or types of exploitation. Article 30 of the trafficking law mandated the creation of governmental and private institutions to directly aid victims with food and shelter in addition to social, legal, and reintegration assistance; despite these provisions, an international organization continued to fund most victim protection services. A 2014 victim protection law ostensibly formalized the roles of agencies tasked with providing services and established standards for service delivery among government and NGO providers. However, absent standardized and promulgated victim identification procedures, roles and responsibilities among key stakeholder ministries remained unclear. In practice, observers noted official victim status designation required a complex application procedure that may have prevented some victims from accessing care. The government's Trafficking in Persons Center continued to train law enforcement and other government employees on screening for trafficking indicators, and some government officials benefited from additional training sessions on victim support provided by an international organization. Gaps remained in the implementation of victim protection law; Tajikistani law enforcement agencies did not develop procedures to grant legal status to victims, forcing some victims to pay for legal and medical services otherwise provided by the government. Civil society observers noted Tajikistan's diplomatic presence in key labor migrant destination countries—most notably in Russia—were poorly equipped to identify and assist Tajikistani trafficking victims and other vulnerable migrants stranded due to pandemic-related travel restrictions.

In January 2021, the Ministry of Health assumed managerial control over the country's sole dedicated trafficking shelter, which formerly was run by an NGO. The government provided 253,670 Tajikistani somoni (\$22,400) for the shelter's operating costs, medical assistance for victims, legal consultations, and partial funding of staff salaries in 2020; this allocation was renewed to the amount of 250,000 somoni (\$22,080) in 2021, an increase compared with 242,000 somoni (\$21,370) in 2019. The shelter assisted 28 victims in 2020, compared with 20 in 2019; all residents were female. The government did not report if the shelter could accommodate male victims. Neither the government nor NGOs provided residential shelter services outside of Dushanbe, and there were no options for longer-term victim support. Insufficient human and financial resources reportedly constrained delivery of psycho-social care and funding for victim reintegration services, respectively.

Despite provisions in the 2014 law outlining security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses or their advocates. Foreign victims agreeing to cooperate with law enforcement agencies had the legal right to request temporary residency, subject to a one-year extension upon completion of criminal proceedings against their traffickers; no such cases were reported in 2020 (no cases in 2019). Beyond residency, the 2014 victim protection law did not link other benefits to victims' participation in trials, and protection services were available regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

In February 2021, the government announced plans to repatriate hundreds of Tajikistani women and children from camps in Syria, some of whom may have been trafficking victims, in continuation of a 2019 process that was subsequently suspended in 2020 as a pandemic mitigation measure. However, the government did not report if it had initiated any of these repatriations at the close of the reporting period. The government kept 84 children returned from Iraq in 2019 in state custody, allegedly as a public health precaution; international organizations were only able to assess the living conditions of 25 of these children, and the government did not report previously conducting or planning to implement victim screening or referral procedures among them or forthcoming adult returnees. At the government's request, an international organization assisted in the return of more than 200 Tajikistani nationals formerly stranded elsewhere in Central Asia due to pandemic-related border closures. This figure represented a small fraction of the 10,000 migrant workers estimated to have returned to Tajikistan as a result of the pandemic in 2020, and authorities reportedly did not have sufficient resources to screen any of these returnees for trafficking indicators or refer them to protection services.

Amendments to Tajikistan's administrative code in 2019 increased the penalties for individuals engaged in commercial sex to include fines and a maximum detention period of 15 days; absent robust identification practices, authorities may have penalized some unidentified victims for unlawful acts their traffickers forced them to commit. Officials sometimes temporarily detained sex trafficking victims with their traffickers but later released and referred them to protective care. In previous years, law enforcement officials routinely deported foreign migrant workers without adequate screening for potential trafficking indicators; with the closure of international borders as a pandemic mitigation measure, no information was available on such deportations in 2020. Law enforcement officers did not attempt to identify sex trafficking victims proactively during raids on businesses suspected of engaging in commercial sex, nor within sectors known for forced labor.

## PREVENTION

The government maintained efforts to prevent trafficking. The 2014 law outlined a framework for the government to address human trafficking and established a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts.

The commission maintained a National Action Plan (NAP) for Counteracting Trafficking in Persons for 2019-2021 and reportedly began developing a 2022-2025 plan in conjunction with an international organization at year's end. Civil society organizations worked with trafficking victims to contribute to the 2019-2021 NAP, and the government tasked state ministries to provide implementation updates every six months; however, authorities did not report whether these meetings took place amid pandemic mitigation measures. The government operated a 24-hour hotline for potential victims but did not provide information on how many calls led to the identification of trafficking cases in 2020, compared with 19 in 2019. Authorities referred all cases identified through the hotline to an international organization. As a result of pandemic mitigation policies, the government did not conduct any awareness-raising campaigns, but some local authorities participated in NGO awareness-raising activities in several areas of the country. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students.

Limited media accounts indicated local government officials in at least one locality may have required some state employees to participate in the annual cotton harvest during the reporting period, but no further information was available on the presence of forced labor indicators. Unlike in previous years, authorities did not report whether the Ministry of Education disseminated letters to local governments highlighting prohibitions against the use of child labor in the annual cotton harvest. These prior government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. MIA officials instructed local authorities to report incidents of forced or child labor, but no such reports were issued in 2020. It was unclear if the government assigned inspectors to conduct monitoring for child labor in the cotton harvest in continuation of a practice begun in 2010. During previous harvests, NGOs independently monitored the fields on an informal basis for forced labor concerns; no information was available on the extent to which this monitoring took place amid pandemic mitigation measures. The Ministry of Labor (MOL) invited an international organization to conduct independent inspections during the 2020 cotton harvest season, but these inspections did not occur due to insufficient funding.

The closure of international borders as a pandemic mitigation measure led to a 76 percent decrease in the number of Tajikistani nationals traveling abroad for work. However, endemic corruption continued to contribute to the illicit movement of persons across international borders; limited accounts indicate some officials reportedly accepted bribes to allow foreign nationals to enter and exit the country despite these restrictions. Entities engaged in the recruitment of workers for employment abroad were legally required to obtain licenses from migration authorities, and the law established punitive measures for violations; however, Tajikistan did not monitor for the imposition of worker-paid recruitment fees. The government did not report initiating investigations into labor recruitment firms suspected of trafficking, nor did it provide information on the status or outcomes of four such investigations initiated in 2019. The MOL maintained four pre-departure counseling centers in different regions of the country that provided migrants with information on the risk of trafficking prior to travel abroad. However, observers noted incomplete and disparate data collection on migration among key stakeholder agencies, poor interagency coordination, and deficient cooperation with destination country counterpart entities continued to constrain effective prevention measures among vulnerable labor migrants. A survey conducted by a civil society organization found only 10 percent of Tajikistani migrant workers were aware of support services available to them. In previous years, the pre-departure centers sought to assist migrant workers in diversifying geographical options for work abroad; it was unlikely this work continued in 2020 due to pandemic mitigation measures restricting international travel. The government continued to implement a road map for reintegrating returning migrants banned from re-entering Russia but did not

maintain or provide updated information on how many individuals were eligible for this program, nor did it maintain updated statistics on the total number of Tajikistani nationals living and working abroad. Authorities at times were reportedly uncooperative with foreign donor organizations implementing programs to prevent trafficking among vulnerable migrant populations. Tajikistan maintained international labor agreements with Qatar and the United Arab Emirates (UAE).

The government continued to identify and grant residency to members of Tajikistan's vulnerable stateless population, which consisted primarily of former Soviet citizens, in accordance with an amnesty law that benefitted 20,000 individuals in 2019. In 2020, authorities identified and registered 693 individuals under this program; 44 among them received residence permits (unreported in 2019). The government also worked with an international organization to register nearly 3,500 persons of unknown national origin, and it confirmed the nationality of over 4,000 Tajikistanis at risk of becoming stateless. The government did not report anti-trafficking training for its diplomatic personnel. The government made no efforts to reduce the demand for commercial sex acts.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit victims from Tajikistan abroad and, to a lesser extent, traffickers exploit domestic and foreign victims within Tajikistan. Extensive economic migration exposes Tajikistani men, women, and children to the risk of human trafficking. Labor traffickers exploit Tajikistani men and women in agriculture and construction primarily in Russia, UAE, Kazakhstan, and Saudi Arabia, as well as in other neighboring Central Asian countries, Turkey, and Afghanistan. Labor traffickers exploit men in agriculture, construction, and at markets in Tajikistan; there are limited reports of domestic sex trafficking of men. Sex traffickers exploit women and children from Tajikistan most commonly in Turkey, UAE, and Russia, and also in Saudi Arabia, Kazakhstan, Georgia, India, and Afghanistan, as well as within Tajikistan.

International organizations estimate there are nearly one million Tajikistani nationals living and working in Russia, primarily employed in construction, agriculture, industry, domestic work, and transport; thousands of men, women, and children among them are vulnerable to forced labor. Women traveling with their husbands abroad for this work are also reportedly at elevated risk of sex trafficking and other forms of exploitation. Widespread unemployment and economic hardship among Tajikistani migrant workers in Russia and Kazakhstan following the closure of businesses and work sites during the pandemic have led to a significant drop in earned income and remittance transfers, leaving these migrant workers and their families in Tajikistan more vulnerable to trafficking. Fearing a ban from reentry into Russia if detected, some unemployed Tajikistani migrant workers remained in Russia under irregular immigration status rather than returning home; traffickers are then able to leverage threats of deportation as a coercive tool to secure and retain their forced labor or to compel them into sex trafficking. Some men among the approximately 2,000 Tajikistanis who have traveled to Syria, Iraq, and Afghanistan to fight alongside or seek employment within armed groups are subsequently subjected to forced labor in cooking, cleaning, and portering. Tajikistani women and children traveling with these men, at times under deception, are also vulnerable to sex trafficking and forced labor on arrival; some are reportedly placed alongside other Central Asian family members in makeshift camp communities, where their travel and identity documentation is confiscated and their freedom of movement is restricted. Many of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may feature corollary sex trafficking or forced labor indicators. Some women who have traveled to Syria or Iraq with promises of marriage have instead been sold into sexual slavery. Some children of Tajikistani ISIS combatants in Iraq and Syria are reportedly trained for deployment in combatant roles. Traffickers transport Tajikistani women and girls

to Afghanistan and force them into marriages that feature elements of sex trafficking and forced domestic service, including through debt-based coercion. Traffickers exploit Tajikistani children in sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan.

Some Tajikistani migrant workers in Russia and Kazakhstan abandon their families, compounding financial hardships among women and their children and thereby increasing their vulnerability to traffickers within Tajikistan. Accordingly, children left at home unaccompanied for long periods of time while their mothers seek supplementary employment are at increasingly high risk of sex trafficking. As of 2020, 257,000 Tajikistani migrant workers were banned from reentering Russia as a result of alleged immigration violations; these individuals are vulnerable to trafficking due to unemployment and economic hardships. Tajikistani women evicted after suffering intimate partner violence—which has reportedly increased amid in-home quarantine measures and a significant decrease in the number of Tajikistani men able to work abroad during the pandemic—are also at higher risk of sex trafficking.

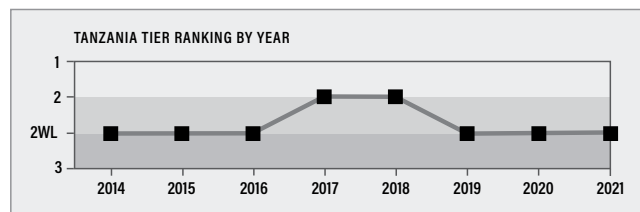
Tajikistani children and adults may have been subjected to forced labor in agriculture—mainly during Tajikistan's fall cotton harvest—and in dried fruit production. Some boys, particularly from economically disadvantaged rural communities, are vulnerable to kidnapping by government personnel for the purpose of forcible conscription into military service as part of annual "*oblava*" recruitment sweeps. The government reportedly subjects some citizens to participate in manual labor, such as cleaning roads and park maintenance. Tajikistani nationals employed by Chinese companies engaged in local construction projects experience wage irregularities, threats of termination, and other labor rights violations that may be indicative of forced labor. Some Afghan and Bangladeshi citizens are victims of forced labor in Tajikistan, including in the construction industry. Tajikistani nationals may be vulnerable to forced labor in illegal artisanal coal mines located near formalized commercial mining operations. In past years, police have at times used a punitive registry containing the names of LGBTQI+ individuals to blackmail some members of these communities into sex trafficking and forced informant roles. LGBTQI+ individuals are vulnerable to trafficking amid widespread discrimination that often jeopardizes their employment status or prospects in the formal sector and complicates their access to justice. Widespread social stigma and discrimination against LGBTQI+ individuals also compound their vulnerability to family-brokered forced marriages that may feature corollary sex trafficking or forced labor indicators.

## TANZANIA: TIER 2 WATCH LIST

The Government of Tanzania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing funding for the anti-trafficking committee to implement the national action plan and allocating resources to the victim assistance fund. The government identified more victims and referred them to shelter services; it also repatriated Tanzanian and foreign victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government did not amend its law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking crimes unlike other grave crimes. Courts convicted fewer traffickers and did not impose penalties that were sufficiently stringent. The government continued to lack formal victim identification and protection mechanisms and a victim witness protection program and, consequently, penalized victims and compromised their safety. The government did not investigate nor prosecute fraudulent labor



recruitment companies, nor did not make efforts to reduce the demand for commercial sex acts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Tanzania was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Tanzania remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Fully implement the provisions of the 2008 anti-trafficking law, as outlined in the implementing regulations and the national action plan. • Continue to develop and implement standard operating procedures (SOPs) for victim identification and referral to services and train officials on SOPs, especially to identify vulnerable populations including impoverished and orphaned children, Tanzanians migrating for work abroad, Burundian refugees, North Korean workers, Chinese workers, and Cuban medical professionals. • Amend the 2008 anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment and align the procedural law pertaining to trafficking-related arrests within the act with the requirements for other serious crimes. • While respecting due process of law and human rights, increase efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials, and impose adequate penalties in accordance with the law. • Institutionalize the use of a national centralized anti-trafficking data collection and reporting tool and increase information sharing. • Increase funding and resources for the Anti-Trafficking Committee (ATC) and Anti-Trafficking Secretariat (ATS) to combat trafficking. • Draft, adopt, and allocate resources to implement a new national action plan to combat trafficking. • Implement and enforce strong regulations and oversight of labor recruitment companies, including investigating and prosecuting fraudulent labor recruitment. • Increase migrant worker protections by eliminating recruitment fees charged to migrant workers; increasing employer security deposits, minimum salaries, and pre-departure training for migrant workers; establishing a mutually enforceable standard contract, a complaints mechanism for returning workers, and a public blacklist of abusive employers; and requiring exit interviews and embassy approval of residency permits of migrant workers. • Expand anti-trafficking public awareness campaigns to families, schools, and community leaders. • Implement a systematic victim-witness support program.

### PROSECUTION

The government maintained mixed anti-trafficking law enforcement efforts. The 2008 Anti-Trafficking in Persons Act criminalized sex trafficking and labor trafficking and prescribed punishments of two to 10 years' imprisonment, a fine between 5 million and 100 million Tanzania shilling (TZS) (\$2,160 to \$43,220), or both for offenses involving adult victims, and 10 to 20 years' imprisonment, a fine between 5 million and 150 million TZS (\$2,160 to \$64,820), or both for those involving child victims. These penalties were sufficiently stringent but, with regard to sex trafficking, by allowing a fine in lieu of imprisonment, the penalties were not commensurate with those for other serious crimes, such as rape. The Anti-Trafficking Secretariat drafted an amendment to the 2008 anti-trafficking law; Parliament had not yet reviewed the amendment by the end of the reporting period. The 2008 anti-trafficking law contained a separate procedural provision that required police to obtain a warrant before making a trafficking-related arrest; this provision created a higher threshold for law enforcement that does not exist for other similarly serious crimes, which may hinder prosecution efforts.

The government did not maintain a centralized law enforcement data system on trafficking crimes, hindering the government's ability to disaggregate national human trafficking statistics. The government investigated 19 trafficking cases and arrested 21 suspected traffickers during the reporting period, compared with investigation of 17 cases during the previous reporting period. The government initiated 18 prosecutions involving 18 alleged defendants and convicted three traffickers under the 2008 anti-trafficking law; compared with 18 prosecutions and eight convictions in the previous period. One perpetrator received a three-year prison sentence for child sex trafficking, one perpetrator received a fine of 10 million TZS (\$4,320) in lieu of imprisonment for child sex trafficking, and one perpetrator received a conditional release instead of a prison sentence for attempting to exploit a child, possibly in labor trafficking. The sentence of a conditional release and the fine in lieu of imprisonment were inadequate and did not reflect the seriousness of the respective crimes. In December 2020, a local court arraigned a Somali Tanzanian citizen for allegedly trafficking six Burundian women to Saudi Arabia for domestic servitude; the case was ongoing at the end of the reporting period. Zanzibar, an autonomous state, had yet to adopt the 2008 anti-trafficking law and did not report law enforcement statistics at the end of the reporting period. Zanzibar police were not trained on trafficking investigations and communities in Zanzibar generally addressed potential trafficking cases without seeking law enforcement intervention. Corruption within the judicial system and official complicity in trafficking crimes remained significant concerns and inhibited law enforcement action during the year. The government arrested five police officers and initiated investigations for complicity in human trafficking compared to zero investigations during the previous reporting period; the cases remained ongoing at the end of the reporting period.

Although the government did not maintain a national database on human trafficking crimes, the government reported collaborating with NGOs to compile law enforcement data. Authorities in police, immigration, and the prosecution office provided monthly reports on human trafficking crimes to ATS. The government continued to provide support for human trafficking modules in ATS training curricula, used by law enforcement and other stakeholders, but the government did not report how many new police recruits received this training during the reporting period. The government collaborated with the Government of Mozambique to collect evidence for their investigation of a human trafficking case involving a Tanzanian defendant. In collaboration with the Government of Botswana, the government arranged travel for three Tanzanian witnesses to testify against alleged Tanzanian perpetrators in a child trafficking case in Botswana.

### PROTECTION

The government increased protection efforts. The implementing regulations of the 2008 anti-trafficking law required police and immigration authorities to use standardized procedures and forms for case investigation and victim identification and referral. The government drafted standardized forms for identification and referral in a previous reporting period; however, it did not fully implement the procedures. The government reported identifying 165 potential trafficking victims, compared with 161 victims during the previous reporting period. The government referred all of these potential victims to either NGO-run shelters or government-vetted and trained host families for assistance during the reporting period, compared to only 28 during the previous reporting period. Of the 165 identified and referred victims, 145 were female, 20 were male, 139 children, and 26 were adults; this compares to 159 females, two males, one adult, and nine unknown identified and referred victims during the previous reporting period. In January 2021, the government identified, referred to care, and reintegrated into their home communities 38 disabled victims exploited in forced begging in Dar es Salaam. Separately, ATS reported reintegrating 42 child trafficking victims with their families. In 2020, the government finalized and launched the National Guidelines for Safe Houses. The guidelines established standards for safe houses, which could provide

shelter for trafficking victims, and codified a joint plan to create and run government-operated shelters, offered guidelines for screening shelter residents for trafficking indicators, and provided for protection of human trafficking case files. The 2008 anti-trafficking law mandated the government provide victims with psychosocial counseling, family tracing and reunification, and temporary shelter; the government reported providing case management and services to victims it referred during the reporting period. The 2008 anti-trafficking law additionally mandated the government to provide a central repository of funds for victim protection support. In 2020, the government officially authorized adoption and implementation of the Anti-Trafficking Fund, which was approved in 2019; the government authorized ATS to oversee and manage the fund. However, the government did not report the number of victims that received support from the fund during the reporting period.

The government coordinated information sharing between ATS and the Department of Social Welfare; often social welfare officers worked closely with police and designated gender desk officers to address issues that impact women and to identify and refer victims to assistance. The government continued to rely on government-vetted NGOs to provide the vast majority of victim assistance. The government did not operate any domestic trafficking shelters; however, eight government-vetted shelters continued to operate in the country. Children's shelters provided access to government schools, vocational training, and separate accommodation for boys and girls. The government maintained referral agreements with vetted NGOs that managed shelters and NGO-run shelters provided medical care, psycho-social counseling, and family tracing for victims. The government continued to place children in specialized shelters, where they were enrolled in government schools or given vocational training, and had separate accommodations for boys and girls. Although NGOs continued to report female adult trafficking victims could seek assistance at a shelter dedicated to young girls, there were no shelters available for adult male trafficking victims. The government allowed foreign victims the same access to assistance, counseling, medical care, and training as domestic victims; however, an international organization reported some NGO-run shelters did not accept foreign victims. Civil society, NGOs, and government officials reported close collaboration in efforts to identify and refer victims to care and assistance.

The government repatriated two Tanzanian victims from abroad, one identified in Malaysia and the other in Iraq, during the reporting period; this is compared to 10 total repatriations in the previous reporting period. The government additionally collaborated with foreign governments and international organizations to facilitate the return of 21 Burundian victims identified en route to the Middle East and one Mozambican girl exploited in Tanzania. An international organization reported identifying 243 Burundian child victims in Tanzanian refugee camps and facilitated their return to Burundi. The 2008 anti-trafficking law provided foreign victims legal alternatives to their removal to countries where their safety or that of their families may be endangered; however, during the reporting period, the government did not grant residency or temporary stay to trafficking victims. The government provided assistance to foreign victims by facilitating travel documents and providing secure passage to borders. The government did not report penalizing victims for unlawful acts their traffickers forced them to commit; however, due to a lack of formal identification procedures, authorities reportedly deported, detained, and arrested some foreign human trafficking victims for working in the commercial sex industry and for immigration violations. NGOs and religious organizations reported authorities frequently incarcerated children and adults in the same detention centers, increasing children's risk of exploitation and abuse. The government did not make efforts to screen for victims among refugee, asylum-seeking, and children, despite their vulnerability to trafficking.

Victims typically testified in trafficking cases, but the Whistle Blowers and Witness Protection Act of 2015 and the 2008 anti-trafficking law gave any victim of a crime, including trafficking victims, the option

to refuse to participate in prosecution efforts. The government did not implement the witness protection program for trafficking victims initiated in the previous reporting period, deterring some victims from testifying in court. Victims could testify during trial in private sessions or via video testimony; however, the government did not report victims using these options during the reporting period. The anti-trafficking law entitled victims to restitution from convicted traffickers; however, the government did not report awarding restitution during the reporting period.

## PREVENTION

The government minimally increased efforts to prevent trafficking. The government allocated more funding for ATS, the working-level national anti-trafficking coordinating body, from 100.5 million TZS (\$43,430) in 2019 to 120.3 million TZS (\$51,990) in 2020. Observers reported the increased funding was beneficial, but insufficient for ATS to undertake all of its anti-trafficking activities. ATC, the government entity responsible for the oversight and direction of ATS, had a mandate to meet quarterly but only met once during the reporting period due to insufficient funds. The government did not report continuing to implement efforts, begun in the previous reporting period, to restructure ATS and ATC and to expand the anti-trafficking roles of other government agencies to more effectively combat trafficking. In 2020, the Department of Social Welfare created a new position to coordinate anti-trafficking efforts among social welfare officers. In collaboration with the Government of Japan and an international organization, the government dedicated resources to immigration commissioners to monitor known traffickers, including labor traffickers in the fishing industry. Additionally, the Ministry of Livestock and Fisheries and the Office of the Prime Minister allocated 2.1 billion TZS (\$907,520) to counter illegal fishing and drug and human trafficking in the Indian Ocean and the country's lakes. The Department of Social Welfare, ATS, the Mwanza Police Gender Desk, and NGOs developed and mobilized a task force in Mwanza to identify child trafficking victims among street children. Local governments in Arusha, Dar es Salaam, Kigoma, Tabora, and Zanzibar formed task forces to increase local information-sharing on trafficking cases.

The government implemented some aspects of its 2018-2021 national action plan. The government collaborated with international organizations, NGOs, and civil society to draft a new national action plan; however, it remained pending at the end of the reporting period. The government collaborated with an international organization to organize three high-profile awareness raising events on human trafficking in Dodoma and Zanzibar. Activities included media campaigns on radio and television, a national dialogue on human trafficking, and high-level meetings with relevant stakeholders to discuss collaboration to combat human trafficking. ATS continued to partner with NGOs to facilitate and provide in-kind support for trainings for 400 teachers, community development officers, police officers, social welfare officers, immigration officers, religious leaders, and representatives from local government on trafficking trends in the region and victim identification in refugee camps. The Department of Social Welfare collaborated with the Ministry of Education to include human trafficking awareness modules in school clubs nationwide. The government continued to fund and publicize a national hotline operated by a local NGO to report child abuse, including child trafficking. In 2020, the government expanded the hotline to receive calls on sexual exploitation and accommodated both Kiswahili and English. The hotline identified 35 victims of human trafficking and 49 child forced labor cases.

Government agencies in mainland Tanzania and Zanzibar performed periodic inspections of large employers in an effort to detect cases of forced labor, but they did not report identifying any such cases during the reporting period. During the reporting period, the government did not report pursuing any investigations or prosecutions for fraudulent labor recruitment. To reduce the vulnerability of street children to traffickers, the government set aside 2 million TZS (\$864)

to facilitate the identification of potential child victims and their referral to assistance. In 2020, the government identified, referred to assistance, and reintegrated 67 children with their families; however, the government did not report the number of children that were identified as child trafficking victims.

The government did not report efforts to implement migrant worker protections, such as additional bilateral labor agreements with destination countries, a comprehensive labor migration law, pre-departure and vocational skills training, and funding for labor attachés at diplomatic missions abroad. The government reportedly had a bilateral labor agreement with Qatar but did not report implementing the agreement or signing any new agreements with other destination countries. The government continued to require Tanzanians to have valid passports and labor contracts with salary, leave, and health care provisions to obtain the necessary training certificate, a letter of permission, and an exit permit to migrate for work. The government continued to suspend the issuance of travel documents to departing Tanzanian migrant workers who could not provide a relevant training certificate for the overseas job; this step may have increased their vulnerability to trafficking when some subsequently chose to migrate through unregulated ways. The Companies Act of 2002 required recruitment agencies to be registered and licensed, and the government required recruitment agencies to provide migrant workers with training on worker rights and destination countries' laws prior to departure. Tanzanian embassies abroad continued to require employers to submit security deposits to the embassy to ensure that the employer would present the migrant worker upon arrival, so the embassy could verify that the worker arrived and possessed the proper documentation, including contract and passport. However, the government continued to report that in practice, recruitment agencies were not providing pre-departure training to migrant workers and an NGO previously argued the deposit amount was too small and an insufficient incentive for employers to present migrant workers upon arrival to the Tanzanian embassy. Observers continued to report ongoing challenges faced by migrant workers, including that Tanzanian contracts were often different from the destination country contract and usually not enforceable, sometimes migrant workers paid recruitment fees, there was no "blacklist" available for migrant workers to avoid previously abusive employers, and recruitment agencies operating in Tanzania would sometimes use "sub-agents," thereby skirting the registration requirements. The government continued to lack a complaint mechanism for returning migrant workers. While the government continued to provide anti-trafficking training to its diplomatic personnel, it did not always train the staff at foreign embassies to identify and assist trafficking victims. 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 Tanzania, and traffickers exploit victims from Tanzania abroad. Traffickers often dupe family members, friends, or intermediaries into aiding traffickers' in their exploitative tactics by fraudulently offering assistance with education, offering better living conditions, or securing employment in urban areas and abroad. The government reported that brokers sometimes enter communities to recruit and transport victims into trafficking situations. Impoverished and orphaned children from the rural interior, children with disabilities, and Burundian and Congolese refugees and migrants remain most at risk to trafficking. Traffickers exploit girls in domestic servitude throughout the country and in sex trafficking, particularly in tourist hubs along the border with Kenya. Women, children, internally displaced persons, and migrants may have been victims of forced labor or sex trafficking, Cuban medical workers working in Tanzania may have been forced to work by the Chinese and Cuban government, and Chinese nationals may have been forced to work by their employers, including Chinese state-owned enterprises. An NGO stated that traffickers target young girls from rural and impoverished villages, pay their parents a small fee, and coerce the girls into sex

trafficking, specifically targeting business people. Traffickers subject children to forced labor on farms—including as cattle herders and occasionally as hunters—in gold and gemstone mines and quarries, the informal commercial sector, and on fishing vessels operating in Tanzanian and international waters. Some unscrupulous individuals manipulate the traditional practice of child fostering—in which poor parents entrust their children into the care of wealthier relatives or respected community members—and subject children to forced labor as domestic workers. Some women and girls travel to Zanzibar from mainland Tanzania with promises of marriage or good jobs and then are forced to work as farm laborers.

Tanzanian fishermen work on fishing vessels with indicators of human trafficking. In 2017, an NGO reported 14 Indonesian trafficking victims were identified aboard a Malaysian-flagged fishing vessel and in 2018, another NGO reported that 12 Tanzanian trafficking victims were identified aboard a Chinese-flagged fishing vessel, both in Tanzanian territorial waters. Previous media reports indicate traffickers transported Tanzanian children with physical disabilities to Kenya and forced them to work as beggars or in massage parlors. In 2018, the Kenyan government identified 29 female Tanzanian potential victims in Kenya; the girls were to be taken to the United Arab Emirates (UAE) and to pay for their transportation fees with a kidney.

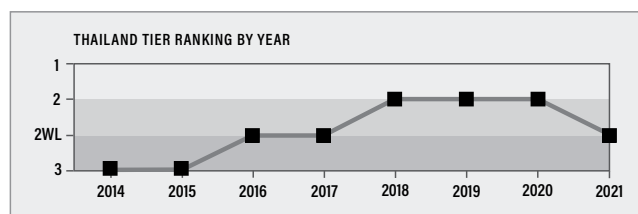
Traffickers sometimes subject Tanzanians to forced labor, including in domestic service, and sex trafficking in other African countries, the Middle East, Europe, Asia, and the United States. Observers reported traffickers and their victims increasingly transited Zanzibar en route for forced domestic service in Oman and the UAE. Observers reported Ethiopian migrants and victims transit through Tanzania en route to South Africa. Observers also reported Burundian victims are increasingly transiting Dar es Salaam en route to Oman, UAE, and Kenya. Citizens of neighboring countries may transit Tanzania before traffickers subject them to domestic servitude or sex trafficking in Kenya, South Africa, Europe, and the Middle East. Children from Burundi and Rwanda are increasingly subjected to child forced labor in Tanzania. Trafficking victims subjected to forced labor in Tabora were reportedly from rural areas of Kigoma—a region that hosts refugee camps and settlements. In 2019, North Koreans working in Tanzania may have been forced to work by the North Korean government.

## THAILAND: TIER 2 WATCH LIST

The Government of Thailand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included taking steps to improve coordination with civil society in trafficking investigations and victim protection, organizing trainings and workshops for prosecutors and judges on trauma-informed procedures, and initiating investigations of nine officials allegedly complicit in trafficking crimes. The government created working groups to consider adopting a reflection period for victims and a national referral mechanism and institutionalized the police division dedicated to combatting the online sexual exploitation of children. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government initiated significantly fewer trafficking investigations, prosecuted fewer suspects, and convicted fewer traffickers than in 2019. Despite widespread reports that forced labor was prevalent among migrant workers in many industries in Thailand, the government identified a low number of labor trafficking victims compared to the scope of the problem, officials often lacked an understanding of labor trafficking, and the government lacked standard procedures for labor inspectors to refer potential cases to law enforcement. Thai authorities have never reported identifying a victim of labor trafficking as a result of fishing vessel inspections conducted at ports. The government's provision of services to victims



remained inadequate, and some victims residing in government shelters lacked freedom of movement. Corruption and official complicity continued to impede anti-trafficking efforts, and the government convicted five complicit officials in 2020. Therefore Thailand was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

- Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.
- Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.
- Increase the ability of victims, especially adults, to move freely in and out of shelters and access communication devices and reassess shelter placements periodically to ensure victims are not required to remain in shelters longer than necessary.
- Ensure experienced officers respond to trafficking cases, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigating trafficking.
- Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.
- Ensure government and NGO-operated shelters provide victims with adequate trauma-informed and individualized care, such as legal assistance and psychological care.
- Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement.
- Consider legal alternatives to foreign victims' placement in shelters, such as enabling victims to exit the shelter system when they are ready to pursue outside employment opportunities.
- Do not make victims' formal identification and access to services dependent on their willingness to participate in investigations against their traffickers.
- Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims.
- Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.
- Enforce regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents.
- Increase efforts to ensure employers provide workers copies of contracts in a language they understand.
- Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

### PROSECUTION

The government decreased law enforcement efforts. Section 6 of the 2008 anti-trafficking law, as amended, criminalized sex trafficking and labor trafficking and prescribed penalties of four to 12 years' imprisonment and a fine of 400,000 to 1.2 million baht (\$13,370 to \$40,110) for offenses involving an adult victim, and six to 20 years' imprisonment and a fine of 600,000 to 2 million baht (\$20,050 to

\$66,840) 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 rape. An amendment to the 2008 anti-trafficking law in 2019 included a separate provision under Section 6/1, specifically addressing "forced labor or services", which prescribed penalties of six months' to four years' imprisonment, a fine of 50,000 to 400,000 baht (\$1,670 to \$13,370) per victim, or both. This provision prescribed significantly lower penalties for labor trafficking crimes than those already available under the existing human trafficking provision of the law. In addition, observers reported Section 6/1 created confusion among government officials investigating labor trafficking, especially in the absence of implementing guidelines.

During pandemic-related lockdowns, courts did not operate fully and postponed many hearings by at least two months. Courts permitted some witness testimony through online video platforms; however, technical difficulties also contributed to delays in trials. Pandemic-related border closures and international travel restrictions, and the subsequent reduction in both migration and tourism throughout the reporting period likely contributed to a reduction in new incidents of some forms of trafficking but also reduced the government's ability to detect the crime. In 2020, the government reported investigating 132 potential trafficking cases (288 in 2019), initiating prosecutions of 302 suspected traffickers (386 in 2019), and convicting 233 traffickers (304 in 2019). Courts sentenced approximately 76 percent of convicted traffickers to two or more years of imprisonment. During the previous reporting period, law enforcement frequently conflated trafficking and smuggling crimes, which contributed to an increased rate of prosecutors declining to pursue trafficking charges in cases referred to them. However this occurred less frequently in 2020; the trafficking litigation unit of the office of the attorney general (OAG) did not find sufficient evidence of trafficking in approximately 7 percent of cases with arrested suspects referred to them by law enforcement in 2020, which was a decrease compared to 18 percent in 2019. The number of sex trafficking investigations decreased from 185 in 2019 to 118 in 2020. However, NGOs reported that increasingly frequent and severe sentences imposed on sex traffickers in recent years has deterred the crime, including among owners of bars, restaurants, massage parlors, and other establishments. The government and NGOs reported an increase in online sexual exploitation, especially of children, during the reporting period. The Thai Internet Crimes Against Children Task Force (TICAC) received more than 260,000 tips from a U.S. based NGO on potential cases of child sexual exploitation, a significant increase compared to approximately 117,000 tips received in 2019. TICAC investigated 94 cases of internet crimes against children in 2020 (77 in 2019), including 22 cases of internet-facilitated child sex trafficking (26 in 2019). In September 2020, TICAC was made a permanent subdivision within the Royal Thai Police (RTP), with 17 dedicated officers.

The government reported investigating 14 potential cases of labor trafficking—including two cases involving the fishing sector—a significant decrease compared to 77 in 2019. NGOs observed that the lack of adequate investigations and prosecutions for labor trafficking stemmed in large part from a lack of understanding of forced labor among officials. In addition, officials often did not understand how to apply Section 6 and Section 6/1 in labor trafficking cases. Following the enactment of Section 6/1 in 2019, the Ministry of Labor was responsible for drafting implementing guidelines but has not done so, which contributed to the lack of understanding of how to interpret and implement the law. Observers reported law enforcement often did not fully investigate cases and subsequently were unable to prove document confiscation or debt were used as a means of compelling individuals to work. Labor officials did not consistently refer potential cases of forced labor to law enforcement, and there was not a standard procedure for labor officials to do so. Some officials were reluctant to pursue these cases due to their complexity. Police and labor inspectors did not consistently fully investigate migrant workers' reports of exploitation for trafficking indicators and often

identified trafficking cases as labor law violations without pursuing criminal prosecutions against traffickers. In addition, authorities sometimes pressured or intimidated workers to drop cases. Authorities often placed the burden on workers to prove their own exploitation and encouraged them to informally mediate with their employers, despite indicators of trafficking or clear violations such as confiscation of identity document and withholding of wages. Labor officials and law enforcement sometimes investigated the same cases separately for labor violations and criminal violations, rather than coordinating and investigating together, which sometimes jeopardized the success of criminal prosecutions. The frequent rotation of police officers also meant officers with experience working trafficking cases were rotated out of their positions and often replaced with inexperienced officers.

Contacts reported that law enforcement used the results of victim identification interviews as the final determination of whether a trafficking case existed. This was problematic because these interviews often occurred before potential victims had adequate time to recover from their exploitation and were dependent on what victims were able to remember or willing to disclose. Prosecutors and police did not consistently coordinate in the investigation stage of a prosecution, which sometimes contributed to trafficking cases failing at trial. In March 2021, the OAG created a center within its trafficking litigation unit to promote coordination among attorneys, victims, and other agencies. In addition, in early 2021 the unit conducted a study to assess trafficking prosecutions, which will be used to develop a strategy to improve the efficacy of prosecutions. Some victims were reluctant to participate in prosecutions due to fears of detention and extended shelter stays, a lack of adequate services, and fears of experiencing retaliation from traffickers. In an attempt to increase victims' willingness to participate as witnesses, Thai courts admitted advance and video testimony as evidence in trials; courts conducted 11 advanced hearings for 67 witnesses in 2020. Criminal courts provided a separate room for child victims to provide testimony through a video link during proceedings. Thai authorities also worked with authorities in neighboring countries to enable testimony from witnesses outside of Thailand, although some local NGOs previously reported an unwillingness among local police and prosecutors to do so. Prosecutors worked with NGOs to prepare victims to testify, and courts allowed NGO lawyers to serve as co-plaintiffs in some cases to legally support victims. However, the OAG did not have sufficient capacity to enable prosecutors to meet with and prepare all victims before trials, and NGOs recommended victims be increasingly partnered with NGO or private attorneys to provide this support. Government shelters enabled victims to participate in mock courts to prepare them for participating in proceedings against their traffickers; however, this often only consisted of a basic explanation of the court process and courtroom layout. The government provided approximately 4.8 million baht (\$160,430) for witness protection services for 51 witnesses in trafficking cases in 2019, compared to 2.4 million baht (\$80,210) for 93 witnesses in 2019.

The government operated specialized anti-trafficking divisions within the Bangkok Criminal Court, the OAG, Department of Special Investigation (DSI), and the RTP. The RTP's Thailand Anti-Trafficking in Persons Task Force (TATIP) specialized in investigating complex cases and comprised law enforcement, social workers, and NGOs. Some observers reported RTP did not effectively conduct trafficking investigations and victim identifications, especially within local police districts that lacked experience working trafficking cases. RTP's anti-trafficking in persons divisions (ATPD) reportedly did not have a sufficient number of officers to respond to the majority of trafficking cases throughout the country, including to inexperienced local police. While interagency coordination was effective in major cities, in some provinces observers reported weak communication among agencies and civil society. In collaboration with an NGO, the OAG organized a workshop with NGOs to improve collaboration in trafficking cases, which resulted in the establishment of points of contact within the OAG for with which NGOs were to coordinate. In addition, DSI held multiple meetings with civil society organizations to exchange

information and improve cooperation in investigations and victim protection. In 2020 courts issued forfeiture orders in 20 trafficking cases litigated by the anti-money laundering office (AMLO) for assets valued at approximately 10.6 million baht (\$354,280). Thai authorities continued to hold bilateral meetings with neighboring countries to facilitate information sharing and evidence gathering in trafficking cases. In addition, law enforcement officials cooperated with foreign counterparts to investigate the trafficking of Thai victims abroad.

RTP continued to hold an annual workshop for police officers with experience investigating trafficking cases, as well as seminars for police on investigations and victim identification; 580 police officers attended these workshops and seminars in 2020. RTP also organized a seminar attended by police commanders, Ministry of Social Development and Human Security (MSDHS) and Ministry of Labor (MOL) officials, and civil society representatives, on applying trauma-informed approaches in trafficking investigations. The OAG partnered with an NGO to organize trainings for 23 prosecutors on trauma-informed procedures in trafficking cases in July 2020. DSI and the Ministry of Interior organized trainings on child sexual exploitation, including internet-facilitated trafficking, which included speakers from Thai agencies as well as officials from foreign governments. The Courts of Justice collaborated with a foreign government to host a roundtable meeting for 49 judges and prosecutors to exchange best practices on prosecuting trafficking cases and using trauma-informed approaches with victims participating in the judicial process. In addition, the Office of the Judiciary held three seminars for judges in Chiang Rai, Trang, and Udon Thani on addressing evidentiary issues in trafficking cases. While the government made efforts to move some trainings online due to the pandemic, many trainings, especially in local districts, were not held in 2020. In addition, observers reported that trainings did not often reach many provincial level officials, which contributed to a lack of understanding of trafficking, especially forced labor.

Corruption and official complicity facilitated trafficking and continued to impede anti-trafficking efforts. NGOs' perceptions of corruption made them reluctant to work with the government or certain agencies in some cases. Some police may have purposely compromised investigations and failed to provide prosecutors sufficient evidence to prosecute trafficking cases. Some law enforcement officials were reluctant to investigate influential boat owners and captains, as well as other offenders who were or had connections to high-ranking government officials. However, observers reported DSI officers resisted intimidation by influential individuals connected to trafficking cases. For example, in December 2020, DSI arrested the owner of a fishing vessel who was also a local government official, for human trafficking charges. The Deputy Prime Minister chaired the National Committee on Prevention of Official Complicity in Human Trafficking, which created a center for receiving complaints of official complicity, took steps to provide rewards for officials who provided information related to trafficking cases, and worked with the media to report stories on officials working to combat trafficking. Following an outbreak of COVID-19 among migrant workers in Samut Sakhon in December 2020, the Prime Minister ordered police to establish a committee to investigate official complicity in the smuggling of migrant workers, which led to the investigation of 33 police officers and state officials.

The government reported initiating investigations of nine officials accused of complicity in trafficking crimes in 2020, compared with two investigations in 2019. Of these nine, one remained under investigation, RTP and DSI completed investigations of eight, and prosecutors found sufficient evidence to prosecute two. The government reported six were found to be negligent of their duties and subjected to disciplinary actions. Among previously reported cases, the government initiated prosecutions of eight allegedly complicit officials, and convicted and sentenced five to terms of imprisonment in 2020 (14 convictions in 2019). AMLO issued orders to seize approximately 1.2 million baht (\$40,110) in assets from two officials in trafficking cases in 2020. Of the 73 officials the government

investigated for official complicity since 2012, eight remained under investigation, four were under prosecutors' consideration, eight were under the consideration of the court of first instance, 32 were under appeal, eight were imprisoned, 11 were acquitted of charges, and two fled charges. The government utilized administrative punishments against some suspected complicit officials rather than criminally investigating and prosecuting them.

## PROTECTION

The government decreased efforts to identify and protect victims; officials identified significantly fewer victims in 2020 than in previous years, and it continued to make inadequate efforts to protect forced labor victims. The government identified 230 trafficking victims in 2020, compared with approximately 868 victims identified in 2019, and 631 in 2018. Of the 230 trafficking victims Thai officials identified, 81—who were mostly Thai—chose not to reside in government shelters, while eight victims resided in NGO government-registered shelters. The 148 trafficking victims whom MSDHS reported assisting in government and NGO shelters (a significant decrease from 610 in 2019) included 77 Thai and 71 foreign victims, 57 male and 91 female victims, and 78 victims of sex trafficking and 70 victims of labor trafficking (170 victims of sex trafficking and 440 victims of labor trafficking in 2019). The government did not report if immigration authorities screened migrants in immigration detention centers for victims of trafficking in 2020, compared with 7,156 screened in 2019. In the previous reporting period, NGOs reported that authorities decreased efforts to cooperate with them to screen for trafficking victims among this population.

MDTs, which comprised government agencies and NGOs, utilized standard screening guidelines to formally identify victims and refer them to services. Effective implementation of identification procedures by MDTs continued to be inconsistent throughout Thailand's 76 provinces, including due to a lack of understanding of trafficking among some officials. In some instances, civil society organizations reported identifying trafficking victims among those whom government officials screened but did not identify as trafficking victims. The government relied on MDTs, which sometimes included local police officers, provincial MSDHS staff, and local labor officials who did not have sufficient experiences working trafficking cases, to confirm an individual as a trafficking victim. The frequent rotation of police officers also meant officers with experience working trafficking cases were rotated out of their positions and often replaced with inexperienced officers, which prevented stable trafficking expertise in some MDTs. Some officials utilized practices during MDT victim interviews that hindered the ability of victims to recount their exploitation. For example, officials have allowed employers of potential victims to be present during victim interviews, some MDT interviews involved an excessive number of officials, and officials did not sufficiently coordinate during interviews. MDTs were also sometimes reluctant to make identifications unless a case was likely to result in a successful prosecution. Some officials failed to recognize trafficking cases that did not involve physical force or overt signs of coercion, such as delayed or non-payment of wages, debt-based coercion, and document confiscation. Anecdotal reports suggested some government officials were reluctant to receive complaints or to identify victims due to fears it would indicate law enforcement incompetence or a failure of the government's efforts to combat trafficking. The government continued to distribute a handbook in seven languages informing victims of their legal rights under the trafficking law, including access to services.

Section 29 of the anti-trafficking law required officials to take suspected trafficking victims into the government's custody for no more than 24 hours, or up to eight days with the permission of a court. During this period, MDTs conducted victim identification interviews, and formal identification by MDTs was necessary for victims to obtain a legal right to services, including access to the government's trafficking shelters. This acted as a significant barrier for some victims who were not physically or psychologically prepared to

undergo the MDT identification process to obtain services. Further, the absence of a suitable reflection period and where victims could access stabilizing services from the government did not allow officials sufficient time to build rapport and trust with victims, including to obtain sufficient information to make a formal identification and to encourage victims' participation in investigations. Consequently, victims frequently sought temporary care from NGOs, which did not receive government funding, before they were prepared to undergo the MDT interview process. During the reporting period, the government created a working group, which included civil society organizations, to consider adopting a national referral mechanism and reflection period for victims.

The government continued to refer victims formally identified by MDTs to government-operated shelters where they had access to counseling, legal assistance, medical care, civil compensation, financial aid, witness protection, education or vocational trainings, and employment opportunities. However, authorities made the provision of some services contingent upon victims' willingness to participate in law enforcement investigations. The government provided repatriation assistance to some victims regardless of whether they participated in law enforcement investigations. MSDHS operated 76 short-stay shelters and nine long-term regional trafficking shelters, including four dedicated to adult male victims and families, four for female victims, and one for male child victims. The government only permitted foreign victims who held a valid visa or work permit at the time of their identification to stay outside government shelters during legal proceedings against their traffickers. Undocumented foreign victims of trafficking were sometimes required to remain in government shelters while the government processed applications for permits to temporarily stay and work in Thailand; in some cases, after these permits were approved, victims were required to stay in government shelters. MSDHS trafficking shelters did not allow some victims—including adults—to leave without permission, which was determined on a case-by-case basis; only victims who received permission to work outside shelters could leave the shelter on a regular basis for work. Furthermore, victims were often required to stay in shelters until the completion of proceedings or advanced testimony against their traffickers, even in cases in which they were physically and psychologically ready to exit the shelter system. In addition, shelter staff sometimes required victims to obtain permission to make personal phone calls and often monitored their calls. While some shelters provided victims with routine phone access, it was reportedly standard practice to confiscate victims' personal cell phones when they entered shelters and in some cases shelter staff did not let victims immediately notify their families of their location and status. The government reported victims who had completed the process of participating as witnesses in prosecutions against their traffickers were permitted to use communication devices without supervision. Requiring victims to remain in shelters longer than necessary, combined with the restrictions on their movement and communication during shelter stays, likely contributed to some victims' re-traumatization and inhibited their ability to earn an income. For some foreign victims, especially Rohingya, the government did not identify suitable employment opportunities and some shelter officials cited fears Rohingya would "flee" shelters as a rationale for restricting their freedom of movement. The government permitted 52 victims to work outside shelters in 2020. While the government made efforts to reduce the length of prosecutions and thereby decrease the amount of time victims had to stay in shelters, the required shelter stays continued to deter foreign victims from cooperating with law enforcement, with some preferring to be deported to their home countries instead. The government permitted some victims to reside at and obtain services at three government-registered NGO shelters; although victims obtaining these services could still obtain compensation from the government's anti-trafficking fund, the government did not provide these shelters with additional funding to support their operations. In addition, observers reported strict requirements for NGO-operated shelters to receive permission to



assist formally identified victims made it challenging for additional NGOs to obtain this registration.

NGOs reported MSDHS shelter directors had significant influence over their individual shelters, which often resulted in inconsistent policies and provision of care to victims. While MSDHS increased the number of social workers and psychologists, government shelters often lacked adequate numbers of psychologists and staff trained on trauma-informed care, inhibiting victims from obtaining psycho-social care. Contacts reported that shelters did not always provide victims with individualized care or private counseling, and instead relied on group counseling sessions with social workers. Trafficking shelters dedicated to assist women primarily served sex trafficking victims and were not fully prepared to provide appropriate care to labor trafficking victims. MSDHS shelters were not equipped to provide adequate accommodations for victims with disabilities and did not provide specialized services to boys and LGBTQI+ victims. In 2020, MSDHS designated an area in every trafficking shelter to house and provide services to LGBTQI+ victims. Government shelters often lacked sufficient numbers of interpreters, especially for Rohingya victims, which weakened their ability to provide adequate services to victims; however the government reported organizing weekly schedules for victims to access interpreters while in shelters during the reporting period. NGOs reported interpreters who participated in victim identification interviews and in court proceedings were not always trained to assist in trafficking cases or often inappropriately communicated with victims, sometimes by attempting to convince victims to not report their exploitation or recommending they confess to unlawful acts their traffickers compelled them to commit. MSDHS provided vocational training activities in shelters, and victims could earn a minor income from activities such as craft-making. However, observers reported inadequate options for vocational training and work offered in shelters. Thai law permitted foreign trafficking victims and witnesses to stay and work in Thailand for up to two years upon the completion of legal proceedings against their traffickers; MSDHS granted the requests for six victims to obtain this status during the reporting period. NGOs reported inconsistent experiences among shelters in assisting victims to obtain this right.

The government continued to identify a low number of labor trafficking victims compared to the scope of the problem. Experts reported government officials did not take sufficient steps to proactively identify labor trafficking victims and varying levels of understanding of labor trafficking existed among officials. The adoption of Section 6/1, in the absence of implementing guidelines, also contributed to confusion among many officials on how to use this forced labor provision in addition to the existing trafficking provision when assessing labor trafficking cases. In the previous reporting period, the government revised the preliminary victim identification form to include victims of forced labor, as defined under Section 6/1, and reported assigning MSDHS to develop additional guidelines for MDT victim interviews and organize trainings on the new form. MSDHS reported conducting nationwide trainings on the use of the revised form. Labor inspectors and members of the Royal Thai Navy screened migrant workers for trafficking during inspections, including during inspections of fishing vessels, and were required to refer all potential trafficking victims to MDTs for formal identification and service referral. However, NGOs reported inconsistent interviewing practices during vessel inspections continued to result in ineffective efforts to identify labor trafficking victims among migrant fishermen. Furthermore, a distrust of inspectors deterred workers from reporting exploitation. Officials sometimes encouraged exploited workers in various sectors who were likely victims of forced labor to mediate their situation with their employer or referred their cases to labor courts, rather than recognizing them as trafficking victims and recommending criminal investigation of their cases. Labor inspectors could be held personally liable for claims of abuse of power under Thai law, which may have discouraged them from reporting suspected exploitation.

Authorities facilitated the return of 59 Thais exploited abroad (123 in 2019), including 10 confirmed trafficking victims (25 in 2019), by providing funding for travel expenses, legal assistance, job placement, and other reintegration services. MSDHS assisted in the reintegration of 127 Thai survivors who completed the protection process in Thailand; the government reported it assigned social workers to maintain contact with Thai victims for at least one year after their reintegration. Officials utilized approximately 1.21 million baht (\$40,440) from the government's anti-trafficking fund for aiding in the repatriation of 262 foreign survivors, mostly from Burma and Laos, who completed the protection process in Thailand; the government did not report how many victims it repatriated in 2019 but reported repatriating 201 in 2018. The government also assisted 20 foreign survivors who could not return to their country of origin to resettle in a third country. However, experts have reported Thai authorities did not always follow procedures for safely repatriating foreign victims.

The government operated seven child advocacy centers (CACs), which served as child-friendly spaces where law enforcement, NGOs, and social workers could conduct forensic interviews of child trafficking victims. In some cases, the government permitted NGOs to observe law enforcement operations and provide assistance to identified victims. Some judges lacked sufficient understanding of trauma-informed care, which resulted in harmful treatment of victims during court proceedings; the government postponed a planned training for judges due to the pandemic. While courts reportedly followed protocols to protect victims and witness in most instances, NGOs have reported some incidents where the court failed to provide a non-confrontational cross-examining area, despite advance request, and asked witnesses to verbally confirm sensitive information in front of the suspects during proceedings. The 2016 Beggar Control Act provided for health and social services to individuals engaged in begging activities, including trafficking victims. The government reported identifying only two victims of forced begging in 2020 (nine in 2019). In Phuket, officials identified and provided assistance to 17 child labor trafficking victims who were compelled to sell items on the street; however, NGOs reported the government lacked clear policies related to the protection of this population throughout the country. Despite reports children were exploited in forced labor in other sectors, such as agriculture or domestic work, the government did not identify any additional child labor trafficking victims in 2020.

As part of the government's pandemic response, all agencies were required to reduce spending by 10 percent. MSDHS reduced its trafficking budget by 42.5 million baht (\$1.42 million) as a result; however, it reported that the reduction was largely offset by moving trainings and other events to online formats and cancelling overseas travel, and thus it did not reallocate any funding meant for direct victim assistance. In 2020, the government provided 7.63 million baht (\$255,010) to trafficking victims from its anti-trafficking fund, including 849,187 baht (\$28,380) that went to victims residing outside government shelters, a decrease from 11.87 million baht (\$396,720) in 2019. In some cases in which victims had returned to their home countries, the government used electronic transfers to enable victims to access funds without returning to Thailand. Thai law legally obligated prosecutors to file restitution claims when a victim expressed intention to make a claim. The Human Trafficking Criminal Procedures Act allowed judges to award compensation or restitution to victims, including in the absence of a victim request for these funds. The government filed restitution claims for 94 victims (38 Thai victims and 56 foreign victims) and reported courts ordered 26 million baht (\$868,980) in restitution for victims, a decrease compared with 54 million baht (\$1.8 million) in 2019. However, the execution of court ordered restitution was lacking, especially for foreign victims. MSDHS operated a unit under its anti-trafficking division to provide victims legal assistance and file compensation claims and utilized guidelines to enhance the efficacy of filing such claims. The Thai Cabinet approved a draft amendment to the Anti-Money Laundering Act of 1999 that would expand the right of trafficking victims to obtain compensation from assets forfeited from

traffickers; the amendment was pending submission to Parliament at the end of the reporting period.

MSDHS continued to operate a mobile application for trafficking victims and witnesses to report exploitation and request protective services, including interpretation, and it provided information on the rights of trafficking victims in seven languages; 32 potential trafficking cases were reported through this application in 2020, compared with seven in 2019. MSDHS and MOL operated hotlines with operators fluent in 19 foreign languages. In 2020, the MSDHS trafficking hotline received calls related to 70 possible trafficking cases, including nine involving forced labor (162 cases in 2019); officials referred 58 of these cases to relevant authorities for further investigation. MOL employed 67 language coordinators (91 in 2019) and 118 interpreters (99 in 2019) in 2020.

The law protected victims from prosecution for unlawful acts traffickers compelled them to commit; however, flaws in the government's implementation of victim identification procedures increased the risk of authorities penalizing victims, including for prostitution and immigration violations. This deterred some undocumented foreign victims who feared risks of arrests and deportation from reporting their exploitation to authorities. Contacts reported some Rohingya migrants, including potential trafficking victims, were identified as "illegal aliens" by Thai authorities, detained indefinitely or deported to Burma where they likely faced retribution or hardship. Observers reported the government enabled some employers to retaliate against migrant workers and activists seeking to improve working conditions, including by dismissing workers. In addition, Thailand's criminal defamation laws continued to allow companies to pursue criminal charges against potential victims and advocates, including through strategic lawsuits against public participation, which resulted in advocates facing years of legal harassment. For example, since 2016 a company has pursued more than 37 complaints against rights advocates for reporting on the exploitation of 14 Burmese workers who were subjected to conditions indicative of forced labor. While Thai courts overturned or dismissed charges against some of these advocates during the reporting period, the company continued to appeal the government's decisions, which leaves these advocates facing ongoing judicial actions. Observers continued to report these types of cases deterred advocates and victims from reporting exploitation. Despite making amendments to the Criminal Procedure Code in March 2019 that would enable courts to immediately dismiss cases filed with dishonest intent or to intimidate the defendants, as well as amendments in February 2019 that strengthened the rights of defendants in cases where their employers filed criminal defamation charges, the government did not report utilizing these amendments to drop criminal defamation charges pursued against advocates. The government also amended the anti-trafficking law in 2015 to provide protection to whistleblowers but reported that no whistleblowers have requested this protection to date.

## PREVENTION

The government maintained efforts to prevent trafficking. The Prime Minister oversaw the government's anti-trafficking efforts through the Anti-Trafficking in Persons Committee, which coordinated policies and strategies across agencies. In addition, the Deputy Prime Minister chaired a committee to monitor and evaluate the implementation of the government's anti-trafficking efforts. The government also continued to monitor its progress to combat trafficking through data collection and annual reports to the Prime Minister and the Cabinet. In 2020, the government allocated approximately 4.02 billion baht (\$134.36 million) towards its prevention and suppression of trafficking budget, compared with approximately 3.8 billion (\$127.01 million) in 2019. It conducted campaigns through newspapers, television, radio, social media, billboards, and handouts to raise public awareness throughout the country. Officials conducted numerous outreach activities to raise awareness of trafficking among school children, teachers, and community leaders. Addressing an increasing occurrence of online sexual exploitation of children, the government

distributed booklets to parents, teachers, and students on the risk of online sexual exploitation and how to report suspected cases or to seek assistance. TICAC and CAC's collaborated with NGOs and the OAG to conduct 18 awareness raising talks on online sexual exploitation for students and teachers in 2020. In addition, the foreign affairs ministry conducted awareness campaigns on trafficking risks, including by sharing information through social media, for Thai nationals abroad.

Thai law permitted recruitment agencies to charge a limited amount of recruitment fees to Thais seeking overseas employment. Excessive fees incurred by some workers charged by unscrupulous recruitment agencies made them vulnerable to debt-based coercion. Through government-to-government formal migration channels, the government assisted 2,978 Thais to obtain employment abroad in 2020—which was significantly fewer than the 11,886 assisted in 2019 due to the impacts of the pandemic—including by providing job placement assistance. In addition, 14 provincial employment offices provided training, including on trafficking risks, to 1,891 Thai workers prior to their overseas employment. In 2020, the government conducted 133 inspections of employment agencies that recruited Thai workers but did not find any unlawful practices. It investigated 65 reports of brokers operating without a license. The government operated 12 labor offices in countries with high amounts of Thai workers; these offices conducted 1,630 inspections, assisted more than 7,684 workers, and trained 703 labor volunteers to assist in the identification of labor violations and trafficking among Thai workers. MOL and RTP collaborated to investigate unauthorized, online advertisements for jobs for Thai workers overseas which led to the investigation of 128 cases.

The government maintained bilateral memorandums of understanding (MOUs) with neighboring countries to recruit migrant workers to Thailand, and 111,429 workers were recruited through MOUs in 2020. However, high costs, difficulties in obtaining identity documents in home countries, and other administrative barriers continued to impede greater utilization of these MOUs and also resulted in workers relying on brokers' assistance. The complicated nature of the government migrant worker registration process often resulted in workers' reliance on brokers and employers, who often charged excessive fees to workers to obtain documents, thereby increasing their vulnerability to debt-based coercion. The 2018 Royal Ordinance on Management of Migrant Workers regulated the recruitment and employment of migrant workers in Thailand. The Ordinance required employers to provide workers a copy of their employment contracts and to cover some costs, such as recruitment fees and transportation costs associated with bringing migrant workers to Thailand and back to their home countries when employment ends. However, it did not prohibit employers and recruiters from charging migrant workers with some costs related to their recruitment, such as expenses for passports, medical checks, and work permits. NGOs reported the regulations on recruitment fees were poorly defined and enforced, and recruitment agencies and brokers still required workers to pay recruitment fees and transportation costs. To accommodate Burmese, Cambodian, and Laotian workers whose work permits had expired but were unable to return due to pandemic-related travel restrictions, the Thai Cabinet approved measures to extend their work permits to allow them to legally work in Thailand until March 31, 2022. However, NGOs reported that fees associated with obtaining renewed work permits likely deterred some workers from applying for these permits and contributed to debt-based coercion, and that workers faced barriers applying due to the requirement or relied on brokers to assist them to register. This meant many workers continued to work without legal status and were likely at risk of exploitation, including debt-based coercion, by brokers and employers. The government also facilitated the return of more than 80,000 migrant workers from Myanmar to voluntarily return home.

NGOs and international organizations widely reported the government did not adequately enforce minimum wage laws and lacked legislation mandating minimum wages in sectors with high

employment of migrant workers, such as seasonal agriculture. Labor laws prevented migrant workers from forming labor unions which may have further contributed to exploitation. The 2018 Royal Ordinance prohibited employers from deducting more than 10 percent of workers' monthly salaries for personal expenses and the retention of travel or other personal documents; the law prescribed penalties of fines ranging from 10,000-100,000 baht (\$334-\$3,340) and up to six months' imprisonment for employers who violated these rules. It enabled employers to retain workers' documents if they obtained their consent and if the employer provided access to the documents; however, observers reported that because enforcement was lacking, in some cases this facilitated the ability of unscrupulous employers to retain workers' documents, especially in cases in which workers were not familiar with their rights under Thai law. The government did not report investigating illegal retention of documents or salary deductions. Observers reported that while the Department of Labor Protection and Welfare (DLPW) was responsible for monitoring for illegal deductions, the Department of Employment (DOE) conducted labor inspections of recruitment agencies but did not frequently refer suspected cases of illegal deductions to DLPW. Many employers and brokers who bore the upfront costs associated with bringing workers to Thailand indebted workers to pay these fees through illegal salary deductions, often without workers' knowledge. Thai law required that employment contracts be provided in Thai, English, and the migrant worker's language. However, research conducted in previous years found that employers rarely provided workers a contract to keep in their own language in practice. Although government regulations permitted exploited migrant workers to change employers, some policies restricted their ability to do so in practice. NGOs reported the 2018 Royal Ordinance required an employer to submit a letter of resignation to the DOE for a worker to change employers; however, they reportedly rarely did so in practice. Provincial labor offices required workers recruited under MOUs to present many documents that workers often could not provide without NGO or brokers' assistance to approve job changes. By law, MOU employers could recover costs associated with recruiting a migrant worker from the new employer when a worker requested to change jobs before the end of their employment contract, and some employers charged these workers to obtain their documents, making them susceptible to debt-based coercion. The government did not report investigating employers who illegally charged fees to such migrant workers. The government also permitted migrants to obtain 30-day and 90-day border passes to work in non-seasonal agricultural or manufacturing jobs, including within 10 developing special economic zones, but such temporary working arrangements did not provide workers access to social protections. NGOs reported employers increasingly encouraged workers to obtain these border passes rather than obtain longer term work permits that would provide additional protections. The government reported that labor inspectors conducted inspection of 161 establishments in border areas in 2020 (146 in 2019), finding 146 violations of the law (71 in 2019). The government did not report identifying any cases of trafficking through these efforts but issued corrective orders in 144 cases and initiated prosecution in two cases. In 2020, the government inspected 264 migrant worker recruitment agencies (compared with 244 in 2019) and found two operating in violation of the law. MOL identified labor violations among 2,944 businesses and employers that employed migrant workers in 2020, compared with 2,333 in 2019; of these, the government fined 668 a total of 3.65 million baht (\$121,990).

Following the passage of the Fishery Workers Protection Act in 2019, the government enacted two additional subordinate laws in 2020, thereby fully enacting all necessary laws required to fully implement the Act. The Act aimed to improve the effectiveness of labor inspections on fishing vessels, the provision of medical care, and regular reporting of violations of the act. In addition, the government enacted nine subordinate laws under the 2015 Royal Ordinance on Fisheries, to facilitate the issuance and extension of identity documents (seaman's books) for migrant fishermen. A draft ministerial regulation would reduce the legal minimum age of relatives

of a vessel's captain or owners permitted to work on fishing vessels from 18 to 16; NGOs expressed concern that due to inadequate oversight to ensure that children working on fishing vessels were in fact relatives of adult crew members, this change may put children at risk of forced labor on fishing vessels. In addition, there were concerns the draft regulation did not ensure adequate work and rest hours for fishermen, would not require employers to provide workers a contract in their own language, would allow for wage deductions without the written consent of the worker, and permitted vessels to remain at sea for up to a year, which would limit the ability of workers to report exploitation to authorities or to seek assistance. A lack of clear guidance to measure work and rest hours for workers aboard fishing vessels heightened their risk of trafficking. The 2018 Ministerial Regulation on Labor Protection for Sea Fishers required employers to pay workers' salaries at least once per month through electronic deposits and to share catch profits. While this system received overall praise from civil society observers, some continued to report concerns that some workers were unable to access their funds due to a lack of ATMs near some ports, insufficient training on how to use the system, and the withholding of workers' ATM cards and PINs by vessel owners, captains, or brokers. In addition, while the electronic payment system increased the ability of labor inspectors to verify wage payments, previous reports indicated that unscrupulous employers continued to make regular electronic payments in their employees' accounts to satisfy the legal requirement but made illegal withdrawals.

The government operated five post-arrival and reintegration centers that assisted migrant workers who entered Thailand through the MOU process by providing information on labor rights, Thai culture, employment contracts, trafficking awareness, and complaint mechanisms; in 2020, these centers assisted 111,429 migrant workers. However, due to the limited amount of time workers were present at these centers, which was usually immediately after workers had completed their travel to Thailand, officials were only able to provide them with limited information in practice. In addition, previous reports indicated labor officials interviewed workers in the presence of their employers and brokers, and armed police, at post-arrival centers, which may have deterred workers from reporting exploitation. MOL also worked with NGOs to provide services at 10 migrant worker assistance centers, including to receive complaints of labor violations, assist workers to change employers, and update workers' registration documents. The government continued to work with NGO-operated centers located near fishing markets to provide skills training, health screenings, and other resources to raise awareness of workers' rights. Provincial labor offices, migrant worker assistance centers, and other government agencies did not adequately investigate migrant workers complaints, or refer suspected labor violations, including those indicative of forced labor, to relevant agencies. In addition, workers' past negative interactions with authorities and a lack of availability of interpreters at some labor offices deterred migrant workers from reporting exploitation.

The Department of Fisheries (DOF) oversaw the Command Center for Combating Illegal Fishing, which operated 32 port-in port-out (PIPO) centers and 19 additional forward inspection points (FIP). Some observers reported that since authority of PIPO moved from the Royal Thai Navy to DOF in 2019, it has experienced a loss of influence and inspections have weakened. PIPO centers performed inspections to verify whether fishing vessels were operating legally and implemented a risk-based assessment system to identify target vessels for inspection. According to one NGO, some PIPO centers did not appropriately apply the risk assessment and sometimes failed to inspect vessels due to a lack of resources or an assumption that some vessels did not require inspection. In addition, an observer noted the risk assessment did not include indicators such as a vessel previously recorded as failing to record working hours, retaining workers' documents, having labor intensive gear, or experiencing labor disputes or crewmembers lost at sea. In 2020, the government reported conducting labor inspections of 55,818 fishing vessels (44,322 in



2019) and identifying 19 vessels in violation of labor laws (20 in 2019). In addition, it conducted at-sea inspections of 842 vessels, but found only one case involving labor violations, which involved employing workers without seaman's books. The government has never reported identifying trafficking victims as a result of PIPO labor inspections. NGOs have reported assisting victims of trafficking who underwent PIPO inspections but whom authorities did not identify as victims. The Royal Thai Navy, in cooperation with other agencies also inspected vessels at sea to identify smuggled migrants, and found 466 cases of migrant smuggling in 2020, but it did not report screening these individuals for trafficking. At-sea inspections did not include sufficient checks for labor violations or consistently have interpreters available for interviewing foreign crewmembers.

Despite using a manual on standardized inspection practices introduced in 2019, PIPO labor inspections continued to be inconsistent and ineffective at identifying potential cases of forced labor on fishing vessels. Some inspection teams did not use victim-centered interview practices, lacked interpreters for some workers' languages, did not board vessels during inspections, did not interview workers or separate workers away from owners, captains, or brokers when interviews were conducted, or conduct pre- and post-inspection team meetings away from vessel owners or captains. Some of these practices likely prevented authorities from identifying trafficking victims and deterred workers or inspectors from revealing information due to fears of retaliation. Furthermore, PIPO officials sometime reportedly ignored complaints made by migrant workers or told them to report their exploitation to another agency, and there was no standard or required protocol for labor inspectors to refer potential cases of forced labor to law enforcement or MDTs. PIPOs did not universally apply a standardized procedure for referring cases of fishermen who went missing at sea, including to identify indicators of trafficking on the vessels in which they went missing, and the number of crewmembers who went missing at sea continued to increase; in 2020 there were 63 missing fishermen, compared with 29 in 2019.

As a result of the government's pandemic-mitigation efforts, it decreased the budget for labor inspections by 72 percent; however, the government increased the number of inspectors and conducted a comparable number of inspections as in 2020. In 2020, DLPW conducted 1,924 inspections at high-risk workplaces and seafood processing facilities (2,116 in 2019), finding 1,629 workplaces operating in violation of labor laws (1,017 in 2020). Labor inspectors could not enter some business establishments due to pandemic-related health precautions. Previous reports indicated some factories received advance warning of labor inspections, which may have hampered the ability of officials to identify labor violations, including those indicative of forced labor. DPLW identified 10 enterprises that violated child labor laws, involving 44 children but did not report any cases of child labor trafficking. A lack of access to remote workplaces prevented sufficient child labor inspections in some informal sectors. Following an outbreak of COVID-19 among migrant workers in Samut Sakhon, the government instituted extreme measures to contain the virus by forcibly quarantining migrant workers, including those who tested negative for the virus, in their dormitories with fencing and barbed wire. Contacts reported these measures made workers distrustful of government officials and likely reduced the likelihood they were willing to report exploitation to authorities. The Ministry of Justice proposed a plan to recruit inmates with three to five years left in prison to work in the seafood sector on a voluntary basis; observers expressed concern that it may be difficult to determine if all inmates volunteered for this work and that they could face forms of coercion to participate in this work. The government continued to grant citizenship to stateless persons. The government made efforts to reduce the demand for commercial sex acts, including by displaying a video in four languages discouraging child sex tourism in Thai airports and on Thai airline flights. In addition, the government coordinated with foreign governments to deny entry to known sex

offenders. The government provided anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Thailand, and traffickers exploit Thai victims abroad. Labor and sex traffickers exploit women, men, LGBTQI+ individuals, and children from Thailand, other Southeast Asian countries, Sri Lanka, Russia, Uzbekistan, and some African countries in Thailand. Members of ethnic minorities, highland persons, and stateless persons in Thailand have experienced instances of abuse indicative of trafficking. North Koreans working in Thailand may have been forced to work by the North Korean government. Children from Thailand, Burma, Laos, and Cambodia are victims of sex trafficking in brothels, massage parlors, bars, karaoke lounges, hotels, and private residences. Traffickers induce young Thai girls and boys to perform sex acts through videos and photos on the internet, sometimes by blackmailing victims with explicit images. Children are lured by traffickers into commercial sex through the internet, chat and dating applications, as well as other social networking platforms. Children in orphanages are at risk of trafficking. Children of families that lost employment due to the impacts of pandemic, including among migrant families, were increasingly at risk of trafficking. Approximately 177,000 Thai children, mostly boys, are involved in child labor, including in agriculture, auto repair and other service trades, construction, manufacturing, and in the hospitality industry, and were at risk of facing conditions indicative of forced labor. More than half of these children are not in school, and many worked in hazardous conditions, with long and irregular working hours, and were at risk of sexual exploitation. Some parents or brokers force children from Thailand, Cambodia, and Burma to sell flowers or other items in streets, beg, or work in domestic service in urban areas. Elderly persons and persons with disabilities from Cambodia are also forced to beg in Thailand.

Traffickers subject Thai nationals to forced labor and sex trafficking in countries in North America, Europe, Africa, Asia, and the Middle East. Thai women and LGBTQI+ individuals were increasingly exploited in Switzerland in sex trafficking. Thai citizens who travel to Norway for family reunification are at risk of sex and labor trafficking. Traffickers subject some Thai men and women to forced labor in Israel's agricultural sector, imposing conditions of long working hours, no breaks or rest days, withheld passports, and difficulty changing employers due to limitations on work permits. Approximately 185,000 Thais work in South Korea, where traffickers subject Thai men and women to forced labor and sex trafficking, including by forcing victims who owe debts to entertainment establishment owners or loan sharks into commercial sex.

Traffickers and smugglers operating between Burma and Thailand charge Burmese migrants approximately 10,000 to 70,000 baht (\$334-\$2,340) to smuggle them into Thailand. Observers reported these smuggling networks are supported by complicit police, military, and other local authorities. In early 2020, an estimated 60,000-200,000 migrant workers departed Thailand prior to and following pandemic-related border closures. Many of these workers subsequently returned to Thailand undocumented throughout 2020, often paying fees to smugglers to facilitate their return, increasing their risk to debt-based coercion. Smugglers, brokers, employers, and others exploit Thai and migrant workers in labor trafficking in commercial fishing and related industries, the poultry industry, manufacturing, agriculture, domestic work, and street begging. Many workers pay high fees to brokers, recruitment agencies, and others before and after they arrive in Thailand. Traffickers often use debt-based coercion, deceptive recruitment practices, retention of identity documents and ATM cards, illegal wage deductions, physical violence, and other means to subject victims to forced labor. Employers confiscate workers identity documents as a means to compel workers to remain in their jobs, especially in agricultural plantations, often in addition to paying below the minimum wage and failing to provide workers a day off.

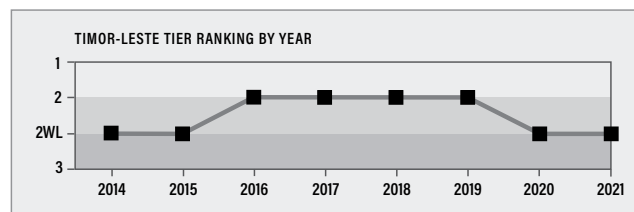
Workers in the seafood processing and fishing sectors increasingly faced forced overtime as a result of increasing demand for shelf-stable seafood during the pandemic, as well as unsafe working conditions.

Vessel owners, brokers, and senior vessel crew subject Thai, Burmese, Cambodian, Vietnamese, and Indonesian men and boys to forced labor on Thai and foreign-owned fishing boats. Some are paid little or irregularly, incur debts from brokers and employers, work as much as 18 to 20 hours per day for seven days a week, and without adequate food, water, or medical supplies. Some boat captains threaten, beat, and drug fishermen to work longer, and sell fishermen drugs as a means to generate additional debt. Some trafficking victims in the fishing sector had difficulty returning home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel. Employers in fishing and seafood processing often made confusing wage deductions for documentation fees, advances, and other charges, making it difficult for workers to account for their wages accurately. Research published in 2019 and 2020 found that between 14 and 18 percent of migrant fishermen were exploited in forced labor in the Thai fishing industry, indicating traffickers exploited thousands of workers on fishing vessels.

Corruption continues to undermine anti-trafficking efforts. Some government officials are directly complicit in trafficking crimes, including through accepting bribes or loans from business owners and brothels that exploit victims. Corrupt immigration officials facilitate trafficking by accepting bribes from brokers and smugglers along Thai borders. Credible reports indicate some corrupt officials protect brothels, other commercial sex venues, factory owners, and fishing vessel owners from raids, inspections, and prosecutions, and collude with traffickers. Some local police reportedly withhold information from prosecutors to protect traffickers. Some government officials profit from bribes and direct involvement in extortion from and exploitation of migrants.

## TIMOR-LESTE: TIER 2 WATCH LIST

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating some potential trafficking crimes, identifying and referring for assistance one foreign trafficking victim, taking some steps to establish an anti-trafficking commission, and maintaining an anti-trafficking curriculum in some of its trainings for officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. Lack of expertise and understanding of trafficking crimes, data collection methods, clear leadership roles among ministries, and any devoted budget remained serious impediments to the government effectively combating trafficking. The government continued to demonstrate decreasing efforts to investigate and prosecute traffickers, as well as a failure to push longstanding cases forward in the courts. The government did not obtain any trafficking convictions during the reporting period. The government's victim identification and referral efforts remained ad hoc, and protection services specifically tailored to the needs of victims of all forms of trafficking remained inadequate. The government did not finalize or approve government-wide standard operating procedures (SOPs) for victim identification for the sixth consecutive year—a critical need as official understanding of trafficking remained low, and some authorities continued to detain and deport potential trafficking victims for immigration violations without performing screening procedures. Therefore Timor-Leste remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Increase investigations of trafficking crimes, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials, in accordance with anti-trafficking laws. • Proactively identify trafficking victims among vulnerable populations, including individuals in commercial sex, domestic workers, and migrant workers on fishing vessels. • Develop a current national action plan on trafficking and adequately fund its implementation. • Finalize, implement, and train all relevant officials on formal procedures for victim identification and employ proper screening procedures upon detention or prior to initiating deportation. • Strengthen efforts to protect victims from arrest, deportation, or other punishment for unlawful acts which traffickers compelled them to commit. • Establish SOPs on referring victims to appropriate care and train officials on their use. • Increase resources for protective services focusing on trafficking victims and proactively offer male victims the same services offered to female victims. • Establish the human trafficking commission. • Improve nationwide law enforcement and victim identification data collection. • Screen for trafficking indicators among Cuban medical professionals.

### PROSECUTION

The government decreased law enforcement efforts. Articles 163 and 164 of the criminal code criminalized all forms of labor and sex trafficking and prescribed penalties of eight to 25 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement and judicial officials remained unfamiliar with trafficking crimes; thus, it was likely that officials inaccurately classified some trafficking cases as immigration or labor violations. Furthermore, the government did not collect detailed data on trafficking, and the government only collected aggregate data on vulnerable persons and not trafficking-specific data.

The government reported it investigated and detained two suspected perpetrators for alleged child sex trafficking of an Indonesian girl in June 2020; the case was ongoing at the end of the reporting period. The police also reported it apprehended two suspected perpetrators in December 2020 for alleged sex trafficking of an Indonesian woman, based on a complaint reported in a prior year; the case was also pending at the end of the reporting period. This represented a decrease from the 13 investigations the government initiated during the previous reporting period and demonstrated overall decreasing efforts since 2018. The Office of the Labor Inspector General referred a potential labor trafficking case to the police in February 2021 involving a Philippine national recruited to work in a casino where her employer withheld her pay and confiscated her passport; the case was pending police investigation at the end of the reporting period. For the second consecutive year, the government did not initiate any new prosecutions during the current reporting period; the Office of the Prosecutor General (OPG) reported that two cases first initiated in a previous reporting period remained pending. The government did not convict any traffickers during the reporting period; it last obtained a conviction in 2018. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses during the reporting period. In 2018, a district administrator was accused of raping a child sex trafficking victim and attempting to bribe her to not report the case; at the end of this reporting period, the case remained with the OPG for review while the district administrator remained in his position.

In a previous reporting period, the government reported referring a case of an immigration official who allegedly facilitated labor trafficking of Bangladeshi workers to the OPG; the government did not report an update on this case. The government acknowledged possible trafficking violations in the fishing industry in Timor-Leste's coastal waters and exclusive economic zone to the south; however, the government lacked the vessels, training, and human resources to patrol, inspect, and interdict vessels in its waters and investigate possible trafficking violations on these vessels.

Government officials reported that pandemic-related restrictions and the delayed passing of a federal budget hindered the government's providing anti-trafficking trainings to personnel and the public during the reporting period. The Legal Training Center and the OPG reported they continued to include anti-trafficking curriculum in its training for new judges, prosecutors, defense attorneys, and for current members of the judiciary, but it did not confirm how many officials received this training during the reporting period. The National Police also included training on how to identify trafficking victims as part of their onboarding curriculum, but it did not report if any members received this training during the reporting period.

## PROTECTION

The government maintained minimal efforts to identify and protect victims. Immigration and police officials reported their ad hoc use of trafficking indicators based on the Bali Process to identify victims; however—for the sixth consecutive year—the government did not finalize or widely disseminate comprehensive, government-wide SOPs for victim identification. While relevant ministries collaborated to share information on trafficking victims, there was no formal referral process for trafficking victims; generally authorities used a process based on the referral process for victims of gender-based violence. The Ministry of Social Solidarity and Inclusion (MSSI) reported it had technical officers in each of the 13 districts of the country that worked closely with an NGO to provide victims of gender-based violence and trafficking with assistance; however, MSSI did not report any cases of trafficking to the NGO during the reporting period. The NGO reported it had not received a victim referral from MSSI since 2019. In June 2020, police identified one child sex trafficking victim from Indonesia during the course of an investigation; the police coordinated with the Indonesian embassy in Dili to provide the victim with shelter services and repatriation assistance after she provided a statement of her experience to the authorities. The government was prepared to provide and refer to protection services two other potential victims involved in two separate cases handled by the police during the reporting period; however, the victims opted to utilize local support networks for assistance. In comparison to the previous reporting period, the government did not report its proactive identification of any victims in 2019. The government provided funding to NGOs for the provision of victim services when victims were identified and availed themselves of government-provided assistance. MSSI reported it had \$10,000 available to provide for trafficking victims during the reporting period, but the government did not utilize this funding to provide assistance to the one victim identified by the police as the foreign victim sought assistance from her embassy. Although no victims received comprehensive care during the reporting period, an international organization continued to assess the availability and the quality of victim care as poor and below international standards; it further noted that the government's existing victim assistance was structured for domestic violence victims, who were overwhelmingly female, and therefore did not adequately address the needs of male trafficking victims. Article 9 of the anti-trafficking law permitted victims to seek compensation for losses and damages incurred as a result of the trafficking crime, but no victims received such benefits during the reporting period. The government provided foreign victims with alternatives to their removal to countries where they may face hardship or retribution.

The government implemented regulations and guidance on the 2017 Law on Preventing and Combating Human Trafficking, which

stated trafficking victims may not be detained, accused, or judged for having entered or resided illegally in Timor-Leste, nor for having perpetrated crimes their traffickers compelled them to commit. However, the government and NGOs indicated that immigration and law enforcement officials may have detained or deported some potential foreign trafficking victims due to a failure to properly identify and screen for trafficking indicators. Law enforcement routinely performed raids on areas known for commercial sex, which was legal in the country, in part to assess immigration status. Because of inadequate training on victim identification and screening for trafficking indicators, authorities likely detained and deported foreign sex trafficking victims during these raids. Furthermore, immigration and police officials reported traffickers coached victims to state they were voluntarily in commercial sex, which officials reported made it difficult for them to identify victims during these raids.

## PREVENTION

The government made minimal efforts to prevent trafficking. Although the government did not create a commission to combat trafficking as mandated in the 2017 anti-trafficking law, in December 2020 the Ministry of Justice (MOJ) presented to the Council of Ministers on legislative options to establish the responsibilities of the commission. In the absence of a commission, the government continued to use the interagency anti-trafficking working group, led by the MOJ, to coordinate anti-trafficking efforts. The working group met twice during the reporting period. The MOJ previously drafted a national action plan in 2018, but it did not finalize an updated plan during the reporting period. The government did not conduct research to assess the human trafficking problem in the country, nor did it systemically monitor its anti-trafficking efforts. The government conducted anti-trafficking awareness campaigns in high schools and local communities throughout the country with a focus on Dili. The government did not have an anti-trafficking hotline. The government did not take proactive measures to address fraudulent labor recruitment practices, which created significant vulnerabilities for Timorese nationals seeking work abroad. The government did not take measures to reduce the demand for commercial sex.

## TRAFFICKING PROFILE

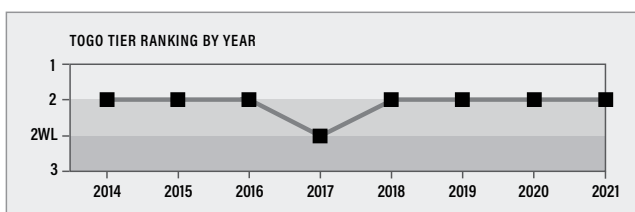
As reported over the past five years, human traffickers exploit domestic and foreign victims in Timor-Leste, and traffickers exploit victims from Timor-Leste abroad. Poor economic conditions and limited educational opportunities create trafficking vulnerabilities for Timorese nationals, in particular women and girls. Traffickers lead Timorese women, girls, and occasionally young men and boys from rural areas to the capital with the promise of employment or education and exploit them in sex trafficking or domestic servitude. Traffickers exploit Timorese men in forced labor in agriculture, construction, and mining. Some Timorese family members place children in bonded household and agricultural labor, primarily in domestic rural areas but also abroad, to pay off family debts. Traffickers deceive young men and women and adult women with promises of scholarship opportunities or employment in Indonesia, Malaysia, and other countries in the region; often, traffickers take the victim to a different country than promised, withhold their passports, pay them little to nothing, and force them into labor, including domestic servitude. Frequently, Timorese victims overseas first transit through the porous border with Indonesia; some remain and are exploited in Indonesia. Some routes used by smugglers along the Indonesia-Timor-Leste border are also possible routes used by traffickers. Immigration and police officials and civil society representatives reported in 2020 that trafficking of foreign victims through legal points of entry, such as airports, ports, and official land border crossings, had likely decreased due to the government's increased scrutiny of those entering the country due to pandemic-related limitations on the entry of both Timorese and foreign arrivals. Sex traffickers in Timor-Leste target foreign women from East and Southeast Asia. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, who rotate foreign victims of sex trafficking in and out



of the country for the length of a 30-day tourist visa to avoid raising the suspicions of law enforcement officers through visa overstay violations. Traffickers also recruit Timorese women, send them to China, Indonesia, or Malaysia, and force them into commercial sex. Police accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally. Traffickers exploit foreign fishing crews in forced labor on foreign-flagged vessels that transit Timor-Leste waters. There are approximately 100 Cuban nationals working as doctors in Timor-Leste.

## TOGO: TIER 2

The Government of Togo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore Togo remained on Tier 2. Togolese authorities investigated more suspected trafficking cases than in previous years, intercepted 250 potential child victims, and conducted increased outreach on child protection through community-based child protection entities. Additionally, officials instituted new programs to protect vulnerable populations. However, the government did not meet the minimum standards in several key areas. Authorities convicted no traffickers, identified fewer victims, and failed to update the government's national action plan for the 13th consecutive year. Furthermore, the government did not finalize its pending decree to create a national anti-trafficking committee, despite the support of law enforcement and judicial officials, as well as civil society organizations.



### PRIORITIZED RECOMMENDATIONS:

Council of Ministers finalize and adopt the pending decree to create a Trafficking in Persons Inter-ministerial Committee to improve governmental coordination. • While maintaining the current stringent penalties Togo's law calls for, allow courts outside of the Assize Court system to hear trafficking cases to expedite adjudication of pending and future cases. • Update existing victim referral manuals to include victim identification SOPs, and train law enforcement, justice sector personnel, and federated bodies on those procedures to increase the number of victims identified and referred to protective services. • Provide training and institutional support to law enforcement and judicial officials to increase their ability to effectively prosecute trafficking cases; disseminate trafficking indicator documents to all police stations. • Designate focal points within the Ministry of Interior and Gendarmerie to coordinate and lead anti-trafficking law enforcement efforts. • Enact anti-trafficking legislation that includes provisions for victim protection and implement measures that incentivize victims to participate in the law enforcement and judicial process, including witness protection as well as the provision of shelter, medical care, and psychosocial services. • Work with NGOs and international organizations to increase the accessibility to shelter and provision of protective services to all trafficking victims. • Draft, resource, and implement an updated national action plan that incorporates adult victims and increases coordination with NGOs, neighboring countries, and regional organizations. • Organize awareness-raising campaigns in concert with civil society to increase the population's ability to identify and report trafficking

crimes, focusing on high-risk areas such as markets and other sectors with high numbers of individuals vulnerable to exploitation. • Develop a data collection and information management system to organize law enforcement and victim referral data, in collaboration with NGOs and international organizations. • Increase efforts to distribute birth certificates and national identity documents to citizens to reduce their vulnerability to trafficking. • Given concerns the Cuban government forces its citizens to work abroad in medical missions, Screen Cuban medical workers for trafficking indicators and refer them to appropriate services, if exploitative conditions are determined to exist.

### PROSECUTION

The government maintained law enforcement efforts. Articles 317 through 320 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 20 years' imprisonment and fines between 10 million and 50 million West African CFA francs (FCFA) (\$18,900 and \$94,520) for offenses involving an adult victim, and 20 to 30 years' imprisonment and fines between 20 million and 50 million FCFA (\$37,810 and \$94,520) for offenses involving a child victim. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The Ministry of Justice's anti-trafficking cell reported investigating 63 cases involving 79 suspects (64 male suspects and 15 female suspects) in 2020 compared with investigating 60 cases with 95 suspected traffickers in 2019. Officials reported prosecuting 51 suspects (42 men and 9 women) in 2020 versus 54 in 2019. During the reporting period, authorities did not convict traffickers compared with convicting three during the previous reporting period. However, the Assize Courts in Lomé and Kara responsible for hearing all trafficking cases were not operational during the entirety of the reporting period due to pandemic-related impacts on government operations. Observers noted the Assize Courts have been hindered in the past by inefficient operations exacerbated by a substantial backlog of cases resulting in some victims waiting years for their cases to be adjudicated. The government did not report investigating, prosecuting, or convicting any officials complicit in human trafficking offenses, although judicial corruption may have hindered some trafficking investigations during the reporting period. In past years, officials reported adjudicating some forced child labor cases through informal mediation processes.

The government continued to provide written instructions on victim identification to its law enforcement and immigration officials through the course of their basic training. In 2020, authorities partnered with an international organization to provide anti-trafficking "training of trainers" to 25 individuals including media professionals, judges, civil society actors, judicial police, and parliamentarians. In the previous reporting period, the government trained 10 officers out of a 30-person urban law enforcement unit. Observers stated in past years, frequent turnover hindered the development of some law enforcement units' institutional knowledge. Officials did not report utilizing the country's 2019 tripartite agreement with Benin and Burkina Faso to synchronize law enforcement efforts on transnational trafficking cases during the reporting period, although the pandemic hindered effective implementation.

### PROTECTION

The government decreased overall efforts to identify victims. In 2020, Ministry of Justice, Directorate-General for Child Protection (DGCP), and other officials reported the government identified a total of 132 child victims of trafficking (52 boys and 80 girls) and 43 adult victims (30 men and 13 women), compared with 225 child victims (19 boys and 206 girls) and 87 adult victims (38 men and 49 women) in 2019. Both government officials and NGOs reported pandemic regulations restricting movement as a potential factor in the reduced number of trafficking victims identified. Of the 132 child victims noted above, the government assisted 48 with psychological and health services, food, and clothing, as well as referred them to

shelters; officials disclosed they provided similar services to 147 child victims in 2019. Additionally, the DGCP reported officers intercepted 250 vulnerable minors at Togo's borders destined for Nigeria, Gabon, Benin, and Burkina Faso, and they returned the children to their families in Togo; officials did not report implementing similar measures in 2019. For the second consecutive year, the government allocated 18 million FCFA (\$34,030) to child trafficking efforts, of which it designated 11 million FCFA (\$20,790) for victim care. The government additionally committed to providing 600,000 FCFA (\$1,130) to each of the six NGO shelters that it supports as it did in 2019, although the government reported these payments were delayed in 2020 due to lack of funds. In 2020, the government formed a 5,000-person taskforce to enforce the country's state of emergency due to the pandemic; the participation of officials with anti-trafficking responsibilities affected the government's ability to implement protection efforts.

Officials used written manuals from 2007 to identify and refer victims to services in coordination with NGOs; however, the manuals did not include SOPs for identifying victims among high-risk populations such as women in commercial sex. NGOs reported the government's victim identification and referral processes were effective and the ministries of Social Affairs, Labor, and Justice were key partners on prevention, protection, and investigation efforts respectively.

In Lomé, the Ministry of Social Affairs (MSA) continued to run a toll-free helpline, Allo 10-11, 16 hours per day, seven days a week; officials reported identifying 13 child victims from hotline tips during the reporting period, compared with 97 child trafficking victims during the previous reporting period. The MSA provided cell phones to Allo 10-11's network of 150 contacts to facilitate nationwide coverage and utilized an informal referral system when callers identified potential victims. The government did not report repatriating any victims for the second consecutive year.

While the government had a shelter for children, there were no such shelters specifically for adult trafficking victims, severely limiting their access to care and justice. Instead, the government referred adult trafficking victims to a center intended for victims of natural and humanitarian disasters. MSA continued to operate the Reference Center for the Guidance and Care of Children in a Difficult Situation (French acronym CROPESDI). The CROPESDI shelter, located in Lomé, received victims referred by the Allo 10-11 hotline and provided shelter, legal, medical, and social services before transferring them to care facilities managed by NGOs. The government reported that the CROPESDI shelter served 48 child trafficking victims during the reporting period. Officials did not report the number of victims other shelters served during the reporting period. Observers reported the lack of shelter options for adult victims adversely impacted efforts to investigate potential cases; in some cases, officers reported using their own resources for shelter and basic necessities for adult victims, which disincentivized some police from pursuing viable cases. The government reportedly provides foreign trafficking victims the same access to shelters as domestic victims and performs a risk evaluation before it repatriates potential victims. The government reported providing shelter services to 12 Sierra Leonian trafficking victims during the reporting period who were in transit to Dubai.

The government did not have a formal process to encourage victims' participation in the investigation and prosecution of their traffickers and did not report providing services to adult victims who testified during court proceedings. While there were no reports the government penalized any trafficking victims for unlawful acts traffickers compelled them to commit, there is a risk authorities may have detained or deported some victims due to the lack of victim identification SOPs and some officials' limited understanding of the crime.

## PREVENTION

The government increased overall efforts to prevent trafficking in persons; however, the government's deficient overall coordination

continued to hinder its anti-trafficking efforts. The government managed its anti-child trafficking efforts and dissemination of information through the National Committee for the Reception and Social Reintegration of Child Victims of Trafficking (French acronym CNARSEVT), though the Committee reported it could not meet during the reporting period due to the pandemic. CNARSEVT acted as the government's central hub of information for trafficking in Togo; however, data collection and reporting remained weak during the reporting period. An NGO reported CNARSEVT faced operational challenges due to its lack of financial resources. The government failed to finalize a decree initially drafted in 2018 to create a Trafficking in Persons National Committee—a key recommendation of NGOs and working level officials to mitigate Togo's coordination challenges—and has not updated its anti-trafficking national action plan since 2008. In 2020, officials finalized Togo's five-year national action plan on child labor, which partially addressed issues of exploitation; this was separate from an overarching anti-trafficking national action plan. CNARSEVT reported the government launched an awareness raising campaign on the new national action plan on child labor and a decree that stated publicly hazardous work was forbidden for children.

The government allocated 7 million FCFA (\$13,230) for the second consecutive year to continue a nationwide awareness campaign against trafficking in persons. The campaign targeted urban and rural areas, used radio interviews, and featured signage in schools, public buildings, and traditional chiefs' halls. Officials estimated the initiative reached approximately 15,000 citizens during the reporting period; the government reported the campaign reached approximately 30,000 Togolese over the course of the previous reporting period. Pandemic-related restrictions on in-person gatherings limited some aspects of the government's awareness raising program. Organizers included French, Kabiyé, and Ewe languages in the campaign, which involved parents, community-based organizations, government officials, and religious leaders. Officials broadcast additional programming during the reporting period via community radio stations in Atakpame, Kara, and Dapaong, emphasizing the risks of exploitation. In response to children's increased vulnerability to exploitation due to pandemic-related school closures, the government trained 137 community leaders (including 31 women) to identify and report potential child trafficking cases in Lomé, as well as in the Plateaux, Kara, and Savanes Regions where many trafficking victims originate or transit.

Officials collaborated with the Governments of Benin and Ghana to sensitize communities along the Abidjan-Lagos corridor to enhance their awareness of trafficking. Unlike in past years, the government did not employ a network of "vigilance committees" to provide education on trafficking and report cases to the government. In 2020, officials established 84 community-based child protection entities known as "federated bodies" in Lomé, Kara, Savanes, Plateaux, and Maritime Regions to replace the "vigilance committees." The new entities held community dialogues to raise broad child abuse issues—including child trafficking—as well as develop and implement programming such as awareness raising, counseling, and reporting.

Despite past allegations of fraudulent recruiters facilitating the exploitation of Togolese abroad, authorities did not report investigating any foreign labor recruiters for trafficking crimes. The ministries of Labor and Social Action regulated labor recruitment firms, but the government's weak information management systems hindered its ability to provide enforcement statistics. The government worked to reduce the demand for forced child labor by continuing to partner with traditional religious leaders to eliminate exploitation in religious "apprenticeships." These "apprenticeships" involved parents entrusting their children to religious leaders for education and employment purposes; the religious leaders exploit the children in forced domestic work or sexual slavery when parents were unable to pay "apprenticeship fees." The government distributed an unknown number of birth certificates in coordination with NGOs; the lack of identification documents contributed to an increased vulnerability to trafficking in persons.

The government did not take any discernible measures to reduce the demand for commercial sex acts. Officials provided anti-trafficking training to Togolese troops prior to their deployment abroad on international peacekeeping missions. The Ministry of Foreign Affairs provided its diplomats with a guide to hiring domestic workers but did not report delivering trafficking-specific training.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Togo, and traffickers exploit victims from Togo abroad. While travel restrictions intended to slow the spread of the pandemic may have decreased transnational human trafficking, restrictions such as curfews imposed on the population—and the resulting deleterious economic impacts on livelihoods for individuals in the service and retail sectors—likely increased the vulnerability of many Togolese to exploitation during the reporting period.

In past years, the western border of the Plateau region, which provides easy access to major roads between Lomé and Accra, Ghana, served as a primary area used by traffickers to transport victims. NGOs noted the Abidjan-Lagos corridor remains a prominent route for cross-border trafficking of persons—as well as the smuggling of illicit goods—with criminals using Togo as a transit country. Civil society actors and law enforcement officers reported that the country's rise as a regional economic and logistics hub has led to a corresponding increase in trafficking and smuggling. Families and trusted intermediaries take advantage of high levels of poverty throughout the country to exploit many Togolese trafficking victims, with the Centrale and Savanes regions serving as primary source regions. Traffickers force Togolese children to work in the agricultural sector—particularly on coffee, cocoa, and cotton farms—as well as in stone and sand quarries, where children and adults break rocks by hand. Observers stated trafficking networks are predominantly community-based and loosely organized by local actors, while syndicates with ties to the Middle East are more organized.

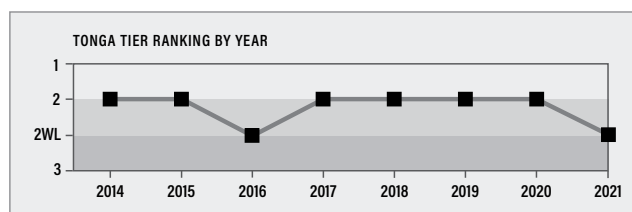
NGOs and government officials reported that markets selling Togolese children for commercial sex acts (“small girls markets” or *devissime*) exist in Lomé and elsewhere in the country. Traffickers visit rural areas in the north and central regions to recruit children from impoverished parents to sell in these markets. These illicit recruiters promise lucrative employment for the children and pay parents an advance before transporting the minors to Lomé, where traffickers subject the children to forced labor as domestic servants, roadside vendors, and porters or exploit them in child sex trafficking. Togolese businesspeople exploit boys through forced labor in construction, salvage yards, mines, and as mechanics, often involving hazardous machinery.

Transnationally, fraudulent recruiters work with loosely affiliated networks to transport victims to Benin, Burkina Faso, Cote d'Ivoire, Ghana, and Nigeria by land and to Gabon via ship. Traffickers force victims to work in the following sectors: cocoa harvesting in Ghana and Cote d'Ivoire; palm wine production in rural Nigeria; gold mining in Burkina Faso; domestic service in urban Nigeria; and sex trafficking in Beninese and Nigerian bars and restaurants. Traffickers recruit children from Benin and Ghana and transport them to Togo for forced labor. Illicit networks exploit Ghanaian girls in sex trafficking in Togo. From September to April in past years, many Togolese adults and children migrated in search of economic opportunities to Benin, Burkina Faso, Mali, and Niger, where criminal elements may exploit them in forced labor and sex trafficking. Nigerians force Togolese men to labor in agriculture and Togolese women in domestic service in Nigeria. Some fraudulent labor agencies recruit Togolese and West African women for employment in Kuwait, Lebanon, Oman, Qatar, and Saudi Arabia, where wealthy families exploit them in domestic servitude or sex trafficking. Officials noted sex tourists from Lebanon, France, and Nigeria have exploited children in Togo during previous years, although pandemic-related travel restrictions likely minimized these risks for most of the reporting period. Cuban nationals working

in Togo on medical missions may have been forced to work by the Cuban government.

## TONGA: TIER 2 WATCH LIST

The Government of Tonga does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included training new police recruits on victim identification and trafficking investigations and continuing to provide funding to an NGO available to assist trafficking victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government did not develop victim identification procedures, take steps to proactively identify victims, or conduct awareness-raising campaigns. It did not investigate any cases of trafficking for the second consecutive year and has not prosecuted or convicted any traffickers since 2011. Therefore Tonga was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Develop and fully implement procedures for proactive identification of trafficking victims among vulnerable groups. • Increase efforts to proactively investigate and prosecute trafficking crimes. • Amend trafficking laws to criminalize all forms of trafficking in line with the definition under international law, including offenses lacking cross-border movement. • Develop, adopt, and implement a national action plan. • Utilize the Asian liaison position to facilitate proactive identification of foreign victims and their referral to care. • Provide explicit protections and benefits for trafficking victims, such as restitution, legal and medical benefits, and immigration relief. • Develop and conduct antitrafficking information and education campaigns. • Accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government continued to make negligible anti-trafficking law enforcement efforts. The Counter Terrorism and Transnational Organised Crime Act of 2013 did not criminalize all forms of trafficking because it required transnationality to constitute a trafficking offense. Additionally, inconsistent with the definition of trafficking under international law, the law did not include force, fraud, or coercion as an essential element of the crime. The law prescribed penalties of up to 15 years' imprisonment for trafficking offenses involving adult victims and 20 years' imprisonment for offenses involving children; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. The government did not investigate any potential trafficking cases for the second consecutive year. Since convicting its first trafficker in April 2011, the government has not prosecuted or convicted any trafficking cases. Law enforcement reported language barriers and resource limitations impacted their ability to investigate trafficking. The Tongan police force provided trafficking training to an unknown number of new police recruits in 2020, compared with 30 trained in 2019. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.



## PROTECTION

The government maintained weak victim protection efforts and did not take steps to proactively identify victims. Since the government's identification of four potential trafficking victims in 2015, the government has not identified any victims of trafficking. The government did not develop or employ systematic procedures for victim identification among at-risk groups, such as migrant workers or women in commercial sex. Tongan police utilized an Asian liaison officer trained to speak Mandarin Chinese to engage with Chinese citizens living in Tonga who may be vulnerable to trafficking; however, this has never led to the identification of a victim of trafficking. The government had procedures to refer victims of crime, including potential trafficking victims, to an NGO, but did not deploy the procedures during the reporting year due to the lack of proactive victim identification. A distrust of Tongan courts, as well as low levels of understanding of human trafficking among the public, likely contributed to the absence of identified victims. The government continued to provide an unknown amount of funding to an NGO for operations to assist adult female and child victims of crime, including shelter, counseling, and legal services. Although no victims were identified during the reporting year, adult female and child victims of trafficking would be eligible for these services. There were no shelter facilities available to male victims older than 14 years old; however, male counselors were available to assist male victims of any age. Under the immigration act, the principal immigration officer had broad discretionary authority to grant victims permits to stay in the country for any length of time necessary for their protection. Victims could receive asylum in Tonga if they feared retribution or hardship in their country of origin, although no trafficking victim has ever requested asylum.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. The government's trafficking task force was responsible for leading anti-trafficking efforts alongside the transnational crime unit of the police force. The government did not develop a national action plan, which reportedly continued to hinder governmental anti-trafficking coordination. The government did not conduct awareness campaigns. Authorities provided briefings to Tongans participating in seasonal worker programs overseas, which included information on workers' rights. Under Tongan law labor recruiters and brokers who used fraudulent recruitment methods were liable to up to 10 years' imprisonment, but the government did not report if it monitored or held any recruiters and brokers liable for fraudulent recruitment during the reporting year. 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. Tonga is not a party to the 2000 UN TIP Protocol.

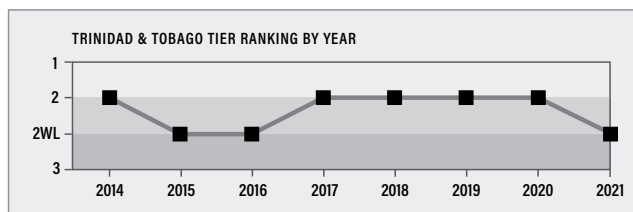
## TRAFFICKING PROFILE

As reported over the past five years, some Tongan and foreign individuals are vulnerable to trafficking in Tonga, and some Tongans are vulnerable to trafficking abroad. As a result of the government's pandemic-related mitigation efforts, entry into Tonga was severely restricted during the reporting period. East Asian women, especially those from China, who are recruited from their home countries for legitimate work in Tonga and often pay excessive recruitment fees, are vulnerable to sex trafficking in clandestine establishments operating as legitimate businesses. Some Tongan women and children are vulnerable to forced labor in domestic work; Tongan children are vulnerable to sex trafficking. Reports indicate Fijians working in the domestic service industry in Tonga experience mistreatment indicative of labor trafficking. Chinese construction laborers working on government infrastructure projects in Tonga are vulnerable to labor trafficking. Tongan adults working overseas, including in Australia and New Zealand, are vulnerable to labor trafficking, including through withholding of wages and excessive work hours. Employers rush some workers to sign employment contracts they may not fully understand, and others are unable to retain copies of

their contracts, exacerbating the potential for employers to exploit these workers in labor trafficking.

## TRINIDAD AND TOBAGO: TIER 2 WATCH LIST

The Government of Trinidad and Tobago does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included bringing additional trafficking charges against three police officers prosecuted in the previous reporting period; producing a guide for frontline officers on identifying victims of trafficking; taking steps to expedite and streamline cases and expand the use of virtual hearings and testimony; providing deportation relief to victims affected; drafting legislation that included increased penalties for official complicity in trafficking crimes; and drafting an anti-trafficking national action plan (NAP) for 2021-2023 in consultation with outside stakeholders. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government conducted fewer investigations, identified fewer victims, and has never convicted a trafficker under its 2011 anti-trafficking law. Corruption and official complicity in trafficking crimes remained significant concerns. Victim identification and services remained weak. Therefore Trinidad and Tobago was downgraded to Tier 2 Watch List



## PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials and staff. • Increase proactive victim identification, screening, and protection among migrants, asylum-seekers, and refugees, especially Venezuelans. • Implement a formalized protocol and a functioning and active coordinating committee for victim care. • Approve and implement the anti-trafficking national action plan. • Improve the quality of victim care, especially for children, and increase access to certified bilingual social workers, counselors, shelter staff, lawyers, and health care workers. • Provide adequate funding for robust trafficking investigations and victim services, including accommodations. • Train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence of trafficking. • Ensure victims are not penalized for unlawful acts traffickers compelled them to commit. • Improve cooperation between the Counter Trafficking Unit (CTU), prosecutors, judiciary, and NGOs to increase the number of cases that proceed to trial. • Strengthen oversight, regulation, and inspections of private labor recruitment agencies and domestic work locations. • Increase trauma-informed training on trafficking for NGO, shelter, social services, and law enforcement staff to improve their ability to identify and care for potential trafficking victims and increase civil society representation on the anti-trafficking task force.

## PROSECUTION

The government decreased prosecution efforts. The Trafficking in Persons Act of 2011 criminalized sex trafficking and labor trafficking and prescribed penalties of no less than 15 years' imprisonment and a fine of no less than 500,000 Trinidad and Tobago dollars (TTD) (\$74,650) for offenses involving an adult victim, and no less than 20 years' imprisonment and a fine of no less than 1 million TTD

(\$149,300) 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 rape. The government reported it prepared draft legislation in December 2020 to increase the penalties for human trafficking, including increased penalties for public officials complicit in trafficking crimes; the draft legislation remained pending with the Attorney General's office prior to parliamentary debate at the end of the reporting period.

The government's anti-trafficking unit reported investigating 12 cases in 2020, nine for sex trafficking and three for labor trafficking, compared with investigating 36 possible cases of sex trafficking or labor trafficking in 2019, 39 in 2018, and 38 in 2017. The government reported investigating and charging 14 individuals for solicitation of a sex trafficking victim under the Trafficking in Persons Act. The government reported two ongoing sex trafficking investigations and one ongoing labor trafficking investigation from prior reporting periods. The government reported arresting and then prosecuting two alleged sex traffickers in 2020, compared to two prosecutions of eight suspected traffickers in 2019, four prosecutions in 2018, and two prosecutions in 2017. The government reported continuing the prosecution of six defendants begun in previous reporting periods, including three police officers charged with additional human trafficking crimes in October and November 2020. The government did not report convicting any traffickers in 2020 and has not convicted any traffickers since the enactment of the 2011 anti-trafficking law.

The CTU, under the Ministry of National Security, had the sole mandate for investigating human trafficking cases. The government reported the Children's Authority of Trinidad and Tobago (CATT) referred cases involving children to the CTU and the Child Protection Unit of the police for investigation; the CATT and the Ministry of National Security maintained an MOU. The Child Protection Unit developed referral and management procedures for cases received from the CTU and the Immigration Division, which remained pending finalization at the end of the reporting period. Authorities reported that prior to this, more informal documented interim procedures were implemented. CTU staff were exclusively dedicated to trafficking and covered all jurisdictions during the reporting period, but suffered from limited funding, staffing resources, and expertise. However, although NGOs reported identifying and referring many additional victims to the CTU for the purpose of initiating an investigation, the NGOs reported they stopped referring them due to the CTU's failure to act on the information. The director of public prosecutions and the judiciary had responsibility, respectively, for prosecuting and hearing all cases, including those related to human trafficking. Observers noted authorities did not pursue a prosecution if the victims were not willing to testify against an alleged trafficker. There were no courts dedicated solely to trafficking cases. Courts continued to have a backlog and often took five to 10 years to resolve cases, including trafficking cases, despite adopting justice system reforms in 2019 to address the problem.

The government reported establishing five new courts and specialized divisions with 100 new courtrooms for cases including human trafficking during the reporting period to reduce delays, streamline processes, and enable a more victim-centered approach, especially for cases involving children. The government also reported increasing the number of high judges from 36 to 64 to hear criminal cases, including for trafficking. Due to the pandemic, courts closed in March 2020 and began working remotely where possible, including for hearings and urgent court applications. The government reported that if deemed expedient and safe to so do, many high-profile matters, including trafficking cases, were heard in-person or via hybrid hearings. The government reported establishing 12 virtual courts at the prisons to ensure the efficient continued hearing of criminal cases during the pandemic. Authorities also reported accelerated existing plans in response to the pandemic to merge magisterial districts for cases to be heard in any Magistrate Court in the wider geographic area versus being restricted to the previous 13 smaller districts where the charge was filed; the government reported trafficking investigations could span several geographic areas and the change allowed the

police to avoid having to file charges in multiple disjunctive districts. The government also reported expediting the process to digitize the Magistracy for the first time.

The CTU and other coordinating bodies continued to operate during the pandemic on a limited and remote basis. Authorities reported the pandemic impacted the ability to collect law enforcement and victim identification data and gather evidence. The CTU collaborated with specialized units within the national police and the intelligence-led task force to identify and monitor suspicious establishments. A civil society organization reported authorities rarely raided some venues and suggested these venues were connected to corrupt immigration officials and police officers. In January 2021, authorities publicly stated the government was monitoring two dozen police officers allegedly involved in human trafficking; the investigation was ongoing at the end of the reporting period and authorities reassigned 40 police officers who refused polygraphs. The government also reported identifying a number of senior officials potentially involved in human trafficking but did not report criminally investigating these cases during the reporting period. Authorities reported that in cases of alleged official complicity, the Police Complaints Authority could receive a complaint against one of the investigating or other police officers involved in the inquiry and require the intervention of the Director of Public Prosecutions via consultation. The government reported the police service also had internal disciplinary procedures to suspend officers charged with human trafficking and other crimes. Authorities reported that sexual exploitation and trafficking were included in the Second Schedule of the Proceeds of Crime Act as specified offences from which forfeitures/confiscations/money laundering charges could be generated; actions taken under the Civil Asset Recovery and Unexplained Wealth laws required citizens, including public officials, to account for the source of their wealth. The government proposed an amendment to the Police Services Act in January 2021 that would allow additional disciplinary action, including polygraph testing and dismissal, for officers suspected to be involved in trafficking; the proposal was pending parliamentary review at the end of the reporting period. The case of a 2017 government employee charged with trafficking also was still pending.

The government did not provide its overall budget allocations for trafficking for 2020, 2019, or 2018, compared to a 7 million TTD (\$1.05 million) budget reported in 2017. Authorities reported they did not divert anti-trafficking financial or personnel resources as a direct result of the pandemic. The government did not report entering into any new bilateral, multilateral, or regional law enforcement agreements, but reported it worked with Venezuela on child trafficking cases and publicly expressed a desire to initiate an extradition agreement with the Maduro regime in Venezuela. The government reported that in-person trainings moved to virtual platforms due to the pandemic. The Police Academy reported it conducted 14 human trafficking-related trainings during the reporting period that reached 790 law enforcement officials. The CTU reported it participated in the Turquesa (2) Operation in November and December 2020 along with 32 participating countries and in cooperation with international organizations and that it screened 37 vulnerable individuals for trafficking indicators during the mission. The government reported training officials of other governments through a regional security initiative. The government also reported developing legislation currently before Parliament to allow non-commonwealth countries with which it does not have a mutual legal assistance arrangement to access assistance in criminal matters to expand the scope of international cooperation.

## PROTECTION

The government maintained limited protection efforts. The government reported identifying six trafficking victims, compared with reporting 34 trafficking victims in 2019, 14 victims in 2018, and 14 in 2017. Of the six identified, three were female, and three were male; three were Venezuelans, of which two were children, and three were Indians; three were victims of sex trafficking, including both

children, and three were victims of labor trafficking. The government reported the pandemic negatively affected the ability to identify victims, particularly due to the inability to meet with potential victims. NGOs did not refer any victims. Authorities reported providing some assistance to 70 potential victims during the reporting period, compared with reporting all identified victims received care in 2019, including 22 victims from prior years, 29 victims in 2018 and 14 in 2017. The government reported the exact number of victims was uncertain, as authorities gave some undocumented Venezuelans in dire need assistance without screening them first. The government reported it provided: accommodation for all potential victims; basic necessities for adults; English as a Second Language classes and life skills training; psychosocial support and art therapy interventions; medical, antenatal care, and parenting classes; counseling; Spanish language interpretation and translation services; and social assessments by qualified social workers. For potential child victims, the government reported it provided specialized care, including medical screenings and assessments at the Child Assessment Center and accompaniment to appointments, psychosocial support during police interviews, appointment of Child Advocates, provision of child reading material in English and Spanish, outings and excursions, and placement/accommodation in community residences and special homes for pregnant teens, weekly communication with family members and parents, child transition plans, legal representation for children as directed by the Family and Children's Court; and social welfare visits and interventions. The government reported services were not time-limited or conditional on participation in the prosecution of the trafficker; however, victims who cooperated with an investigation or prosecution would receive legal aid, transportation, and lodging for themselves and their families.

The government reported the CTU had a dedicated budget of 120,000 TTD (\$17,920) for victim assistance, compared with spending 120,000 TTD (\$17,920) on victim protection and assistance in 2019; 203,100 TTD (\$30,320) in 2018; and 198,900 TTD (\$29,700) in 2017. The Ministry of Social Development and Family Services reported providing funding for 19 NGOs and three statutory boards for up to 60 percent of recurrent administrative and operational costs for victims of trafficking and other crimes, especially domestic violence, but did not disaggregate the amount for trafficking victims. Authorities reported the Ministry of National Security had an agreement with an international organization to provide support for adult victims. The government reported the Ministry of Health assisted foreign trafficking victims and funded the assistance from its annual budget. The government also reported the CATT funded the provision of child advocates for child victims from its general budget, and the government continued to provide legal services for children.

The government reported that during the reporting period the CTU produced a Pocket Guide for Frontline Officers, which included information on identifying victims of trafficking, and disseminated it to all agencies. The Ministry of Health also had policies for victim identification and the CATT—which is involved in all cases involving child victims—was in the process of finalizing a draft manual for victim care at the end of the reporting period. However, the government reported that a major challenge was the lack of implementation of a formalized protocol and a functioning and active coordinating committee for victim care. The government reported it needed to strengthen the quality of victim care, including specialized placement facilities for children equipped with adequate personnel and services and placement facilities for children transitioning out of the care system. Experts noted working-level staff at NGOs and shelters required more training on trafficking indicators to better identify potential trafficking victims. Authorities and an international organization also reported a lack of access to certified bilingual social workers, counselors, shelter staff, lawyers, and health care workers negatively impacted victim care. The government reported that while public health services continued during the pandemic for all patients, including trafficking victims, it transitioned in-person counseling and psycho-social interventions to virtual services. The pandemic

negatively affected the capacity of authorities and NGOs to provide essential services to victims and to give basic protective gear to law enforcement officials and service providers when assisting potential victims. The government reported it restricted outings and visits by external parties at community residences due to the pandemic, and it also implemented safety protocols; new admissions at the community residences were contingent on the availability of space for quarantining. However, the government reported community homes did accept new arrivals, with quarantine spaces established based on health guidelines and protocols; health care officials provided necessary training for shelter staff and conducted social assessments for victims virtually.

Outside experts noted there was insufficient government funding and personnel for comprehensive victim care including appropriate shelters with adequate staff and security personnel. The government did not provide funding for or manage any trafficking-specific shelters. Authorities placed adult female victims in domestic violence NGO-run shelters funded by an international organization, while they placed adult male victims in safe houses operated by the security services. Victims did not have a choice of which shelter to use. Outside experts noted the shelters had strict rules restricting unchaperoned freedom of movement or communication outside, and these restrictions caused some victims to run away from shelters or ask to be repatriated before authorities completed investigations. The Children's Authority placed child victims in government-funded children's homes in the community, which also could house children who were criminal offenders, and observers reported a lack of specialized care. The government reported it usually placed child victims in one community residence. The government reported children were not allowed to leave their residence without permission from the CATT. An international organization reported that in the few cases where victims requested assistance, they did so through local NGOs, private individuals, government agencies working with Venezuelan migrants, or through international organizations who then referred the cases to the CTU. The CTU screened migrants for trafficking indicators. However, some observers indicated that following police actions or immigration raids, authorities detained some foreign victims for violating immigration laws without screening for trafficking indicators or victim care—even though those unlawful acts occurred as part of the trafficking crime and traffickers may have compelled victims to commit them. The CTU reported intervening on behalf of some foreign victims to have them removed from detention centers to alternate sites. According to NGOs, the coast guard and local authorities did not screen detained refugees or asylum-seekers for trafficking indicators as required by international conventions. In addition, NGOs asserted the Venezuelan embassy's involvement in the repatriation process put individuals at risk if they had a legitimate fear of persecution. In May 2020, a group of 12 Cuban medical professionals arrived to assist with pandemic efforts; the government did not report measures to monitor this group for trafficking indicators nor to put protection measures into its agreement with the Cuban government to prevent forced labor.

The government reported all foreign adult victims who agreed to cooperate with an investigation received a renewable Minister's Permit enabling them to remain in the country for the duration of court proceedings, to move about unchaperoned, to work in the country legally, and to apply for permanent residency after the completion of court proceedings. The government reported victims could not leave the country and return on a regular basis, even apart from border closures due to the pandemic. The government reported providing deportation relief to 23 victims, including six from the current reporting period, due to the pandemic. Victims stated they feared retaliation from traffickers and re-trafficking if they remained in the country; this situation was exacerbated because cases could take up to a decade to come to trial.

The government offered some immigration relief—including for potential victims—at the end of the reporting period by extending the registration cards for Venezuelan refugees and migrants through July 2021; however, this was only available for 16,523 individuals



previously registered in 2019, not for more numerous recent arrivals. Authorities said the registration card would not automatically allow migrants to obtain drivers' permits and other official documents despite allowing them to work and live in the country. The government reported taking undocumented Venezuelan nationals under the care of the state who gave birth to babies to the Venezuelan Embassy to register the birth and obtain official identity documents; however, outside observers reported that many of the children were not provided with documentation. Although the government agreed that an international organization could conduct refugee status determinations, there was no impact on a trafficking victim's legal status in country and refugee children could not access public education, heightening their risk for trafficking. During the reporting period, the government changed the evidence acts amendment to allow legal proceedings of cases without relying uniquely on the victim's willingness to cooperate. The CTU provided 24/7 security for victims who participated in court proceedings, along with witness protection and support to victims during preliminary hearings based on a risk assessment conducted for each victim. As a pandemic measure, in October 2020 authorities established several virtual hearing centers for judges and judicial officers to take evidence by any specific means and from a specific location, including the Judiciary's Virtual Access Customer Center or any court building; the law required all court matters to be held in camera, although the courts allowed for victim testimony via video or written statements. The anti-trafficking law imposed penalties for breach of the victims' and their families' identities. The CTU previously provided sensitivity training to judges and magistrates to avoid re-traumatization of trafficking victims but did not report doing so during the reporting period. The anti-trafficking law provided for restitution by the court; however, no cases had reached the stage where a victim would be able to apply for restitution. Between May and December 2020, authorities reported the CTU funded 18 virtual trainings for 1,040 members of the public and private sector on how to identify potential victims of human trafficking.

## PREVENTION

The government maintained efforts to prevent trafficking. The National Task Force Against Trafficking in Persons (Task Force) was the national coordinating body and included the Ministry of Social Development, the Ministry of Foreign and CARICOM Affairs, the Office of the Prime Minister (Gender and Child Affairs Division), the Ministry of Labor, the Ministry of Education, the Ministry of Health, the Attorney General, and Legal Affairs. The Task Force did not include any NGOs, although there was an inter-ministerial working committee that included two NGOs, and the government reported it sought the input of survivors in crafting its trafficking laws, regulations, policies, and programs, specifically for children, and in their implementation. Experts continued to note a need for the government to add more NGO representation to the Task Force to strengthen government-NGO partnerships and receive more NGO input into government decision-making.

The Task Force collaborated with the CTU on anti-trafficking efforts. The government drafted and began consultations with more than 100 NGOs, international organizations, foreign embassies, religious bodies, and a university on a NAP for 2021-2023; the NAP was still pending cabinet approval at the end of the reporting period. Quarterly reports of some anti-trafficking activities were submitted to the Task Force, and it prepared annual reports on the government's anti-trafficking efforts, although the government did not make these reports available to the public. The government reported preparing a parliamentary report in July 2020 on its anti-trafficking efforts that was available to the public. The CTU had a 24/7 English-language trafficking hotline, which reported receiving 47 calls and referring one case for investigation during the reporting period. The government also had other contact phone numbers and email addresses to report cases; an international organization reported the hotline was not widely used, especially in cases involving Venezuelan migrants. The government publicized the hotline through social media, airport advertisements, billboard

advertisements, movie screenings, and radio programs. Observers noted the need for more Spanish language services in the hotline.

The Employment Exchange Act prohibited recruitment fees. Labor recruiters required a license to operate; the licensing officer could accept as equivalent a license issued by the competent authority of a foreign country. Forced labor cases could be referred to the labor inspectorate for investigation, and the inspectorate met with employers about paying employees unpaid wages. The law did not differentiate between domestic and foreign employees. Domestic workers were covered under the law, but observers noted the oversight and regulation of domestic workers remained weak, although employers must register domestic workers within 14 days or face a 5,000 TTD (\$746) fine. The government reported reconstituting a labor law body to consider reforms to the law to widen the protections for domestic workers and to establish a special tribunal to hear disputes between domestic workers and their employers. The government reported three working groups for an update to the Recruiting of Workers Act met in December 2020 and recommended that means of fraud, including for the purposes of trafficking, be included in the Act and that migrants be included in the definition of "worker." The Ministry of Labor (MOLSED) reported it continued to work on a labor migration policy begun in 2019. In March 2021, MOLSED and the Ministry of National Security agreed to increase collaboration on human trafficking, child labor, and labor exploitation, including training for labor inspectors to enable them to refer potential trafficking victims to the police or immigration. The government reported all labor inspectors were trained to use trafficking screening forms. Authorities reported continued efforts to raise awareness on social media about the labor rights of migrant workers, responsibilities of employers, and available avenues for reporting breaches. The government reported one of its Labor Attachés in Canada had specific responsibility for the Commonwealth Caribbean Seasonal Agricultural Workers' Program. The government did not report efforts to reduce the demand for commercial sex. The government reported its laws allowed for the prosecution of suspected sex tourists for crimes committed abroad, and it developed draft legislation to strengthen the registration and reporting of sexual offenders to aid law enforcement, locally and internationally, in apprehending sexual offenders. The government provided training on human trafficking issues to staff and officers of the Ministry of Foreign and CARICOM Affairs, but did not provide training to diplomats during the reporting period.

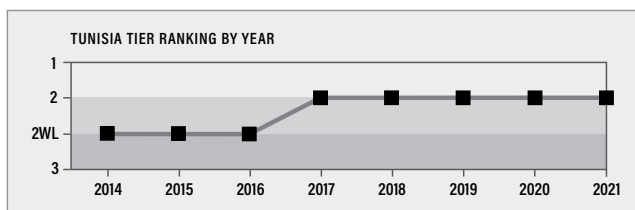
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Trinidad and Tobago, and traffickers exploit victims from Trinidad and Tobago abroad. Trinidad and Tobago also serves as a transit point for Venezuelan refugees and migrants en route to Europe, North Africa, and elsewhere in the Caribbean. The ongoing humanitarian crisis in neighboring Venezuela has contributed to a large influx of refugees and migrants who are at high risk for trafficking. Trinidad and Tobago closed its borders due to the pandemic from March 2020 through March 2021, but an international organization reported Venezuelans continued to arrive in large numbers on a daily basis. Unaccompanied or separated Venezuelan children are at increased risk for sex trafficking. Many victims enter the country legally via Trinidad's international airport, while others enter illegally via small boats from Venezuela, which is only seven miles offshore. Migrants from the Caribbean region and from Asia, in particular those lacking legal status, are at risk for forced labor in domestic service and the retail sector. Sex trafficking victims are women and girls primarily from Venezuela, Colombia, the Dominican Republic, and Guyana; traffickers offer employment in brothels and clubs, including via social media—which increased as a result of the pandemic—along with advertisements in Venezuelan newspapers and recruitment by other victims. Traffickers also exploit individuals from Puerto Rico, the Philippines, China, India, Nepal, and St. Vincent and the Grenadines. Traffickers are increasingly targeting and accompanying vulnerable foreign young women and girls between the ages of 15 and 21. LGBTQI+ persons are at risk

for sex trafficking. Cuban medical professionals may have been forced to work by the Cuban government. Corruption in police and immigration has been associated with facilitating labor and sex trafficking. Observers report that law enforcement and security officials are implicated in human trafficking, including coast guard officials who facilitate the transit of women and girls from Venezuela to the country; immigration and customs officers who ensure that women and girls arrive and receive entry; and members of the police who accept bribes to facilitate transport to houses across the country and work with brothel owners to protect their establishments from police raids, particularly in the southern police districts where most Venezuelan refugees and displaced persons attempt to enter the country. Transnational organized crime with a link to *megabandas*—large criminal gangs with more than 50 members who are part of transnational organized crime networks in Latin America—may increasingly be involved in human trafficking. Prior to the pandemic, Trinidad and Tobago may have been a sex tourism destination. After the country closed its borders in March 2020 due to the pandemic, more victims arrived by sea through illegal points of entry and trafficking moved from brothels to private, clandestine locations.

## TUNISIA: TIER 2

The Government of Tunisia 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Tunisia remained on Tier 2. These efforts included providing protection services, including medical and psycho-social assistance, to more than 160 identified victims and continuing to coordinate with civil society organizations to provide additional services to all identified victims and to train officials. The government developed a contingency plan to manage its crisis response to trafficking amid the pandemic and prepare for similar situations in the future. The government also formalized and expanded anti-trafficking cooperation, including an agreement with the Government of Cote d'Ivoire to exchange information on victim support and transnational trafficking networks. However, the government did not meet the minimum standards in several key areas. For the second consecutive year, the government did not convict any traffickers. Poor understanding of trafficking among judicial and law enforcement officials inhibited authorities from effectively using the 2016 anti-trafficking law to prosecute and convict traffickers. While the government provided some services for victims, overall government services appropriate for the needs of all trafficking victims—including male, female, and child victims—outside of major cities remained limited.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms, using the 2016 anti-trafficking law. • Implement formal procedures for all relevant officials to screen and proactively identify sex and labor trafficking victims—particularly among vulnerable groups such as domestic workers, undocumented migrants, street children, and persons in commercial sex—and train officials on their use. • Train and build the capacity of judicial and law enforcement officials on application

of the anti-trafficking law, investigative techniques, and evidence collection specific to trafficking cases, witness and victim protection best practices during trial, and alternatives to victim testimony.

- Fully implement the national victim referral mechanism using a victim-centered approach to ensure officials refer all trafficking victims to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care.
- Provide adequate protection services to adult and child victims of all forms of trafficking, including appropriate shelter, psycho-social, and rehabilitative services tailored specifically to trafficking victims.
- Train staff at government-operated centers for vulnerable populations to provide trafficking victims with appropriate and specialized care and increase resources for provision of care at these centers.
- Improve coordination among government ministries to combat trafficking.
- Provide funding or in-kind support to NGOs that provide care to trafficking victims.
- Develop procedures, especially for law enforcement, judicial, and border officials, to ensure victims are not punished for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations.

### PROSECUTION

The government maintained uneven law enforcement efforts. Tunisia's anti-trafficking law, Organic Law 2016-61, enacted in July 2016, criminalized sex trafficking and labor trafficking and prescribed penalties of 10 years' imprisonment and a fine of 50,000 Tunisian dinar (TND) (\$18,640) for offenses involving adult victims and 15 years' imprisonment and a fine of 50,000-100,000 TND (\$18,640-\$37,270) 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 kidnapping.

The government reported pandemic-related mitigation efforts placed restrictions on investigators' ability to work and hindered interagency collaboration. In 2020, the Ministry of Interior (MOI) conducted a total of 181 investigations, which included 73 cases of forced labor, 62 cases of "economic exploitation" (forced labor), 28 cases of sexual exploitation, and 10 cases of child forced criminality. This demonstrated a significant decrease from the 775 investigations—361 forced labor cases, 348 "economic exploitation" (forced labor) cases, 54 sexual exploitation cases, and 12 "slavery-like practices" cases—the government initiated in the previous reporting period. Despite a nationwide pandemic-related lockdown from April to June 2020 and several judges' strikes, the National Authority to Combat Trafficking in Persons ("National Authority")—the government's lead agency coordinating anti-trafficking efforts—with the assistance of a legal aid NGO, reported the government prosecuted 32 cases involving at least 36 defendants; however, the government did not try any of the cases under the anti-trafficking law. This was similar to the 31 prosecutions in the previous year. The government reported 157 prosecutions initiated in previous reporting periods remained ongoing. The public prosecutor and investigative judge closed 12 cases before going to trial for a variety of reasons including lack of evidence and victims deciding not to press charges; of those 12 cases, two involved Tunisian defendants and 10 cases involved Ivorian defendants. The government did not convict any traffickers for the second consecutive year. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes. During the reporting period, the government continued expanding cooperation with the governments of Senegal and Cote d'Ivoire to exchange information about potential trafficking cases. The government formalized the partnership with Cote d'Ivoire and expanded it to exchange information on victim support and transnational trafficking networks between the two countries.

The Ministry of Justice (MOJ) designated a judge at each tribunal of first instance, for a total of 28, to serve as focal points to prosecute and investigate human trafficking cases. The MOJ's special victims unit, established in 2017, included brigades of judicial police and national guard officers throughout the country who specialized in cybercrime and assistance to victims of trafficking and gender-based violence. The MOJ continued to monitor and maintain statistics on human

trafficking cases brought before the judiciary through a specialized office; this office also had the authority to conduct research on the application of the anti-trafficking law and advise the minister of justice on policies related to the implementation of the law. However, lack of a judicial database and bureaucratic delays prevented the MOJ from providing detailed data on trafficking prosecutions and convictions during the reporting period. Throughout the reporting period, the government—in coordination with international and civil society organizations—conducted a wide variety of anti-trafficking trainings for law enforcement and judicial officials, healthcare practitioners, and social workers. The National Authority maintained an online platform to provide training to legal professionals on how to combat and prevent human trafficking established in February 2020. Nevertheless, insufficient training of judicial and law enforcement officials hindered investigations and victim identification efforts. The National Authority reported the lack of an independent budget and insufficient capacity building hindered the government's efforts to fully implement the law. Furthermore, civil society organizations reported there continued to be a low level of awareness among police and judicial authorities on the application of the anti-trafficking law and handling of trafficking cases. Due to their lack of familiarity with the law, some judicial officials used other laws that had less stringent sentences to prosecute and convict trafficking offenders. Observers also reported that courts dismissed several potential trafficking cases due to lack of evidence on the exploitative nature of the crime; lack of victim or witness testimony also created challenges for officials to successfully prosecute and convict trafficking offenders.

## PROTECTION

The government maintained efforts to proactively identify trafficking victims and refer victims to protection services. Pandemic-related lockdowns inhibited the government's ability to identify and assist trafficking victims during the reporting period. Between April 2020 and March 2021, the National Authority identified 907 trafficking victims; while this represented a decrease from the 1,313 victims it identified in the previous reporting period, it was an increase compared with 780 in 2019 and 285 in 2018. More than half of the identified victims were women and children, and 366 were foreign victims from Algeria, Burkina Faso, Cameroon, Cote d'Ivoire, Guinea, Madagascar, Mali, Uganda, Senegal, Sierra Leone, Togo, Japan, and Philippines. The National Authority reported traffickers subjected 62 percent of identified victims to forced labor and 32 percent to sex trafficking; traffickers subjected 75 percent of identified child victims to sex trafficking compared to 59.2 percent in 2019. The government referred or directly provided assistance to all identified victims of trafficking. The Ministry of Health (MOH) provided healthcare to 93 trafficking victims, including both Tunisian and foreign victims, and the Ministry of Social Affairs (MSA) provided psychological and socioeconomic assistance to 71 victims. NGOs reported the government continued to collaborate with civil society organizations to provide assistance to the remaining victims in need. The government also assisted in the repatriation of 34 female Tunisian trafficking victims, who Tunisian authorities identified in Gulf countries in 2018 and 2019, and provided shelter, medical, and financial assistance to the victims upon their return to Tunisia.

The government continued implementing the national victim identification and referral mechanism approved in the previous reporting period, which streamlined all stages of the referral process from victim identification and assistance to civil and criminal proceedings. Judicial and border police continued to have practices in place to screen for potential trafficking victims among those who overstayed their legal residency or who were subject to expulsion after serving a prison sentence. The government also provided practical guides to security officers and judicial police on victim identification techniques. In addition, the MSA continued to train all labor inspectors to identify potential trafficking victims; there were 26 labor inspectors and 24 social workers in the MSA's labor inspectorate that were trained as specialized points of contact for child trafficking victims. Despite these efforts, the national anti-

trafficking commission and MOI special victims unit were the only government entities authorized to officially identify trafficking victims, thereby allowing victims access to state-run services and providing exemptions from exit visas for foreign victims. NGOs continued to report that the limited number of ministries who could legally identify trafficking victims slowed the process for victims to receive care. Moreover, insufficient interagency coordination and resources reportedly hindered the timely identification and referral to services for trafficking victims. In addition, civil society organizations reported the special victims unit did not have sufficient personnel or resources to provide adequate assistance to trafficking victims, nor did personnel have the cultural understanding or training to communicate with vulnerable migrants from the sub-Saharan African population, including potential trafficking victims. Civil society organizations also expressed concern that the government's process to provide exemption from visa penalties for foreign trafficking victims was slow and cumbersome, thereby creating difficulties for civil society to assist victims in a timely manner. Civil society noted authorities' current interpretation of the anti-trafficking law limited application of identification procedures; authorities may have punished some unidentified victims for unlawful acts traffickers compelled them to commit, such as prostitution or immigration violations.

The MSA continued to operate two centers in Sousse and Sfax that had designated areas available for victims of all forms of trafficking where victims could enter and exit freely and return on a regular basis for assistance seeking employment. The MSA—in collaboration with an international organization—continued to provide training for the centers' staff on rehabilitation and care for trafficking victims. The MSA and National Authority continued to uphold an agreement, signed in January 2019, for the MSA to dedicate one room in all social care centers for victims of trafficking and violence. An MOH-operated hospital in Tunis continued to have a unit with trained personnel dedicated to caring for victims of violence, including sexual exploitation, which offered psycho-social support, medical documentation, and legal expertise; the government did not report if this unit assisted any trafficking victims during the reporting period. The government's rehabilitation center for torture victims could also assist trafficking victims with psychological and therapeutic support. The government ran 79 youth centers around the country that provided psycho-educational services to at-risk children ages six to 18, including child trafficking victims, one of which was dedicated solely for abandoned or otherwise vulnerable children, including child trafficking victims; however, the government did not report if any child trafficking victims received assistance at this center during the reporting period. Civil society contacts reported there were overall limited services throughout the country for child trafficking victims, especially long-term, reintegration, and relocation services. Despite the centers and services provided by the MSA and MOH, the National Authority and civil society partners continued to report the country lacked sufficient shelters to support vulnerable populations, including trafficking victims. Although the National Authority and NGOs partnered to reintegrate victims into society, the lack of resources, trained personnel, and sufficient shelter beds created challenges in doing so. Additionally, civil society organizations reported there were not adequate shelter or safe spaces available for male victims of trafficking and other forms of violence; there were only three government-run shelters that could accommodate male trafficking victims, but those shelters did not provide access to trained counselors, economic reintegration programs, or legal support. During the reporting period, the National Authority produced, in partnership with an international organization, victims' rights cards listing government and non-government services available to trafficking victims; the National Authority intended these cards to complement the "passport of victims' rights" cards launched in July 2020 that outlined victims' rights in Tunisia. The government offered foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution. Under the anti-trafficking law, the government offered all identified foreign trafficking victims relief from deportation; during the reporting period, the government provided temporary relief from deportation for 56



foreign trafficking victims. Victims had the right to free legal aid to assist them in engaging in civil and criminal proceedings against their traffickers and provisions to protect victims' privacy during court proceedings, such as recorded testimony and physical protection. The government allowed trafficking victims a 30-day reflection period, renewable once, while they decided whether to assist law enforcement; victim assistance was not dependent on assisting law enforcement. Prosecutors could seek restitution in trafficking cases; the government did not report whether courts issued restitution in trafficking cases during the reporting period. Trafficking victims could request legal aid to assist them in civil suits; the government did not report whether courts ordered defendants to pay compensation in the form of damages through civil suits during the reporting period.

## PREVENTION

The government maintained efforts to prevent trafficking. The government continued to implement its 2018-2023 national strategy to combat trafficking, and the MOJ continued to lead the National Authority, which included representatives from 13 ministries and experts from civil society. In addition, the National Authority developed a contingency plan to manage its crisis response to trafficking amid the pandemic and to prepare for similar situations in the future. Decree law number 2019-653 issued in 2019 established operating procedures and guidelines for the National Authority and four specialized commissions to focus on monitoring and evaluation, research, training and development, and tracking victim cases. The National Authority consulted a network of trafficking survivors established during the previous reporting period that served as a council to share experiences, advise, and present recommendations to the committee to help improve its work. During the reporting period, the National Authority completed its annual report that detailed its activities and recommendations on how to improve the government's fight against human trafficking but did not publicly release the report during the reporting period. The government continued to conduct numerous anti-trafficking public awareness and information campaigns, at times in partnership with civil society organizations, including workshops for journalists and media engagements. The National Authority also continued to place announcements on social media sites and newspapers to inform the public about fraudulent work contracts and forced labor. The government continued to operate a hotline to report potential trafficking crimes, which was operational five days a week during regular business hours and whose operators spoke Arabic, French, and English. The government did not report the number of calls to the hotline in 2020 but reported identifying three potential trafficking victims through the hotline. In response to the pandemic, the National Authority established a 24-hour mobile emergency line during the reporting period for reporting trafficking crimes; the emergency line received approximately 8,000 calls in 2020 and 47 percent of calls to the hotline resulted in identifying trafficking victims. Limited financial and personnel resources remained challenges to the government's overall ability to address trafficking.

The government continued to make efforts to address fraudulent labor recruitment practices. The Agency for Placement Abroad in Private Establishments (EPPA) filed complaints against 21 private employers for cases of fraud, extortion, or abuses of Tunisian workers abroad; it also formally requested the MOI to shut down seven private employers who recruited workers without proper registration with the EPPA. In addition, the EPPA and National Authority continued to periodically disseminate announcements in the media to raise awareness of unfair or illegal recruitment practices and informed the public about information on EPPA facilities and services. In addition, the Directorate General for Immigration continued to coordinate with the Minister of Vocational Training and Employment to combat illegal job recruitment agencies. The National Agency for Employment and Independent Work (ANETI) maintained a network of 120 approved private recruiting agencies, 1,000 job advisors, and an online platform to improve employment searches in Tunisia and prevent exploitative work contracts. ANETI raised awareness about its work during the reporting period and advised job seekers to

avoid communicating with unauthorized recruitment agencies as they may use exploitative contracts. The government maintained bilateral labor migration agreements with France and Switzerland, which contained provisions to prevent unfair labor recruitment practices and labor trafficking. The government also used a Qatar-Tunisia visa center to organize the process of recruiting Tunisians to work in Qatar and oversee employment contracts. Nevertheless, civil society organizations reported concerns the government did not provide sufficient initiatives to address the internal child domestic servitude problem. The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism.

## TRAFFICKING PROFILE

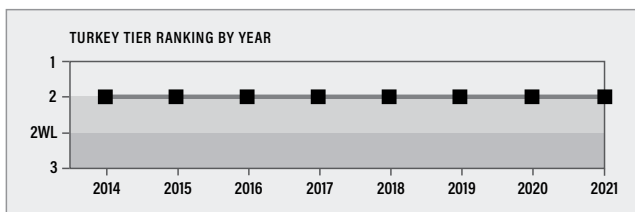
As reported over the past five years, human traffickers exploit domestic and foreign victims in Tunisia, and traffickers exploit victims from Tunisia abroad. Some Tunisian children are vulnerable to forced labor and sex trafficking in Tunisia. Tunisian girls working as domestic servants for wealthy families in Tunis and major coastal cities are highly vulnerable to trafficking, experiencing restrictions on movement, physical and psychological violence, and sexual abuse. According to experts in 2017, Tunisian children—any of whom had dropped out of school and were between the ages of 11 and 12 years old—worked in small workshops, auto mechanic garages, and domestic work; some of these children may be vulnerable to trafficking. International organizations report a continued presence of street children selling goods on street corners and rural children working in agriculture to support their families in Tunisia; these children are vulnerable to forced labor or sex trafficking. Tunisian officials reported in 2017 that organized gangs reportedly forced street children to serve as thieves and beggars and to transport drugs. Tunisian women are reportedly exploited in sex trafficking under false promises of work both within the country and elsewhere in the region, such as Lebanon, United Arab Emirates, and Jordan.

Foreign migrants are particularly vulnerable to sex trafficking, domestic servitude, and other forms of forced labor in Tunisia. According to an NGO, in 2017 and 2018, foreign trafficking victims typically arrived in Tunisia on a valid tourist or student visa and remained in an exploitative situation for an average of five to 13 months, surpassing the validity of their visa. Civil society and international organizations continue to report an increase in traffickers exploiting women, primarily from West Africa and increasingly from Cote d'Ivoire, in domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. An NGO also reported in 2018 that traffickers forced some men from Cote d'Ivoire to work on farms and construction sites. Traffickers reportedly coerce Ivoirians to smuggle cannabis and opioids into Tunisia. According to a Tunisian NGO, recruiters in Cote d'Ivoire target both well-educated and non-skilled individuals in the country with false and fraudulent promises of work in Tunisia. Well-educated Ivoirians, who pay a recruiter to assist them to find work in Tunisia, are promised jobs that do not exist upon arrival in Tunisia, are held in debt bondage, and are forced into domestic servitude in Tunisian households. Recruiters also target unskilled and uneducated individuals primarily from San Pedro, Cote d'Ivoire, to work in domestic work, construction, or agriculture in Tunisia; these individuals are then required to repay the transportation costs and recruitment fees upon arrival and thereby held in debt bondage by their employers. Civil society organizations continue to report that traffickers appear to coach some of their victims on how to answer questions about their trafficking experiences so that victims can access benefits, such as a reprieve from exit fines, which would further allow the traffickers to exploit their victims. An NGO reported in 2018 that female victims of domestic servitude and other forms of forced labor, whose employers hold them in debt bondage, are further exploited by nightclub owners that cater to sub-Saharan African communities in Tunisia. The nightclub owners falsely promise to pay the women's debts in exchange for working in the nightclubs as servers, but the owners subsequently force the women into commercial sex for the nightclubs' clientele. Civil society organizations also reported in 2018 that male migrants from sub-Saharan Africa who work in poor

working conditions could be vulnerable to forced labor. Tunisian LGBTQI+ rights associations reported in 2018 that migrants and asylum-seekers from neighboring countries who escaped violence or discrimination due to their gender identity or sexual orientation may be particularly vulnerable to sex trafficking and forced labor in Tunisia. NGOs and international organizations observed in 2017 a slight increase in boys from Sub-Saharan and West Africa, including Cote d'Ivoire, who were vulnerable to trafficking after accepting fraudulent offers of soccer careers in Tunisia. During the reporting period, Italian authorities reported a sharp increase in Tunisian irregular migrants arriving in Italy, in part due to pandemic-related economic fallout; these irregular migrants were vulnerable to trafficking.

## TURKEY: TIER 2

The Government of Turkey 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Turkey remained on Tier 2. These efforts included prosecuting more defendants and identifying more victims. The Bureau of Combating Migrant Smuggling and Human Trafficking (BCMHS) increased its number of offices and the Directorate General for Migration Management (DGMM) developed and circulated a manual for shelter staff with standard operating procedures (SOPs) on victim assistance. The government trained shelter staff on pandemic mitigation efforts and provided COVID-19 tests and personal protective equipment (PPE) to victims staying at the shelters. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers and courts continued to acquit most defendants prosecuted for trafficking. Many judges and prosecutors lacked experience and resources to prosecute complex cases and cases were often dropped, acquitted, or reclassified to lesser crimes. DGMM-run shelters' capacity was stretched with victims staying at the shelters for longer than expected due to the pandemic, and some domestic civil society groups remained excluded from anti-trafficking efforts. The government did not proactively identify internal trafficking victims, forced labor victims, and victims among migrants, refugees, and asylum seekers, raising the possibility of penalizing victims for unlawful acts traffickers compelled them to commit. Human rights groups and international bodies reported the government provided operational, equipment, and financial support to a Turkish-supported armed opposition group (TSO) in Syria that recruited child soldiers.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Cease operational, in-kind, and financial support to armed opposition groups in Syria that recruit child soldiers. • Expand and institutionalize training to investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including advanced training on trafficking investigations and prosecutions. • Increase proactive victim identification efforts among vulnerable populations, such as refugees and asylum-seekers, persons in LGBTQI+ communities, migrants awaiting deportation, Turkish and foreign women and girls in commercial sex, and children begging in the streets and working

in the agricultural and industrial sectors. • Establish procedures or specialized units to ensure trafficking cases are handled by trained prosecutors. • Expand partnerships with civil society to better identify victims and provide victim services. • Strengthen specialized services including shelter and psycho-social support for all victims. • Improve interagency cooperation and adopt a national action plan. • Encourage victims' participation in investigations and prosecutions, including using remote testimony or funding for travel and other expenses for victims to attend court hearings.

### PROSECUTION

The government maintained law enforcement efforts. Article 80 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 12 years' imprisonment and a fine equivalent to "10,000 days," which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government investigated 269 cases with 880 suspects. The Ministry of Justice (MOJ) prosecuted 68 new cases with 347 defendants, compared with 52 new trafficking cases with 237 defendants in 2019. The MOJ continued to prosecute 1,398 cases with 5,221 defendants. Courts convicted 30 traffickers, compared with 43 in 2019; judges sentenced 13 traffickers with imprisonment ranging from eight years' to 10 years', 16 traffickers with imprisonment ranging from six years and eight months' to seven years and six months' imprisonment, and one trafficker received two years' imprisonment. The government did not report the length of the sentences in 2019. Courts continued to acquit the majority of defendants prosecuted for trafficking; courts acquitted 177 suspected traffickers out of 214 defendants (258 of 329 suspected traffickers acquitted in 2019). The government closed courts from March to June 2020 due to pandemic mitigation measures.

Turkish National Police (TNP) maintained BCMHS with 22 provincial offices and increased the number of officers to 114 (30 officers in 2019). The Gendarmerie also operated the Department of Counter Smuggling and Trafficking with 16 provincial offices. The government did not designate specialized prosecutors for trafficking cases, and a lack of experience and specialization among prosecutors and judges regarding trafficking, particularly after the dismissal of more than 125,000 civil servants during the state of emergency, limited the government's ability and means to prosecute complex crimes like trafficking. For example, GRETA and other observers reported that law enforcement lacked sufficient resources to fully investigate labor trafficking with 94 percent of all trafficking investigations involving sex trafficking – disproportionate to a reasonable expectation of labor trafficking cases. Experts continued to report misperceptions about trafficking among law enforcement authorities, including confusion between sex trafficking and "encouragement of prostitution" (Article 227) or labor trafficking and "violation of freedom of work and labor" (Article 117). Judiciary officials reported cases were dropped, reclassified to lesser offenses, or acquitted due to a lack of evidence, particularly a lack of testimony, as victims and witnesses rarely participated in court proceedings.

The government, independently and with technical and financial support from international organizations, provided various anti-trafficking trainings, including to TNP, coast guard, Gendarmerie, prosecutors, and judges. The government cooperated with Moldova and Italy on trafficking investigations and filed extradition requests for nine suspects with Azerbaijan, Bulgaria, Georgia, Greece, Morocco, and United Arab Emirates. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. Additionally, reports and evidence from human rights groups and international bodies indicate the government provided operational, equipment, and financial support to a TSO in Syria that recruited child soldiers. An international organization reported in 2020 the recruitment and use of 820 children (765 boys and 55 girls) in the Syria conflict, including 191 cases attributed to TSOs.

## PROTECTION

The government increased victim protection efforts. The government identified 276 victims (193 in 2019); 160 were victims of sex trafficking and 116 were victims of labor trafficking, including 43 of forced begging; 221 were female and 20 were male; 165 were children; and 272 were foreign victims and 11 were Turkish nationals. In 2019, 134 were victims of sex trafficking, 35 of labor trafficking, 16 were victims of forced captivity, four of forced begging, three of domestic servitude, and one of child soldiering; 173 were female and 20 were male; 20 were children; 191 were foreign victims and two were Turkish nationals. SOPs provided guidelines for identifying and referring victims to assistance and required first responders to refer potential victims to the DGMM, which officially recognized victims. DGMM maintained two identification experts in each of the 81 provincial offices to interview victims; DGMM interviewed approximately 4,919 potential victims (4,500 in 2019). In previous years, DGMM's ability to identify victims varied among provinces. The government operated 134 mobile teams for street children in all 81 provinces that conducted outreach work, and the Ministry of Family, Labor, and Social Services (MOFLSS) continued to deploy specialized staff to government-operated migrant and refugee temporary accommodation centers to screen camp residents for indicators of trafficking. GRETA and other observers reported limited capacity among first responders and inadequate proactive identification efforts, particularly for forced labor, Turkish nationals, children, and persons in the LGBTQI+ community. Police reported difficulties in identifying sex trafficking victims due to their fear of deportation and labor inspectors and asylum officers did not receive training or guidance on victim identification. In previous years, the government faced limitations in identifying victims in highly vulnerable refugee and migrant communities outside of camps and had insufficient protection resources to address trafficking in these communities; media and civil society reports continued to indicate forced removals to Syria without screening for indicators of trafficking.

The government did not report the total amount allocated for anti-trafficking efforts in 2019 or 2020 and did not provide funding to domestic NGOs. The government allocated 172,080 lira (\$23,180) for direct victim assistance but did not report the amount allocated to international organizations working on trafficking-related projects, compared with 878,000 lira (\$118,270) to international organizations in 2019. The law entitled officially identified trafficking victims to services, including shelter, medical and psycho-social services, work options, education, translation services, temporary residency, repatriation assistance, vocational training, and legal counseling; the government provided support services to 209 victims. DGMM operated three specialized shelters for victims of trafficking and began construction for a fourth; the shelter in Kirikkale had the capacity to accommodate 20 victims, the Ankara shelter could accommodate 30 victims, and the Aydin shelter could accommodate 40 victims. Additionally, the government allocated 7,513 lira (\$1,010) for financial assistance to victims, compared with 54,000 Lira (\$7,270) in 2019. The local government of Kirikkale dispersed 100 lira (\$13) per month to adult victims with an additional 100 lira (\$13) for each of their children and the local government of Ankara dispersed 300 lira (\$40) per month to adult victims and 50 lira (\$7) for each of their children; 22 victims received financial assistance. MOFLSS operated 145 shelters that provided accommodation for victims of violence, including trafficking victims and the government-operated monitoring centers for children provided support to child victims of violence. The DGMM-run shelters and MOFLSS-run shelters required victims to have an escort to leave the shelter during their initial stay but allowed victims to leave the shelter voluntarily once security officials completed an assessment and deemed conditions safe. DGMM developed and circulated a manual for shelter staff with SOPs on service provision for trafficking victims and rules for shelter operations. The government trained shelter staff on pandemic mitigation efforts and provided COVID-19 tests and PPE to victims staying at the shelters. The government provided job placement support to victims; three victims found employment through job

placement in 2020. During the reporting period, experts reported that victims stayed at DGMM-run shelters for longer than expected due to the pandemic and, in previous years, GRETA reported "serious concerns" about the limited capacity of specialized shelters to accommodate victims and the lack of specialized assistance. As in previous years, experts and civil society actors expressed concern that the government's victim protection efforts were not sufficiently inclusive of NGOs, including funding of independent organizations and the government's exclusion of some NGOs from identifying and providing services to victims.

In previous years, observers reported that the government penalized victims for unlawful acts traffickers compelled them to commit due to inadequate identification efforts. For example, observers reported that authorities arrested, detained, and deported sex trafficking victims and charged other potential victims with offenses related to lacking valid documents. The government did not provide guidance on non-penalization of victims to law enforcement authorities. The law entitled victims to a temporary residence permit for 30 days, which authorities could extend up to three years with the option to apply for a work permit; the government issued 41 permits (98 in 2019). DGMM voluntarily repatriated 21 victims with support from an international organization (86 in 2019). In previous years, the government placed the majority of undocumented foreign victims in removal centers and voluntarily repatriated them within a few days; as a result, most victims did not benefit from a reflection period or cooperate in court proceedings. Judges and prosecutors reported procedural law did not allow victim statements prior to repatriation as evidence in court proceedings. The law provided witness protection and legal aid, but observers reported that limited opportunities to encourage victim cooperation in prosecutions with victim-centered approaches, protection measures, and legal assistance resulted in a high number of acquittals and downgraded cases. The government did not report how many victims participated in criminal investigations or legal procedures. The government maintained 106 Judicial Support and Victims Services Offices dedicated to providing legal assistance and psycho-social support and 86 judicial interview rooms, which allowed victims to testify in private in order to reduce re-traumatization. Criminal courts often did not issue restitution and recommended victims to pursue compensation through civil suits; no victims received restitution in 2019 or 2020, and the government did not report whether any victims filed for or received compensation.

## PREVENTION

The government maintained prevention efforts. The government did not update its national action plan in place since 2009. The Coordination Commission for Combating Trafficking coordinated interagency anti-trafficking efforts and convened in December 2020. Thirty-six provincial coordinating commissions for anti-trafficking implemented anti-trafficking efforts at the provincial level. The Commission and DGMM continued to publish annual data reports, and DGMM organized an awareness campaign, including the production of an anti-trafficking video on social media. DGMM maintained a migration-related national hotline that also received trafficking-related calls; calls to the hotline launched two investigations, and hotline operators referred nine potential victims to DGMM, resulting in seven identified victims. The law required recruitment agencies to maintain a license and approve all contracts with the government. MOFLSS fined 36 employers a total of 1.1 million lira (\$148,170) in violation of labor law regarding foreign workers. However, resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. Inspectors did not generally visit private agricultural enterprises employing 50 or fewer workers unless a complaint was filed, resulting in enterprises vulnerable to forced labor.

The law allowed both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they were registered in the province they wished to work in for at least the preceding six months. Applying for a work permit was the



responsibility of the employer, and refugee advocates reported the procedure was burdensome and costly, resulting in few employers pursuing that path. As a consequence, the vast majority of conditional refugees and those under temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including trafficking. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

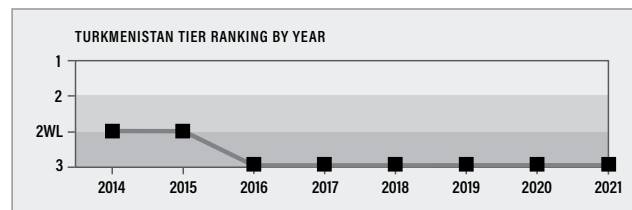
As reported over the past five years, human traffickers exploit domestic and foreign victims in Turkey, and traffickers exploit victims from Turkey abroad. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Azerbaijan, and Syria. Of the 276 victims identified in 2020, most were Syrian (159), followed by Uzbek (38), Kyrgyz (14), and Afghan (11). Traffickers reportedly exploited some Georgian men and women in forced labor, and some Turkish men in forced labor in Moldova. Romani children from marginalized communities often were seen on the streets in major cities where they worked as garbage collectors, street musicians, and beggars, raising concerns about exploitative conditions and forced labor. Human rights groups reported commercial sexual exploitation, including sex trafficking, remained a problem in the LGBTQI+ community, which faced discrimination and hostility from both authorities and the local population. Due to the pandemic, traffickers increasingly focused on recruitment of victims for domestic labor and housekeeping and increased their use of online recruitment methods.

Turkey continues to host a large refugee population that remains highly vulnerable to trafficking and exploitation: approximately 3.6 million displaced Syrians, and over 350,000 refugees of other nationalities resided in Turkey during the reporting period. Criminal networks coerce and pressure Syrian women and girls into sex trafficking. NGOs report that refugee camp officials and volunteers collaborate with criminal networks to recruit girls with false job offers into sex trafficking, while Syrian boys remained vulnerable to sex trafficking with allegations of rape and sexual abuse at refugee camps. Syrian girls as young as 12 are married to adults in unofficial religious ceremonies, particularly in refugee camps and poor and rural regions, in which they were vulnerable to domestic servitude and sex trafficking. Reports claim the number of Syrian refugee families who married off their underage daughters to Turkish men as an “economic coping mechanism” increased in the wake of the pandemic. Syrian and other refugees, including children, are vulnerable to forced labor from engaging in street begging and also reportedly working in agriculture, restaurants, textile factories, markets, shops, and other workplaces. Experts report children work long hours, with low wages, in some cases in substandard working conditions. The Kurdistan Workers’ Party (PKK), a U.S.-designated terrorist organization, recruited and forcibly abducted children for conscription. Reports from human rights groups and international bodies indicate the government provided operational, equipment, and financial support to a TSO in Syria that recruited child soldiers.

## TURKMENISTAN: TIER 3

The Government of Turkmenistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Turkmenistan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by continuing to participate in anti-trafficking awareness campaigns and continuing to purchase equipment for mechanization of the cotton harvest to reduce the vulnerability to forced labor generated by dependence on handpicking. However, during the reporting period, there was a government policy or pattern of forced labor; the government continued to direct policies that perpetuated

the mobilization of adults and children for forced labor in the annual cotton harvest, in public works projects, and in other sectors in some areas of the country. The government’s denial of access to independent monitoring missions—coupled with pandemic-related limitations—prevented robust observation of the cotton harvest. Despite these trends, the government did not hold any officials accountable for their complicity in forced labor crimes. The government did not report any information on investigations, prosecutions, or convictions; identified no victims; did not implement legal provisions on victim protection; and did not fund any victim assistance programs.



## PRIORITIZED RECOMMENDATIONS:

Take further action to end government policies or actions that compel or create pressure for the mobilization of forced labor, to include eliminating the cotton and silk production quotas and mandatory participation in public works. • Grant independent observers full access to monitor cotton cultivation and cease the harassment, detention, and abuse of individuals for documenting labor conditions. • While respecting due process, investigate and prosecute suspected sex and labor trafficking offenses under Article 129/1 of the criminal code and convict, sentence, and incarcerate traffickers, including government officials complicit in the mobilization of forced labor. • Eliminate the practice of requiring fees for replacement pickers or contributions from businesses and entrepreneurs to support the harvest. • Provide victim care services directly or by otherwise funding organizations to do so, including for male victims, in accordance with provisions of the 2016 anti-trafficking law. • Finalize, implement, and train police, migration officers, and other relevant stakeholders on standard operating procedures to identify and refer victims to protection services. • Allocate direct financial resources for implementation of the National Action Plan (NAP). • Establish, train relevant personnel on, and implement labor inspection and recruitment oversight protocols to improve forced labor identification and prevention. • Train police to detect and investigate sex and labor trafficking crimes. • Establish a trafficking-specific hotline and publicize it among vulnerable communities. • Expand training for relevant government authorities on implementation of the provisions of the 2016 anti-trafficking law and article 129, as amended in 2016. • Increase awareness of trafficking among the general public through government-run campaigns or financial and in-kind support for NGO-run campaigns.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts. Article 129/1 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years’ imprisonment for offenses involving adult victims, and eight to 15 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. Unlike the previous year, authorities did not report initiating any criminal investigations related to trafficking (compared to one investigation in 2019) and, for the second consecutive year, they did not report any prosecutions or convictions (compared with one prosecution in 2019 and three each in 2017, 2016, and 2015; one conviction in 2017, three in 2016, and nine in 2015). Authorities reported training law enforcement on trafficking prevention and victim identification, but they did not provide information on participating agencies or number of personnel trained. The government did not provide in-kind support to an international organization for law enforcement training, as it had in prior years. Despite continued reports of widespread corruption, the government

did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, nor did it report any efforts to end officials' mobilization of persons for forced labor in the cotton harvest, public works projects, or domestic service. Under direct orders from the provincial government, police officers in Mary reportedly began detaining dozens of homeless persons and others suspected of being homeless and forcing them to work on farms, in domestic service—including in the residences of their relatives and friends—and in other capacities. Authorities reportedly threatened family members who attempted to locate relatives detained under this campaign. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not report any international investigations or extraditions of suspected traffickers. State-imposed restrictions on the access of independent observers to the cotton harvest likely impeded the detection and referral to law enforcement of forced labor crimes.

## PROTECTION

The government maintained negligible protection efforts. For the second consecutive year, authorities did not identify any trafficking victims, compared with eight victims in 2018, one in 2017, and 11 in 2016. An international organization that works closely with the government reported assisting 18 Turkmen victims identified overseas, including 13 female victims and five male victims (compared with 12 female victims and 12 male victims in 2019); it was unclear how many of these if any, were children, and there was no information available on the types of exploitation they experienced. It is possible the total number of victims was significantly higher, considering the 7,748 calls to the foreign-funded, international organization-run trafficking hotlines in Ashgabat and Turkmenabat; however, no victims were formally identified through these calls during the reporting period. Neither the government nor the foreign donors publicized these hotlines as avenues for trafficking victims seeking to report their abuses. Despite international organizations utilizing thorough victim identification protocols accepted by the wider international community, the prosecutor general's office continued to baselessly assert most trafficking claims were fraudulent. Authorities reported conducting regular training for law enforcement personnel on victim identification; however, the government again failed to adopt and implement standard operating procedures for victim identification and referral developed in partnership with an international organization in 2018, leaving authorities without formal written procedures to effectively conduct this work. Observers ascribed the delay in part to redirection of resources and attention to the pandemic. Migration authorities reportedly continued to interview and refer to law enforcement traveling women and minors they deemed to be at higher risk of trafficking; in the absence of standardized guidance, it is likely that some victims, including adult men, passed unidentified through these channels. In previous years, law enforcement agencies only designated individuals as trafficking victims if their cases led to trafficking convictions.

The anti-trafficking law required the government to provide a wide range of services to trafficking victims; however, for the fifth consecutive year, the government did not provide comprehensive services to all trafficking victims, nor did it fund international organizations or NGOs to provide such services. An NGO operated a foreign donor-funded shelter for female and child trafficking victims. The shelter could provide psychological counseling and local reintegration services, including housing, food, personal hygiene products, medical examinations, vocational training and job placement, and small grants to support livelihood generation, legal services, education, and transportation. Although the shelter was in operation during the pandemic, no information was available on the number of victims who benefitted from its services (compared with five female victims in 2019 and seven in 2018). Victims were eligible to apply for physical protection and assistance in obtaining free medical care; however, officials did not report details on specific cases in which such assistance was provided during the year, and

NGOs indicated in prior years that some victims were required to pay for their own medical treatment.

By law, victims—including those participating in criminal proceedings—were exempt from administrative or criminal liability for unlawful acts their traffickers compelled them to commit. The legal code guaranteed victims the option to seek employment; required law enforcement agencies to respect their confidentiality; and provided free legal assistance for those who apply for official victim status, as well as the option to request temporary residency in Turkmenistan for the duration of relevant criminal proceedings. As in the previous year, the government did not report providing any of these forms of assistance. There were no reports of victims seeking or obtaining damages in civil suits. The government made no attempts to identify sex trafficking victims among women arrested for engaging in commercial sex; consequently, officials may have penalized sex trafficking victims for prostitution offenses. In prior years, some Turkmen trafficking victims were deported to Turkmenistan from other countries after local authorities had failed to screen them for trafficking indicators, and Turkmenistan's migration service subsequently blocked them from exiting Turkmenistan for a period of up to five years. Civil society groups believed this punitive response may have dissuaded some Turkmen nationals exploited in trafficking abroad from coming forward with their abuses during the reporting period.

## PREVENTION

The government decreased efforts to prevent human trafficking, and reports of state-sponsored forced labor continued. The government maintained a 2020-2022 NAP developed in conjunction with an international organization and approved in 2019; authorities did not allocate financial resources or provide in-kind contributions to implement the plan, nor did they promulgate key action items required for its implementation. In the absence of formal access approval for independent monitoring missions, it was difficult to ascertain the extent to which the authorities took steps to eliminate state policies that perpetuated government-compelled forced labor during the cotton harvest or in public works projects.

According to international media reports, quasi-state agricultural associations exploited some farmers in forced labor at local levels to meet Turkmenistan's national cotton production quota. Some local government officials continued to mobilize students, teachers, medical professionals, and other civil servants for compulsory labor in the cotton harvest and in public works, including community cleaning and beautification projects. The government continued to purchase and receive cotton picking and planting machinery from international industry partners as part of ongoing efforts to mechanize the harvest and reduce dependency on human labor. However, authorities did not provide data on use of the machinery and, due to a lack of independent observation, no information regarding the impact of these mechanization efforts on forced labor was available. According to some reports, tenant farmers often had to pay unregulated, bribe-like fees at various parts of the cultivation process to access the necessary mechanical equipment, at times compounding their financial hardships and disincentivizing its use altogether. International media and civil society groups continued to report some local government officials required public sector workers unwilling or unable to participate in the harvest to pay for replacement pickers, thereby establishing an informal penalty system through which corrupt officials profited from coercion. Despite the absence of formal observation by international organizations, informal observers continued to note a discernible decline in recent years of forced labor in cotton harvesting and sowing, possibly attributable to mechanization and the availability of low-wage labor, among other factors. There were reports that some schoolteachers who were required by local government mandates to participate in the cotton harvest instead compelled their students to serve as replacement pickers in the fields.

The 2016 anti-trafficking law outlined roles and responsibilities for key stakeholder agencies and placed the cabinet of ministers in charge of planning, funding, and implementing anti-trafficking policy. It also called for the creation of an interagency anti-trafficking committee under the authority of the cabinet of ministers to coordinate, plan, monitor, and report on the government's anti-trafficking efforts and analyze trends, improve victim protection measures, raise awareness, and monitor implementation of the NAP. The government convened its national working group on NAP implementation in June 2020; authorities did not provide information on the results of this meeting. The law required the Ministry of Internal Affairs to record data on trafficking crimes; however, for the fifth consecutive year, the government did not report any systematic efforts to monitor its anti-trafficking efforts and did not make publicly available any government data on trafficking crimes or relevant judicial processes. The government cooperated with NGOs and an international organization to conduct awareness campaigns in rural areas and airports targeting vulnerable populations, although fewer of these activities took place in public than in previous years due to pandemic-related restrictions. The government reported conducting eight virtual seminars on safe migration in conjunction with an international organization, along with more than 300 law enforcement information campaigns on combating trafficking; the government did not provide information on participation or specific campaign content. Authorities also noted the number of Turkmen citizens departing the country decreased by more than 99 percent following enhanced exit bans and border closures ostensibly instituted as pandemic-related public health measures; according to one international organization, these restrictions may have further incentivized migration through unregulated channels commonly associated with trafficking vulnerabilities. As in prior years, the government charged NGOs fees to place anti-trafficking awareness material in a government-owned public space.

Civil society observers noted a slight increase in labor inspections conducted by government officials following their participation in training sessions provided by foreign donors; however, authorities did not provide information on these inspections or their outcomes. The government promulgated two orders purporting to improve labor inspections, including by establishing permission for unannounced visits to work sites, and to increase oversight of recruitment for public works during the reporting period. However, the content of the orders did not appear to feature language outlining specific inspection or remediation methodologies, nor did they contain provisions for detecting abuses or punishing those who violate recruitment regulations. Neither document featured any mention of forced labor indicators. The government did not report efforts to punish labor recruiters or brokers involved in the fraudulent recruitment of workers.

The government continued to grant citizenship to members of Turkmenistan's stateless population, which consisted primarily of former Soviet citizens; in 2020, authorities granted citizenship to 2,580 of these individuals, compared with 863 citizenship conferrals in 2019 and 735 in 2018. A civil status law passed in 2019 and brought into effect in July 2020 newly allowed for the registration of, and access to public services for, all children born in the country regardless of the legal status of their parents. State migration officials continued to prevent Turkmen nationals from departing the country via airports; authorities did not provide information on how many of these interventions were related to perceived trafficking vulnerabilities. The government claimed it restricted the international travel of some young women in particular to prevent them from being subjected to trafficking abroad. The government did not report providing anti-trafficking training to its diplomatic personnel in 2020. 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 victims in Turkmenistan, and they exploit victims from Turkmenistan abroad. State policies continue to perpetuate government-compelled forced labor; in 2016 and again in 2020, the ILO Committee of Experts noted the continued practice of forced labor in the cotton sector. To meet central government-imposed production quotas for the cotton harvest, local government officials require some soldiers, employees at private-sector institutions, and public sector workers—including teachers, doctors, nurses, and others—to pick cotton without payment, using coerced statements of voluntary participation, and under the threat of such penalties as dismissal, reduced work hours, or salary deductions. Local officials reportedly impose informal fees on public sector workers as a tactic to coerce them into picking cotton or otherwise profit from their inability or unwillingness to participate in the harvest. Some local authorities reportedly also threaten farmers with land expropriation if they attempt to register complaints about payment discrepancies or if they do not meet government-imposed quotas. Absent government measures to prevent, monitor, or address supply chain contamination, some goods containing cotton harvested through the use of forced labor may have entered international supply chains. In addition, the government compulsorily mobilizes students, teachers, doctors, and other civil servants for public works and community cleaning and beautification projects, such as the planting of trees and the cleaning of streets and public spaces in advance of presidential visits. Authorities have also forced public servants and students to serve in uncompensated support roles during government-sponsored events, such as the 2018 World Weightlifting Championship; similarly, financial hardships stemming from land expropriation, forcible evictions, and home demolition in advance of high-profile sporting events may have made some communities vulnerable to trafficking. Police reportedly conduct sweeps to remove homeless persons and subsequently place them in agricultural work or domestic servitude at the residences of law enforcement-connected families. Families living in poverty often compel children to serve as porters in local marketplaces. Workers in the construction sector and at small-scale sericulture operations are vulnerable to forced labor. Turkmenistan's small stateless population—primarily consisting of undocumented residents with expired Soviet nationality documentation—are vulnerable to trafficking. Criminalization of consensual sexual intercourse between men makes some members of Turkmenistan's LGBTQI+ communities vulnerable to police abuse, extortion, and coercion into informant roles; widespread social stigma and discrimination against LGBTQI+ individuals also compound their vulnerability to family-brokered forced marriages that may feature corollary sex trafficking or forced labor indicators. Residents of rural areas in Turkmenistan are at highest risk of becoming trafficking victims, both within the country and abroad.

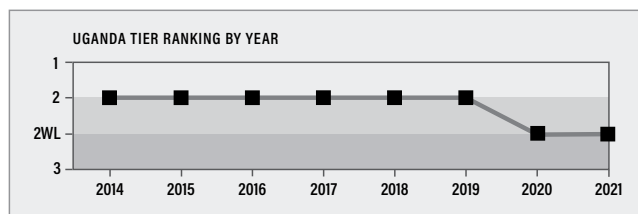
Turkmen men and women are subjected to forced labor after migrating abroad for employment in the textile, agricultural, construction, and domestic service sectors; Turkmen migrant men are also subjected to forced criminality in drug trafficking. Sex traffickers exploit Turkmen women abroad. Turkey, Russia, and India are the most frequent destinations of Turkmen victims, followed by other countries in the Middle East, South and Central Asia, and Europe. Enduring government restrictions on freedom of movement preventing citizens from leaving the country incentivize some to pursue unofficial migration channels rife with trafficking vulnerabilities. Government austerity measures limiting certain foreign financial transactions, coupled with travel and entry restrictions, may increase the risk of sex or labor exploitation among Turkmen university students stranded abroad during the pandemic.

## UGANDA: TIER 2 WATCH LIST

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



efforts to do so. These efforts included identifying more victims and signing the National Referral Guidelines for Management of Victims of Trafficking in Uganda (NRG). The government increased prosecutions of suspected traffickers and increased training to law enforcement personnel, investigated allegations of complicity in trafficking crimes, and created human trafficking officer positions within the Ugandan Police Force (UPF) and the Criminal Investigative Department (CID). The government increased awareness-raising campaigns and launched, funded, and implemented the National Action Plan for Prevention of Trafficking in Persons Uganda 2019-2024 (NAP). However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not report referring victims to care for the fifth consecutive year. For the seventh consecutive year, the government did not allocate resources to NGOs that provide protective services to victims. The government did not screen vulnerable populations abroad for indicators of human trafficking. The government investigated fewer trafficking cases and convicted fewer alleged perpetrators. The government suspended international labor recruitment for eight months, due to a lack of strong regulations for labor recruitment enterprises. Therefore Uganda remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Implement the NRG to systematically identify and refer trafficking victims to appropriate care, including by screening for trafficking indicators among vulnerable populations, such as women in commercial sex, migrants and Cuban medical professionals. • Increase efforts to complete judicial proceedings, while respecting due process and the rights of the accused. • Increase coordination between police investigators and prosecutors of trafficking crimes. • Expand protective services for victims, specifically through partnerships with NGOs, including by allocating resources. • While respecting due process of law, increase efforts to investigate trafficking cases and prosecute alleged traffickers, including allegations of official complicity in trafficking crimes. • Increase training for Ugandan embassy staff on assisting trafficking victims abroad, including victim identification, providing temporary shelter, or identifying local NGO shelters for victim referral, and facilitating the repatriation of victims. • Cease penalization of victims for unlawful acts their traffickers forced them to commit. • Where feasible, assign labor attachés to Ugandan embassies to monitor migrants abroad. • Further prioritize investigating and prosecuting traffickers who exploit children, especially from the Karamoja region, in forced begging and child sex trafficking in brothels. • Implement strong regulations and oversight of labor recruitment companies and improve enforcement, including by continuing to investigate and prosecute those involved in fraudulent labor recruitment. • Increase bilateral negotiations with neighboring and destination country governments on migrant worker rights, including on the release and repatriation of Ugandan migrant workers exploited by employers abroad and on mutually enforceable standard contracts. • Proactively investigate and punish labor recruiters who fraudulently recruit Ugandans and eliminate all worker-paid recruitment fees. • Establish a unified system of documenting and collecting data on human trafficking cases. • Enact witness protection legislation and implement a systematic victim-witness support program. • Increase national awareness-raising efforts, specifically for teachers, parents, and community leaders. • Accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government maintained mixed law enforcement efforts. The 2009 anti-trafficking act criminalized sex trafficking and labor trafficking, and it prescribed punishments of up to 15 years' imprisonment for offenses involving adult victims and up to life imprisonment for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The law also criminalized the use of a child in any armed conflict and prescribed penalties of up to the death penalty. The Children Amendment Act of 2016 conflicted with the 2009 anti-trafficking act in some respects—for example, it defined child sex trafficking to require force, fraud, or coercion, which was inconsistent with the definition of trafficking under international law, and it prescribed substantially lower penalties for the crime.

In 2020, the government reported investigating 214 incidents of human trafficking involving 154 suspects; of these incidents, 118 were internal, 93 transnational, and three unknown. This was a decrease compared with investigating 252 incidents (19 internal and 222 transnational) in 2019. During the reporting period, the government prosecuted 283 defendants for trafficking crimes in 202 cases; of these, 161 cases were domestic and 41 transnational; 140 were sex trafficking cases, 54 were labor trafficking cases, and eight were unknown; and 192 defendants were male, 44 female, 46 unknown, and one was a labor recruitment company. In 2019, the government prosecuted 73 cases involving 87 suspects in court. In 2020, courts convicted 11 traffickers under the anti-trafficking act in nine cases – six for sex trafficking and five for forced labor. This was a decrease compared to convicting 16 traffickers in 2019. Two traffickers received prison terms of seven years; one trafficker received a prison sentence of two years; one trafficker received a sentence of three years' imprisonment and a fine of 1 million Ugandan Shillings (UGX) (\$274); one trafficker received a sentence of 12 years' imprisonment; three defendants received sentences of two years' imprisonment each; and courts gave one trafficker the option of two years' imprisonment or a 2 million UGX fine (\$548). Courts had not yet sentenced two additional traffickers at the end of the reporting period. The penalties imposed in five of these convictions were not in line with the requirements of the penal code as they did not receive the adequate sentencing outlined by the code. The government reported 26 cases remained under inquiry and 129 remained pending in court at the end of the reporting season. A German national charged with multiple counts of human trafficking died in custody; the trafficking case remained pending at the end of the reporting period. Observers reported authorities were more likely to prosecute sex trafficking cases than forced labor cases. NGOs reported the government increased the number of human trafficking trainings to prosecutors.

The Coordination Office to Prevent Trafficking in Persons (COPTIP) was responsible for compiling law enforcement data; pandemic-related restrictions limited its ability to collect information from local governments. Authorities suspended court hearings and appearances in March 2020 due to COVID-19 risks and judicial activities did not fully resume until June 2020. NGOs reported court closures and delayed court hearings hindered the ability of judicial officials and prosecutors to remain in touch with victim witnesses waiting for cases to be tried. The government reported insufficient shelter space forced authorities to send victims home, making it difficult for them to provide testimony in court proceedings and consequently impeding completion of trials. CID reported a lack of interpreters also hindered completion of trafficking trials. An NGO reported authorities misreported child trafficking crimes as “defilement” cases. Nonetheless, NGOs reported closed borders allowed law enforcement to shift their focus from transnational to domestic trafficking cases.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In June 2020, authorities charged an army officer with child

sex trafficking after allegations arose that he abducted and sexually exploited a 16-year-old girl; the case remained pending at the end of the reporting period. In September 2020, an international organization launched an investigation into an allegation of the sexual exploitation of a female by an international organization's staff from the Karamoja region at a compound in Moroto. The international organization's investigation concluded the allegation was unsubstantiated. In 2019, the State House Anti-Corruption Unit launched an investigation following complaints of government officials' involvement in human trafficking; however, the government did not publish any reports or arrest officials by the end of the reporting period. In 2018, the government reported investigating security officers at Malaba Border and Entebbe Airport, as well as officials of the Civil Aviation Authority and Ground Handling Companies at Entebbe Airport, for alleged involvement in trafficking crimes; it did not report any updates on these cases, which remained pending at the end of the reporting period. Media and senior government officials reported high-level officials may have owned or been associated with some labor recruitment companies suspected of trafficking. An NGO in 2018 continued to report some complicit immigration officers at border crossings assisted traffickers, and several NGOs alleged some senior police officials in Kampala protected traffickers from arrest and prosecution.

In 2019, UPF announced the creation of the Anti-Trafficking in Persons Department within the Criminal Investigation and Crime Intelligence Department; however, the new anti-trafficking department had yet to receive final approval at the end of the current reporting period. In the interim, the anti-trafficking department utilized CID Sexual and Children Offenses Department resources as a short-term solution to implement the department's efforts. In 2020, UPF created seven human trafficking officer positions and the CID established human trafficking desk officers at border posts and at the Entebbe International Airport. The government maintained a trafficking-specific desk in the Director of Public Prosecutions' office responsible for prosecuting trafficking crimes. The government, in partnership with an NGO, designated 136 Trafficking in Persons Focal Prosecutors across the country to gather and track human trafficking data. In response to the pandemic lockdown, Office of the Director of Public Prosecutions created and implemented an electronic application to facilitate communication among 350 police and prosecutors and to share resources on effective methods for human trafficking investigations and prosecutions across the country. The government, in partnership with an NGO, trained 82 police officers, 32 investigators, and 252 prosecutors in 16 regions, compared to zero in 2019. COPITP reported the training curriculum for both new and experienced police and immigration officers incorporated modules on human trafficking; however, the government did not report how many officials received the training during the reporting period. Ugandan police and immigration officers continued to lack an understanding of the anti-trafficking law and may have misclassified cases or encouraged victims to accept financial compensation from traffickers in exchange for dropping their cases. Law enforcement officials did not always coordinate with the ODPP, frequently resulting in cases that did not proceed to prosecution or that courts dismissed, because the investigations were incomplete and did not comply with protocols for admissible evidence. The government collaborated with Burundi and Kenya to prosecute suspected traffickers; one case involved Karamojong girls exploited in Kenya, and a second case involved Burundian girls sexually exploited in Uganda.

## PROTECTION

The government maintained mixed protection efforts. The government identified 666 victims in 2020 – 497 were transnational, 166 internal, and three unknown; 575 female, 88 male, and three unknown; 222 children and 441 adults, and three unknown. This compares with identifying 455 and 650 victims in 2019 and 2018, respectively. A majority of the identified victims were subjected to forced labor and most transnational cases were identified en route to Kenya, Oman, Saudi Arabia, and United Arab Emirates (UAE). Authorities reported a significant decrease in victims identified between April to September 2020 due to the government's suspension of internal

and international transportation in response to the pandemic, which resulted in a reduced number of screenings for trafficking indicators at these border crossings. Authorities reported the number of victims identified increased in November and December as a result of reopening air travel and the resumption of international travel. An international organization reported identifying 20 Ugandan victims abroad. An NGO reported identifying 150 child labor and sex trafficking victims. Another NGO reported identifying 660 victims—301 female and 359 male—and providing rehabilitative assistance services to 91 victims—25 female and 66 male.

In July 2020, the government adopted the NRG but had not fully implemented it by the end of the reporting period. The NRG provided victim referral guidelines for stakeholders—including police, immigration officials, the prosecution unit, and NGOs—and described social services resources and recommendations for victim protection. Observers reported the NRG lacked identification guidance for vulnerable populations like women and children. The government continued to operate under the implementing regulations of the 2009 anti-trafficking act; these regulations outlined responsibilities for relevant stakeholders, including law enforcement, medical professionals, and civil society members, to combat trafficking.

For the fifth consecutive year, the government did not report how many victims it referred to care or directly assisted. An NGO reported providing shelter, educational, reintegration, and repatriation services to 86 victims. The Department of Immigration and Citizenship Control submitted draft victim identification and referral procedures to the Ministry of Internal Affairs (MIA) for review; the procedures remained pending at the end of the reporting period. The government reported a lack of short-term human trafficking shelters limited the ability to provide adequate protection services during raids and law enforcement operations. CID headquarters could only house 10 people at any given time, which was insufficient for the number of victims requiring assistance. Most shelters were located in the central and eastern parts of the country, limiting assistance to victims elsewhere. Authorities reported a lack of shelters, limited government vehicles, and intimidation from traffickers resulted in authorities dropping 75 percent of cases. Due to authorities' inability to place victims in shelters, many child trafficking victims exploited by their guardians were forced to return to live with them. The government did not report allocating resources to NGOs that provide protective services for human trafficking victims. The government continued to collaborate with NGOs to refer identified victims to care and with international organizations to provide the vast majority of victim services via referrals to NGO-operated shelters, which provided psychological counseling, medical treatment, family tracing, resettlement support, and vocational education without contributing in-kind or financial support. Victim care, although high-quality, remained inadequate in quantity, and available services were primarily for children and women, with few NGOs offering shelter for adult males. Adult victims had the option to enter or exit shelters on their own accord; however, law enforcement placed child victims in shelters and restricted their liberties for security and protection purposes. Once deemed secure by shelter staff, probation officers, or local officials, shelters reintegrated children into their home communities. The government reported continuing to fund the resettlement of street children identified by officials. The government reported training law enforcement and police officers on how to conduct child-friendly rescues of children from the street. The government reported difficulty referring victims to services due to the pandemic restrictions during the March to October 2020 lockdown. Due to the pandemic lockdown restrictions, law enforcement held child victims in police barracks, at police officers' homes, or at the homes of local government officials. Due to the COVID-19 lockdown, the government had difficulty providing food to victims. An NGO reported rotating shelter staff to reduce infection and staff difficulties commuting during lockdown and curfew hours; two of its shelters became quarantine centers for children, further limiting the care available for trafficking victims. The government and NGOs reported an increase in demand for shelter services due

to an increase in domestic trafficking cases and government enforced lockdown and movement restrictions.

The government reported insufficient funds and a lack of embassies in destination countries hindered its ability to repatriate and provide assistance to Ugandan victims identified abroad during the reporting period. Ugandan embassies registered workers, organized their travel documents, and provided ad hoc shelter and food services to identified victims; however, the government did not have sufficient resources to provide these services to all workers and victims. The government reported repatriating 12 girls from Kenya. The government collaborated with foreign governments, international organizations, and NGOs to repatriate 2,400 Ugandans in 2020 and reported an unknown number were victims of human trafficking; however, the government did not report screening or identifying any human trafficking victims among this population during the reporting period, compared with repatriating four trafficking victims in 2019 and 90 in 2018. An international organization repatriated 38 human trafficking victims from Saudi Arabia and additional NGOs provided services to victims abroad. NGOs reported providing services to repatriated victims as needed. The government did not report using a temporary shelter in UAE or an emergency fund in Saudi Arabia for distressed Ugandan nationals, including trafficking victims. In response to the continued abuse of migrant workers' rights abroad, the Uganda Association of External Recruitment Agencies, a private sector entity, continued to employ a Labor Liaison Office in Saudi Arabia during the reporting period; however, some civil society members expressed concern about possible conflicts of interest between labor attachés and victim assistance due to the nature of the work since labor organizations are often represented by private businesses.

Judicial officers often encouraged trafficking victims to participate in the investigation and prosecution of their traffickers to prevent the victimization of others, but some reports indicated that law enforcement's limited capacity and inadequate sensitivity in engaging trafficking victims discouraged many from cooperating in investigations. The absence of victim-witness protection legislation and a protection program hindered some investigations and prosecutions because perpetrators would threaten and blackmail victims and witnesses to discourage their participation in trials. Due to a lack of long-term shelters, victims exploited by their guardians returned to their exploitative situations before authorities completed trials. The government drafted policies that would provide cooperating victim-witnesses with assistance, support, and safety; however, the policies had yet to be finalized at the end of the reporting period. Generally, policies in High Court cases provided victims and witnesses with transportation, physical protection, shelter, interpretation services and legal counsel, but this was ad hoc and inconsistent in practice, and some reports indicated police would temporarily shelter cooperating victims in their homes. NGOs and international organizations reported providing psycho-social support to child victims to ensure protection during court proceedings and sometimes reintegrated victims into their home communities. Ugandan law permitted foreign trafficking victims to remain in Uganda during the investigation of their cases and to apply for residence and work permits, but the government did not report granting any victims such benefits during the reporting period. The law permitted victims to keep their identities anonymous by using voice distortion and video link facilities, but the practice had not yet been implemented at the end of the reporting period. The law allowed victims to file civil suits against the government or their alleged traffickers for restitution compensation; the government did not report courts ordering restitution or compensation during the reporting period.

While the 2009 anti-trafficking act prohibited the penalization of trafficking victims for unlawful acts their traffickers coerced them to commit, NGOs reported cases in which police pursued charges against victims who had used forged paperwork to escape their exploitative situations and cases where recruitment companies sued victims for their breach of contract. In prior years, observers reported police sometimes treated street children as criminals and arbitrarily arrested

and detained them in detention facilities. During the reporting period, authorities reported screening 240 children from the streets of Kampala for human trafficking, of which 38 were Karamojong children, and sending 106 children to shelters where they received care and assistance and eventually were returned to their families, compared with 725 children identified and two referred to shelters in 2019. Many NGOs reported the government did not adequately address or prioritize internal trafficking of children from the Karamoja region, including forced begging and child sex trafficking in brothels.

## PREVENTION

The government minimally increased prevention efforts. The National Task Force, led by the MIA Permanent Secretary, with COPTIP serving as its secretariat, continued to coordinate anti-trafficking efforts. In July 2020, the government signed and launched the NAP; however, the NAP had yet to be fully implemented at the end of the reporting period. The government reported the NAP mandated that COPTIP should receive annual funding from parliament and complementary funding from government agencies. COPTIP received 168 million UGX (\$46,040) in 2020. COPTIP did not report its budget in 2019.

COPTIP continued to maintain authority to publish an annual report on government and non-government bodies' anti-trafficking efforts, which it published during the reporting period. COPTIP hired a data officer to improve data collection and analysis; however, the government and NGOs reported poor data collection hindered the government's efforts to plan and implement national efforts to combat human trafficking.

Previously, the Parliament passed the Kampala Child Protection Ordinance of 2019, which criminalized giving money, food, or clothing to children on the street; criminalized children loitering in public places, begging, soliciting, vending, or hawking; and banned the sale of alcohol and drugs to children. The law allowed authorities to fine offenders 40,000 UGX (\$10.96), sentence offenders to up to six months' imprisonment, or both. The solicitor general had yet to approve the ordinance by the end of the reporting period, inhibiting its implementation, though if enacted, it had the potential to facilitate the penalization of child trafficking victims. The government did not operate an anti-trafficking hotline during the reporting period; however, the government's child helpline identified 81 potential trafficking victims through calls in 2020. The government reported the hotline was non-operational for periods of time due to the pandemic.

Immigration officials continued to scrutinize travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries. The government continued to implement its ban on Ugandans traveling abroad to Oman due to ongoing reports of abuse and human trafficking. The government collaborated with the Kenyan government to draft a bilateral labor agreement; however, the agreement remained pending at the end of the reporting period. Uganda maintained two bilateral labor agreements, with Jordan and Saudi Arabia, and one memorandum of understanding with UAE; however, officials acknowledged the agreements with Jordan, Saudi Arabia, and UAE did not adequately protect Ugandan workers. The Ministry of Gender Labor and Social Development (MGLSD) encouraged Ugandan workers to seek employment only in countries with which Uganda has labor agreements. In 2020, the government established Joint Implementation Committees to implement the bilateral labor agreements; however, pandemic-related travel restrictions limited the committees' activities. The government's external employment management system, which functioned as a "one stop" internet portal where Ugandans could search and apply for all pre-vetted overseas employment opportunities through licensed recruitment companies, remained operational at the end of the reporting period; however, the government reported processing a limited number of work orders due to the pandemic and did not clear any applicants to leave the country during the reporting period. The government reported a lack of labor attachés at embassies abroad significantly



hindered the government's ability to monitor the possible labor exploitation of workers abroad.

The 2005 Employment Regulations required labor recruitment companies to register, undergo a thorough vetting process, and maintain a minimum bank deposit and a credit line, to ensure they could repatriate workers. The government reported vetting all labor requests received by local companies and all contracts executed between international employers and Ugandan businesses. The government suspended labor migration due to the pandemic in March 2020 and announced phased reintroduction of international labor recruitment, with the exception of domestic workers, in October 2020. In November 2020, MGLSD approved labor recruiters to begin recruiting domestic workers again. The government investigated and prosecuted one labor export and recruitment company during the reporting period. The government reported an increase in human trafficking amongst labor companies due to the inability of workers to find opportunities abroad. Authorities, the media, and NGOs reported government officials that owned labor companies were complicit in human trafficking. The government lacked worker protection provisions and did not prohibit employers, recruiters, and labor agents from charging worker recruitment fees, confiscating workers' passports or travel documents, switching contracts without workers' consent, or withholding wages as means of keeping workers in a state of compelled service; consequently migrant workers, specifically domestic workers, were vulnerable to traffickers. MGLSD, with financial and technical support from international organizations, reviewed migrant worker regulations and drafted a report with recommendations; however, the report remained under review by legal advisors at the end of the reporting period. MGLSD, in collaboration with an international organization, launched a new project to strengthen internal government mechanisms for safe labor migration, build capacity, develop a grievance reporting and referral tool, and develop ethical practices among labor recruitment companies. Authorities, NGOs, and the media reported government regulations remained insufficient to prevent human trafficking amongst fraudulent labor companies and labor recruitment. Corruption reportedly inhibited oversight of labor recruitment firms, as did insufficient staffing and funding of government oversight agencies and loopholes in the law. In 2018, the government reported unlicensed labor recruitment companies were responsible for trafficking more than 90 percent of the identified victims, although licensed labor recruitment companies were also reportedly involved. The government allowed legal placement fees of 50,000 UGX (\$13.70). In February 2020, the government announced all labor export companies must refund any fees in excess of this amount. The government did not report suspending any labor companies' licenses, excepting the suspension for all labor recruitment companies from March-October, compared with suspending six labor export companies for charging potential workers illegal registration and placement fees during the previous reporting period. MGLSD contracted private companies to conduct mandatory pre-departure training for domestic workers who were traveling to the Middle East and utilizing registered labor recruitment companies. The weeklong residential training, paid for by the recruitment company, trained 60-70 women each week, including on domestic work, contract appreciation, understanding of the bilateral agreements, how to contact help, and worker rights. To mark World Day Against Trafficking in Persons, the government conducted two awareness raising campaigns via Kampala radio stations discussing methods to reduce human trafficking and partnered with international organizations to share human trafficking awareness newspaper articles and television broadcasts. The government, in collaboration with NGOs, also hosted public sensitization campaigns via newspapers, radio, television, and social media that focused on human trafficking trends, safe migration, and protection of vulnerable children. As mandated by the 2015 Registration of Persons Act, the government continued to register its citizens and provide them with national identification numbers. The government did not make efforts to reduce the demand for commercial sex acts. The government reported an increase in demand for commercial sex due to the pandemic

lockdown and restricted movement; law enforcement reported a shift in commercial sex from bars and brothels to residential homes. Uganda was not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Uganda, and traffickers exploit victims from Uganda abroad. Ugandan children as young as seven are exploited in forced labor in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, carpentry, steel manufacturing, street vending, bars, restaurants, gold mining, and domestic service. Traffickers exploit children in commercial sex. Women, children, internally displaced persons, and migrants may have been victims of forced labor or sex trafficking, and Cuban medical personnel working in Uganda may have been forced to work by the Cuban government. The pandemic and the government's lockdown measures, including closure of international airports and land borders, a curfew, restrictions on travel, restricted movement between districts, and closure of all schools, workplaces, and government offices, shifted trafficking trends. Authorities and NGOs reported the closure of international airports and land borders decreased international trafficking due to migrant workers unable to get to their destination; at the same time, domestic trafficking, including child sex trafficking increased. In 2020, Kenyan authorities identified Ugandan victims en route to Nairobi.

Recruiters target girls and women aged 13-24 years for domestic sex trafficking, especially near sports tournaments and road construction projects. In 2018, an international organization estimated there are between 7,000 and 12,000 children exploited in sex trafficking in Uganda. An international organization and an NGO reported most internal trafficking victims are Ugandans, many of whom are from the northeastern and eastern region, specifically Karamojong children whom traffickers exploit in forced begging and commercial sex in brothels. In 2020, the government and civil society reported traffickers sold children from Karamoja at markets in the eastern region for 20,000-50,000 UGX (\$5.48- \$13.70); traffickers exploited them in forced labor as beggars, domestic workers, and in commercial sex. Consequently, in 2021, NGOs reported traffickers adjusted their methods to avoid apprehension and had children travel alone to meet traffickers in other towns or at international borders, where they organized the markets. In 2020, researchers reported an increase in child labor in the sugarcane industry. In 2019, an NGO reported local authorities' efforts to remove domestic child trafficking victims from the streets caused children to move to work as vendors in markets where they are vulnerable to exploitation. In prior years, researchers reported there were approximately 3,800 children living on the streets of Kampala and three other major towns and an additional 11,700 children working on the streets but sleeping elsewhere. Reportedly, traffickers, called "elders," force some street children to beg and exploit girls in commercial sex. The "elders" are a well-organized network of traffickers; NGOs alleged complicit officials allow the practice to continue. A local organization reported traffickers required parents in the Acholi subregion in northern Uganda to have their children work on farms to repay debts. In 2018, an NGO alleged traffickers recruited children from Napak district, northeastern Uganda, and then sold them as domestic workers for 20,000 UGX (\$5.48). Media reported some parents sell their children to traffickers who resell the children for approximately 30,000 UGX (\$8.22). In 2018, an international organization reported separating four Ugandan children from armed groups in the Democratic Republic of the Congo (DRC). In 2018, observers reported the government detained and placed on bond some trafficking victims, including children, in an attempt to compel them to cooperate with and periodically report to law enforcement in support of criminal investigations. In 2017, child trafficking victims in need of immediate shelter often stayed at police stations, sometimes sleeping in impounded vehicles, or at a juvenile detention center while awaiting placement in more formal shelters.

Traffickers compel some children from Burundi, the DRC, Kenya, Rwanda, Tanzania, and South Sudan into forced agricultural labor

and sex trafficking in Uganda. South Sudanese children in refugee settlements in northern Uganda are at risk of trafficking. In 2017, individuals from Rwanda and Somalia, including a Somali refugee from Nakivale Refugee Settlement, were victims of internal trafficking. In 2018, there were several media reports of alleged complicity of police officers in the sex trafficking of child and female refugees.

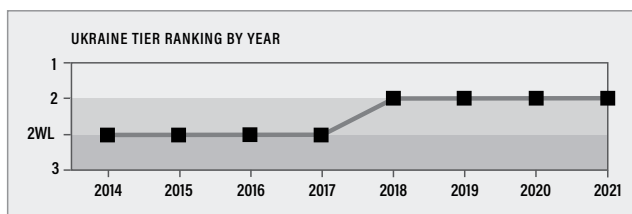
Young women remained the most at risk for transnational trafficking, usually seeking employment as domestic workers in Kenya and the Middle East; at times traffickers fraudulently recruited Ugandan women for employment and then exploited them in sex trafficking. Traffickers exploit Ugandans in forced labor and sex trafficking in Africa, Asia, Europe, the Middle East, and North America. In 2020, victims from Burundi, Kenya, and South Sudan transited Uganda en route to other countries, notably, the Middle East. In 2020, school closures and financial struggles of caregivers increased the vulnerability of children to human trafficking, specifically child sex trafficking, during the pandemic lockdown. The pandemic increased child sacrifice—a human trafficking crime delineated under the Ugandan anti-trafficking law. In 2019, media reported traffickers sold girls from markets in Katakwi district and transported the girls to Nairobi where they were exploited as domestic workers; some of the girls worked for Somali immigrants in Nairobi and were further transported to Somalia where they were exploited by the Al Shabab terrorist group. In 2018, media and government officials alleged Ugandan girls were being sold in a “slave market” in the UAE.

Extremely high labor recruitment fees sometimes led to situations of debt bondage. To circumvent the government ban on migrant work in Oman, some licensed and unlicensed agencies send Ugandans through Kenya and Tanzania. Official complicity may have hindered government oversight of labor recruitment agencies. In 2018, COPTIP reported that traffickers appear to be increasingly organized and some may have formed regional trafficking networks. The government and an NGO reported an increase in victims with university degrees as traffickers target graduates with the promise of skilled jobs abroad. The government and NGOs reported cases involving victims that were recruited by licensed companies in which victims paid high administrative fees based on promised high-paid jobs abroad; however, upon arrival, they found themselves locked into contracts in low-paid domestic work. Traffickers used local radio to announce fraudulent job opportunities in Kampala to target children and young people to lure them into exploitative situations. NGOs reported that traffickers are frequently relatives or friends of victims or may pose as wealthy women or labor recruiters promising vulnerable Ugandans, frequently from rural areas, well-paid jobs abroad or in Uganda’s metropolitan areas. Reportedly, pastors, imams, and local leaders at churches and mosques in Uganda have also assisted in the recruitment of domestic workers abroad, mostly for Middle Eastern countries; these leaders encourage female domestic workers to take these jobs and in turn, receive a fee per worker from recruiters. Some traffickers threatened to harm the victims’ family or confiscated travel documents. In 2020, due to a government ordinance that penalizes giving food and money to child beggars, traffickers moved children from the streets to work in markets instead.

## UKRAINE: TIER 2

The Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the COVID-19 pandemic on the government’s anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ukraine remained on Tier 2. These efforts included raising the amount of financial assistance threefold for officially recognized victims; establishing more services available to victims of violence, including trafficking victims; and continuing to convict traffickers. The government also produced several large

awareness events, including in partnership with an international organization and an NGO. However, the government did not meet the minimum standards in several key areas. Authorities investigated and prosecuted far fewer suspected traffickers. The restructuring of government institutions continued to hamper law enforcement efforts, and many newly hired prosecutors lacked trafficking-specific training. Courts continued to issue many lenient sentences, likely owing to judges’ underestimation of the severity of trafficking offenses, to entrenched stereotypes about what constitutes trafficking in persons, and in part to corruption; this lenient sentencing resulted in the majority of convicted traffickers avoiding imprisonment. These law enforcement efforts were inadequate to deter trafficking. Reports of officials complicit in human trafficking persisted, including anti-trafficking police officials. While the government initiated criminal investigations and charged several allegedly complicit officials during the reporting period, for the fourth consecutive year, it did not secure any convictions. The government officially recognized fewer victims in 2020, while international organizations continued to identify far more victims than the government, highlighting the government’s inadequate identification efforts and a continuing lack of trust in the government’s ability to protect victims. NGOs continued to identify systemic shortcomings in the implementation of the national referral mechanism at the regional level, and government funding for local budgets for anti-trafficking efforts has remained stagnant since 2016.



### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute alleged trafficking crimes and punish convicted traffickers with significant prison terms. • Increase efforts to investigate, prosecute, and convict officials allegedly complicit in trafficking crimes under the trafficking statute. • Identify and certify the status of more victims to ensure they are afforded their rights under the trafficking law and modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge sensitive information. • Provide extensive training on the national referral mechanism to local officials and service providers throughout the decentralization process to minimize disruption in the processes of identification, referral, and assistance to trafficking victims. • Increase law enforcement investigations and prosecutions of labor recruitment firms engaged in fraudulent practices. • Increase government funding for anti-trafficking efforts, particularly funding for local communities. • Increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, particularly on forced labor, a victim-centered and trauma-informed approach, and how to gather evidence outside of victims’ testimony. • Increase victims’ access to legal assistance throughout the criminal process, and mandate victim restitution in criminal cases. • Increase training for officials on victim identification, particularly in proactive screening for labor trafficking and of vulnerable populations, such as women in commercial sex, children in sex trafficking, foreign migrant workers, and internally displaced persons. • Establish a dedicated, independent national counter-trafficking rapporteur position with support staff.

### PROSECUTION

The government decreased law enforcement efforts. Article 149 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to eight years’ imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 203 trafficking cases in 2020, a decrease compared with 297 in 2019. These included 87 sex

trafficking cases and 116 labor trafficking cases, of which 36 were for forced involvement in criminal activity and 12 for forced begging. An international organization stated the pandemic decreased law enforcement's detection capabilities and limited law enforcement's transborder counter-trafficking efforts, resulting in a decrease of more than 30 percent in the number of registered trafficking cases from 2019 to 2020 and limiting the number of prosecutions during the reporting period. Prosecutions were also limited by pandemic-related restrictions on court proceedings. Authorities investigated and ended the operations of nine criminal groups engaged in trafficking. Law enforcement referred 159 notices of suspicion, a necessary precursor to a court trial, involving 92 suspects in 2020, compared with 233 cases involving 120 suspects in 2019. Prosecutors pursued 51 of these referrals in court, compared with 201 in 2019, and the courts considered 32 cases in 2020 compared with 35 cases in 2019. In 2020, 122 cases remained ongoing in the courts, compared with 85 in 2019. The government reached final judgment on 25 cases and convicted 29 traffickers in 2020 under Article 149, compared with 35 traffickers in 2019. Of the 29 convicted traffickers sentenced in 2020, only five (17 percent) received prison sentences, of which four received terms of three to five years and one received a term of five to 10 years; 23 of the remaining convicted traffickers received probation, and one was fined. Observers reported many judges underestimated the severity of trafficking offenses and continued to hold entrenched stereotypes about what constitutes trafficking in persons, while some engaged in corrupt practices. These lenient sentences undercut efforts to hold traffickers accountable. Authorities cooperated with foreign governments on multiple transnational investigations and one extradition, including with Russia, Moldova, Italy, Greece, other European countries, and Kazakhstan. In one case, law enforcement cooperated with Polish authorities to identify 12 Ukrainian citizens forced to work in an illegal tobacco production facility in Poland.

Institutional reforms over the past six years led to widespread turnover in many government institutions, most notably within the ranks of the National Police, the Ministry of Social Policy (MSP), and the judiciary. The government restructured the National Police counter-trafficking unit and the MSP, leading to a high level of turnover and a lack of knowledge about trafficking among many of the officials from these institutions. Experts reported these institutional reforms created temporary obstacles to anti-trafficking efforts but ultimately could lead to improved efforts if changes were properly implemented. In December 2020, the National Police placed the counter-trafficking unit under the new Migration Police and expanded its mandate to address a broader range of trafficking-related issues. The National Police stated the intent of this placement was to ensure the unit's focus was not solely on adult sex trafficking but also on forced labor and child sex trafficking. The judiciary delayed court cases due partly to a lack of judges resulting from a constitutional court decision on qualification and hiring processes as well as to pandemic-related restrictions. Turnover of personnel led to a lack of qualified prosecutors to supervise trafficking cases at the regional level. The government, in conjunction with international funding and partners, conducted virtual trainings for judges, law enforcement, and other officials. Law enforcement took part in several virtual conferences and seminars. In collaboration with the National School of Judges, an international organization conducted an online training for judges that included instruction on international cooperation instruments, non-punishment of victims for unlawful acts traffickers compelled them to commit, and the rights and interests of victims. Observers reported the National Police counter-trafficking unit used outdated online investigative tools and collaborated poorly with other financial or cybercrime investigations, leading to missed opportunities to identify trafficking crimes in money laundering or pornography cases.

Corruption remained in the police and judiciary, and two cases of official complicity in human trafficking were reported. The government continued to report investigations of officials allegedly complicit in trafficking; however, for the fourth consecutive year the government did not report any convictions of complicit officials. Authorities charged

two officers of the Odesa police counter-trafficking unit with allegedly accepting bribes in exchange for not investigating persons for pimping and inducement of others into commercial sex and suspended the officials pending criminal investigation; however, they were charged under Article 368 of the criminal code for receiving illegal benefits. In another case, authorities placed law enforcement officers and officials from the Children's Service under pre-trial investigation for child trafficking. Other high-profile cases have remained stalled with the court for years, including those against the former commander of the Kyiv City police counter-trafficking unit, three police officers, recruiters for trafficking Ukrainians into a drug-trafficking ring in Russia, and a teacher at a government-run boarding school for orphans in Kharkiv who attempted to sell one of her students.

## PROTECTION

The government made mixed efforts in victim protection; while it increased stipends to identified victims and established some new services, it decreased its overall inadequate victim identification so fewer victims received services. The police identified and provided assistance to 146 victims in 2020, a decrease compared with 262 victims in 2019. Authorities approved 134 of 235 applications requesting official victim status, compared with 185 of 283 in 2019. According to an international organization, the pandemic exacerbated existing long-term problems in victim identification and assistance. NGOs reported the government nearly ceased targeted proactive identification efforts because of the pandemic. Moreover, pandemic-related restrictions and the diversion of funding to combat the pandemic further limited trafficking victims' access to state assistance. An international organization reported pandemic-related restrictions likely limited the number of applications for victim status as potential victims must submit applications in person. The majority of victims were Ukrainians exploited within Ukraine. Officials reported screening undocumented foreign migrants for indicators of trafficking and granted official status to two foreign victims in 2020; separately, international organizations identified four foreign victims in 2020. Almost half of all the identified victims were exploited in areas of armed conflict in Donbas. Civil society reported the government rejected a higher percentage of applications for the second year in a row due to strict internal guidelines for classifying cases as trafficking crimes, police pursuing indictments under statutes other than the trafficking law, and the government demanding additional evidence to confirm victim status contrary to Ukrainian law, including confirmation that the victim was recognized as such in court proceedings or demanding evidence to show movement across a border. The government did not grant official victim status to individuals incarcerated abroad in 2020, compared with 40 in 2019; the government discontinued the use of a simplified application process for potential victims incarcerated abroad, which included waiving the in-person interview requirement. The government continued to rely on international organizations and NGOs, with international donor funding, to identify victims and provide the vast majority of victim protection and assistance. Civil society reported continued systemic shortcomings in the functioning of the national referral mechanism (NRM) at the regional level and noted that government agencies identified a low number of victims through the NRM. An international organization in Ukraine assisted 1,680 victims, compared with 1,345 in 2019. International organizations reported the majority of their identified victims were exploited by labor traffickers. The government cooperated with NGOs on victim identification through the NRM. Victims not requiring specialized services may have chosen not to pursue official victim status, although NGOs reported the emphasis on documents requiring the divulging of sensitive information likely deterred some applicants from applying, as did pandemic-related restrictions. Changes in administration, personnel turnover, and ongoing decentralization reforms continued to obscure local communities' chains of responsibility for decisions regarding provision of key social services, including identifying, referring, and assisting trafficking victims; however, NGOs continued to report the strengthening of local self-governance expanded local



decision-making powers and secured more solid financing over the reporting period.

The government allocated 548,800 hryvnia (\$19,390) to the national budget for anti-trafficking measures in 2020, approximately the same amount as in 2019 and 2018. For the past five years, funding for local budgets remained the same at 219,220 hryvnia (\$7,750). In December 2020, the government increased financial assistance threefold to approximately 6,800 hryvnia (\$240) for each officially recognized victim. Ukraine's trafficking law entitled victims to housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training, regardless of whether a criminal case proceeded, or the victim cooperated with law enforcement. The government provided services to victims granted official status; specialized NGOs were actively involved in facilitating victims' applications for status and access to services at the local level. Some victims requiring shelter stayed at a rehabilitation center run by an international organization. Despite the government's stated commitment to assume operation of the center and support from the international organization in financial planning and establishing operating procedures, the government did not integrate the center into the national social and health care system. Adult victims could also stay at government-run centers for psycho-social assistance for up to 90 days, with the option to extend, and receive psychological and medical support, lodging, food, and legal and social assistance. Authorities could accommodate child victims in centers for socio-psychological support of children for up to nine months and administer social, medical, psychological, education, legal, and other types of assistance. Authorities identified two child victims of trafficking in 2020 but did not report what services they received, if any. The government established 70 specialized support services in 2020 for victims of domestic violence and trafficking, including nine new shelters, and other services like crisis rooms and mobile crisis response units, although in practice the latter was used primarily in domestic violence cases. The government maintained 21 centers for socio-psychological assistance, 33 state shelters for domestic violence and trafficking victims that assisted 13 trafficking victims in 2020, and 796 social services centers. Observers reported that state assistance remained insufficient to meet victims' needs; victims continued to rely on NGOs for assistance. Foreign victims were entitled to the same benefits as Ukrainian citizens and had additional access to interpretation services, temporary legal stay, and voluntary repatriation. Authorities could grant permanent residency to foreign victims in danger of retribution should they return to their country of origin. Foreign victims were able to obtain an immigration permit after residing continuously in Ukraine for three years.

The government, often in partnership with international organizations, provided training for officials on victim identification and assistance. The government, in partnership with an international organization and an NGO, assisted in the repatriation of a Ukrainian trafficking victim from Slovenia. The Witness Protection Law provided protections for victims, but courts rarely used protection measures. Closed hearings and remote procedures for questioning and identification were the most frequently used witness and victim protection mechanisms. The government did not restrict victims' movement. Investigators granted personal protection to eight victims in 2020 and changed the personal data of three witnesses in criminal proceedings. Video testimony systems that ensure the complete separation of victims or witnesses from the accused existed in 14 courts in various regions; the courts used these systems 19 times during hearings of trafficking-related crimes in 2020. The government did not report cases of courts ordering restitution payments for victims in 2020, the same as in 2019.

## PREVENTION

The government increased prevention efforts. MSP continued to coordinate anti-trafficking efforts at the national and local levels, but restructuring and rotation of staff continued to limit its activities. The government maintained a 2016-2020 national action plan and developed a draft concept for a 2021-2025 national action plan. MSP

published a report on the implementation of the government's anti-trafficking policies for the first half of 2020 and convened a working group in August 2020 to improve regulations to counter trafficking and to discuss amending legislation to transfer the authority to grant victim status from the MSP to the new National Social Service. A government-sponsored hotline dedicated to trafficking, gender-based violence and violence against children became operational in January 2020. The hotline received 29,344 calls in 2020, although fewer than 40 percent of the calls were from victims or potential victims, according to one NGO. The government reported that 38 victims were identified and referred to services, 13 of whom received temporary shelter. A local NGO, with funding from international donors, operated a counter-trafficking and migrant advice hotline. In 2020, the hotline received 22,921 calls, compared with 22,053 calls in 2019; 77 potential victims were identified and referred to responsible local agencies and NGOs for assistance. Authorities, in coordination with NGOs, international organizations, and local partners, continued to conduct a wide range of awareness campaigns throughout the country, including television, social media, online games, public events, and webinars. MSP spearheaded, with assistance from other organizations and NGOs, a major traveling exhibition touring 16 cities that opened on International Anti-Trafficking Day in July 2020. In addition, in December 2020, MSP, in partnership with an international organization and an NGO, launched an awareness-raising campaign on the International Day for the Abolition of Slavery; the international organization estimated the campaign reached more than 22 million people. Regional governments, with support from international organizations and NGOs, held repeated trainings throughout 2020 for administrators of newly formed local communities to raise awareness of trafficking.

Police continued to monitor and investigate formal and informal recruitment networks, including companies advertising jobs abroad, and participated with other stakeholders to raise awareness about known recruitment schemes. The Ministry of Economic Development and Trade oversaw the licensing of labor recruitment agencies and conducted regular and random inspections on their activities. In June 2020, legislation that banned recruitment companies from charging fees to citizens seeking employment abroad was heard in parliament; the final vote on the legislation was pending at the close of the reporting period. The government suspended routine labor inspections at the start of the pandemic; however, authorities continued to carry out unannounced inspections throughout the year. Labor inspectors conducted 14,803 unscheduled inspections in 2020. The government increased the number of labor inspectors to 1,815 in 2020 from 1,138 in 2019; however, NGOs reported that the increase was still insufficient to meet their mandate. The government made some efforts to reduce the demand for commercial sex acts; Article 149 reportedly criminalized the act of knowingly soliciting or patronizing a sex trafficking victim, but an NGO noted the language in the statute is broad. The government continued to provide victim identification and referral training to diplomats.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ukraine, and traffickers exploit victims from Ukraine abroad. Ukrainian victims are exploited in sex trafficking and forced labor in Ukraine, as well as in Russia, Poland, Germany, and other parts of Europe, China, Kazakhstan, and the Middle East. Ukrainian victims are increasingly exploited in EU member states. Traffickers exploit some Ukrainian children and vulnerable adults in forced begging. NGOs estimate 10-15 percent of the Roma community lack identification documents, leaving them unable to access state social assistance programs and thereby increasing their vulnerability to trafficking. Traffickers exploit a small number of foreign nationals in forced labor in Ukraine. A growing number of forced labor victims in Ukraine and abroad are exploited in a variety of sectors, including construction, manufacturing, agriculture, criminal activity, and street begging. Traffickers force some victims to participate in the illegal production of counterfeit

tobacco products and well-established criminal groups force some Ukrainian victims to engage in other illegal activities abroad. Some traffickers exploited victims in forced labor at rehabilitation centers under the guise of providing treatment for alcohol or drug addiction. Pandemic-related movement restrictions and border closures resulted in traffickers exploiting a larger number of Ukrainians in labor trafficking within Ukraine and in commercial sex increasingly online. The number of foreign victims in Ukraine fell dramatically since the beginning of the conflict in eastern Ukraine, although smuggled migrants transiting Ukraine are vulnerable to trafficking. Traffickers target low-skilled workers transiting Ukraine. Increasingly, well-educated workers are vulnerable to labor exploitation. The approximately 104,000 children institutionalized in state-run orphanages are at especially high risk of trafficking. Officials of several state-run residential institutions and orphanages have allegedly been complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

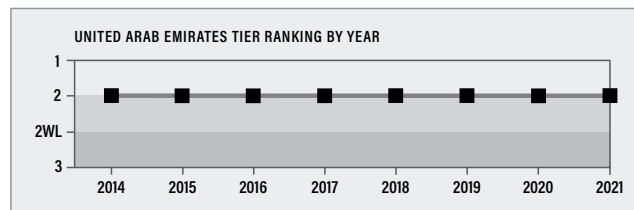
Fueled by Russian aggression, the conflict in eastern Ukraine and Russia's occupation of Crimea have displaced more than 1.4 million people, and this population is especially vulnerable to human trafficking throughout the country. In areas of eastern Ukraine controlled by Russia-led forces, employment options are limited, and Russia's proxy "authorities" place restrictions on international humanitarian aid intended to help meet civilian needs. IDPs, those living in Russia-controlled territory or within 20 km of the line of contact in the Donbas, and residents of Crimea face significant barriers to obtaining or renewing identification documents, increasing their vulnerability to exploitation. Traffickers reportedly kidnap women and girls from conflict-affected areas for sex and labor trafficking in Ukraine and Russia. Traffickers target internally displaced persons and subject some Ukrainians to forced labor on territory not under government control, often via kidnapping, torture, and extortion. International organizations report the demographics of Ukrainian trafficking victims has shifted since the beginning of the conflict to include more urban, younger, and male victims exploited increasingly in forced labor and criminality, such as for drug trafficking and as couriers.

Uncorroborated reports of Russia-led forces using children as soldiers, informants, and human shields continue, but the number of such reports has decreased since the early years of the conflict. Then, Russia-led forces in Russia-controlled areas of the Donbas reportedly used children to take direct and indirect part in the armed conflict to perform armed duty at checkpoints, as fighters, and to serve as guards, mailpersons, and secretaries. The recruitment of children by militant groups took place in territory controlled by Russia and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict.

## UNITED ARAB EMIRATES: TIER 2

The Government of the United Arab Emirates (UAE) 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore the United Arab Emirates remained on Tier 2. These efforts included expanding law enforcement training on trafficking, increasing oversight of domestic worker recruitment by expanding the number of public-private partnership "Tadbeer" recruitment centers and closing all non-government-regulated recruitment agencies to prevent contract switching and conversion of tourist visas to work visas by unregulated agencies. It also expanded its efforts to raise awareness of labor exploitation and announced new pilot orientation programming for Gulf-bound workers from Africa. However, the government did not meet the minimum standards in several key areas. The government did not prosecute any traffickers

for forced labor and has not reported convicting any labor traffickers; it also reported fewer convictions for sex trafficking crimes. The government did not routinely employ its proactive identification and referral mechanism, which resulted in the penalization of some potential victims and rendered others without care, specifically those arrested for engaging in commercial sex. In addition, it did not regularly investigate labor law violations that exhibited trafficking indicators—such as cases of unpaid or withheld wages, passport retention, and related abuses—as potential trafficking crimes, addressing them administratively instead of through criminal proceedings.



### PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute labor trafficking crimes and convict offenders under the anti-trafficking law. • Increase efforts to identify and provide protective services for labor trafficking victims. • Expand trainings to officials across all emirates to better identify potential trafficking cases that originate as labor violations. • Regularly employ standard procedures for victim identification and referral to quality care among foreign workers, particularly women in commercial sex and domestic workers who have fled their employers to ensure authorities do not penalize victims. • Report the number of trafficking investigations and investigate forced labor indicators—such as passport retention, withholding of wages, labor violations reported and identified from inspections, and complaints of abuse—as potential trafficking crimes. • Continue to expand use of the Wage Protection System (WPS) pilot program for domestic workers to ensure all workers are covered under the system. • Execute implementing regulations for and strengthen enforcement of the domestic worker law that expands legal protections for domestic workers. • Increase trainings for shelter staff on how to identify and care for labor trafficking victims. • Strictly enforce prohibitions on withholding workers' passports.

### PROSECUTION

The government maintained anti-trafficking law enforcement efforts to address sex trafficking, but efforts to address forced labor remained weak, and data collection was insufficient. Federal Law No. 51 of 2006 and its amendments in Federal Law No. 1 of 2015 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from five years to life in prison, as well as fines ranging from 50,000 to 99,100 UAE dirham (AED) (\$13,610 to \$26,980) and deportation for non-citizens. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Federal Law No. 10 of 2017 provided additional protections for domestic workers, as well as regulations for recruitment agencies and employers of such workers, including those pertaining to hiring practices, working conditions, and employment contracts. Federal Law No. 10 protected workers' rights to retain their own identity documents but did not stipulate penalties for employers who confiscated workers' passports.

The government did not report statistics on investigations of suspected trafficking cases for the ninth consecutive year. However, during the reporting year the government prosecuted 54 individuals in 19 sex trafficking cases, zero individuals for forced labor crimes, and three individuals in one child forced begging case across the seven emirates, compared with 67 individuals in 38 sex trafficking cases the year prior. Officials reported conviction of 15 sex traffickers and administered sentences ranging from one to seven years' imprisonment, with the vast majority of perpetrators receiving three years or more with additional fines and subsequent deportation at the conclusion of

sentences. During the previous year, the government convicted 33 sex trafficking defendants under trafficking laws and handed down similar punishments. The government did not report convicting any labor traffickers during the reporting period and historically has not reported any forced labor convictions. In one specific case during the year, the Dubai Court of First Instance convicted four Bangladeshi men, two Indonesian women, and a Pakistani male for deceiving a female Indonesian domestic worker with a false job offer and subsequently forcing her into commercial sex. After the victim was able to contact family members, who notified the police, law enforcement raided the ring and arrested the alleged traffickers. The court sentenced six of the traffickers to seven years' imprisonment and the seventh trafficker to one year and planned to deport the convicted traffickers at the conclusion of their sentences.

The government did not routinely investigate as possible trafficking crimes violations of Emirati labor laws that exhibited trafficking indicators, such as passport confiscation, delayed or nonpayment of wages, fraud, and contract switching; generally the government treated these cases exclusively as regulatory violations, levying administrative fines or cancelling business licenses in lieu of criminal proceedings. Labor violations, including those involving forced labor, continued to be addressed by the Ministry of Human Resources and Emiratization (MOHRE), which administered dispute resolution processes and labor courts instead of specific human trafficking laws. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking crimes during the reporting year. Relevant authorities including the Ministry of Interior (MOI), Dubai Police, and MOHRE reportedly held a series of lectures and training programs in workers' residences and in recruiting offices to raise awareness on the types of trafficking crimes and ways to communicate with law enforcement authorities and shelters. In October 2020, the National Committee to Combat Human Trafficking (NCCHT) and Dubai Police inaugurated the sixth iteration of the "Human Trafficking Specialist" program at the Dubai Judicial Institute (DJI) in collaboration with an international organization; this was a five-week diploma program on ways to detect and prevent trafficking, protect victims, and raise societal awareness of the problem. The program was expanded in 2020-2021 to include 99 participants representing 30 national police authorities, human rights associations, shelters, and federal and government bodies. Additionally, the MOI organized nine training courses, workshops, and lectures related to combating human trafficking crimes, benefiting 918 police members. The Abu Dhabi Judicial Department, in cooperation with the Abu Dhabi Judicial Academy, organized special human trafficking-related courses benefiting 549 judges and members of the Public Prosecution during the reporting year. The Federal Authority of Identity and Citizenship created virtual training programs on forgery detection, combatting human trafficking, and human rights, benefitting 1,362 port and passport inspectors during the reporting period; in addition, the MOHRE sponsored training workshops on UAE labor law and policies that benefited 337 workplace inspectors. Lastly, the NCCHT facilitated a training program, in cooperation with the Dubai Foundation for Women and Children (DFWAC) and MOHRE, for the staff of a foreign embassy in Abu Dhabi. The program addressed labor rights, human trafficking, and how to properly handle cases and issues related to these topics.

## PROTECTION

The government made uneven efforts to protect trafficking victims, as it continued to identify sex trafficking victims and refer them to care but efforts to identify all forms of trafficking, specifically forced labor victims and male victims, remained weak and data collection remained insufficient. The government identified 23 sex trafficking victims and one child victim of forced begging that were involved in the 19 cases prosecuted during the reporting period, for a total of 24 victims, and referred them to care at government shelters. In addition to the 24 victims that had active court proceedings, which the government identified and referred to care, the Aman Center for Women and Children in Ras Al Khaimah reported assisting 10

sex trafficking victims (one was referred via the hotline) during the year, for a total of 33 sex trafficking victims and one child victim of forced begging. This was compared with 32 sex trafficking victims identified and referred to care during the previous reporting period. The government did not report the number of trafficking victims identified and referred to care that were not involved in active court proceedings. While the government had standard procedures for victim identification among foreign workers, officials did not regularly employ these procedures proactively and continued to rely predominantly on third-party referrals to identify victims, including from foreign embassies, religious institutions, or tips received through government hotlines, smartphone applications, and the internet. Shelter staff and hotlines reported receiving fewer calls and referrals since the start of the pandemic. Authorities continued to implement a formal referral process to transfer potential trafficking victims from detention centers, hospitals, houses of worship, or facilities run by source country embassies or consulates, to government shelters. Shelter staff reported that sometimes law enforcement only referred individuals that were officially determined to be trafficking victims to the shelter, rather than all potential victims. Authorities also sometimes held potential victims who encountered law enforcement first at a transitional center until they could make an official determination of their trafficking victim status. At times, female or male police officers in plain clothes—intended to allay victims' anxieties—escorted victims, identified by law enforcement, from a government-run detention center to a shelter; however, reports persisted that some victims were unwilling to approach law enforcement officials due to fear of being sent to prison for immigration or other violations rather than being accepted into a shelter. Additionally, some diplomatic contacts and community leaders reported they were hesitant to refer victims of forced labor to shelters, as authorities did not always recognize these crimes as trafficking and rather considered them labor violations.

The shelters were largely funded through individual donations, notably from the ruling family of Abu Dhabi emirate, as well as contributions from public and private companies and religious institutions. The government maintained oversight and funding for shelters in four of the seven emirates (Dubai, Abu Dhabi, Ras Al Khaimah, and Sharjah), offering housing and assistance for all female and child sex trafficking and abuse victims across the country. The government operated one shelter for men in Abu Dhabi, but it did not serve any male victims during the year. Protective services included medical, psychological, legal, educational, rehabilitation and reintegration, vocational training and certificates, and voluntary repatriation that included prolonged follow-up care after the victim returned home. The government reported the shelters provided 49 training courses, in addition to workshops and lectures to victims and potential victims residing in the shelters during the reporting period. Child trafficking victims and dependents of trafficking victims received services tailored to their needs, including separate living sections and supervisors, as well as teachers who provided age-appropriate educational and psychosocial support. All police departments had a special room for interviewing children and other vulnerable victims. The Philippine, Indian, and Sri Lankan embassies in Abu Dhabi and the Philippine, Indonesian, and Sri Lankan consulates in Dubai provided shelter and other protective services to an unspecified number of nationals who had been subjected to trafficking during the reporting period. Other consulates used "foster families" of the same nationality to host victims until their cases were resolved. During the reporting year, officials distributed 143,614 AED (\$39,100) through the Victims Support Fund to trafficking victims residing at government shelters across the Emirates, which financially supported victims by providing housing and education services, and covering medical expenses, repatriation, or resettlement.

Shelter staff claimed that identified sex trafficking victims were not jailed, fined, or prosecuted for violations committed as a result of their being subjected to trafficking. However, independent observers alleged authorities jailed some potential victims for prostitution



offenses, consensual sex outside marriage, or absconding from their employers. MOHRE reported it could reject absconding claims on several grounds, including if the claim was filed for vexatious or fictitious reasons or if the worker already had a pending claim with the government; it also did not force the employee to return to his or her former place of employment. Because the government did not routinely use victim identification procedures or screen for potential trafficking crimes among vulnerable populations, it may have penalized some unidentified victims during the year.

In September 2020, the Dubai Public Prosecution announced an initiative to encourage employers to report their absconded domestic workers to authorities to prevent employers from hiring illegal workers and reduce losses incurred by employers whose workers flee. Employers could be fined for hiring a worker illegally and could be compensated for filing absconding charges against a worker; employers had 10 days to report absconding workers or risk being fined. This policy may have exacerbated vulnerabilities of some workers attempting to leave exploitative situations, and officials may have penalized potential trafficking victims whose employers filed malicious absconding charges during the year. The government reported it exempted from fines forced labor victims who had overstayed their visas or sex trafficking victims but did not report how many benefitted from this exemption during the reporting period. The government did not provide permanent or formal temporary residency status to victims; however, it permitted victims to stay in shelters and participate in court proceedings, and worked with international organizations to resettle, in third countries, victims who could not return to their countries of origin. Interior officials could amend the status of victims to assist them in seeking follow-on job opportunities in the UAE. Laborers whose employer had not paid them for 60 days were entitled to legally remain in country and search for a new employer. The government reported it provided repatriation assistance to trafficking victims who wished to return to their home countries but did not report a total number of victims that were repatriated during the reporting period. Shelter staff noted they assisted an unknown number of trafficking victims in finding new employment or sponsors on an ad-hoc basis. The government encouraged victims to assist in the investigation and prosecution of traffickers and provided victim-witness protective services, including private interview rooms, free legal counseling, and safe transportation to court hearings. Police took counter-retaliation measures and prohibited communication between the victim and suspect. Police also enforced two governmental decrees aimed at ensuring the media adhered to victims' privacy and that shelters adequately protected victims. According to the NCCHT, victims were informed and assured of their rights when giving testimony. During the reporting period, the government established a Witness Protection Program by expanding Federal Law No. 14 of 2020, which gave judicial officials the authority to enroll witnesses in the protection program to keep their identities confidential during legal proceedings; the government did not report if any trafficking victims were enrolled in the program during the year. Both police and shelter representatives reported victims often chose immediate repatriation at the UAE's expense rather than remaining in country to testify against alleged traffickers or see a case through to final adjudication.

## PREVENTION

The government increased efforts to prevent trafficking. It increased oversight over domestic worker recruitment through Tadbeer Centers, continued to incorporate domestic workers in the WPS through a pilot program, expanded its awareness raising activities, and launched a pilot program with the Government of Saudi Arabia and the African Union to provide orientation programming to African workers bound for the Gulf. The government continued to carry out its national action plan to address trafficking, driven chiefly by the NCCHT. The plan focused on prevention, protection, prosecution, punishment, promotion of international cooperation, redress, rehabilitation, reintegration, and capacity building. In July 2020, the NCCHT met to review implementation of its anti-trafficking programming and

the impact that the pandemic had on human rights issues overall in the Emirates; the entity subsequently published a public report outlining its findings that included recommendations to ensure workers' rights were protected during the pandemic to mitigate increased risk of exploitation for workers that had experienced job loss, non-payment of wages, or loss of legal status. In October 2020, the UAE hosted the second annual Anti-Trafficking Forum in the Middle East focusing the efforts of participating governments on preventing pandemic-related vulnerabilities for workers, increasing protections for victims, and strengthening transparency in foreign worker recruitment processes to mitigate potential exploitation.

The government amplified awareness on trafficking by continuing to post informational notices at airports, implement training courses for high-risk groups, and disseminate publications in various languages directed at the most at-risk communities, effectively reaching tens of thousands of individuals during the year. The campaigns raised awareness of penalties for trafficking and publicized hotlines for more information or direct assistance. Airport banners specifically targeted terminals based on nationalities with high workforce numbers in the UAE. The government educated passengers at Dubai International Airport (DXB) about trafficking through clips, broadcasts, flyers, and tactically situated massive banners in nine prominent languages. In October 2020, Dubai government-owned Emirates Airline began showing an informational film about human trafficking on all flights via its inflight entertainment system. Dubai Police, NCCHT, and DXB, in partnership with an international organization, continued its two-year campaign that began in July 2019 entitled "Don't Turn a Blind Eye." The campaign aimed to raise awareness of airport employees and travelers on how to detect trafficking crimes. In addition to workshops for airport employees, the campaign also publicized information on screens in DXB to educate travelers on how to identify potential trafficking victims. During the reporting period, the Dubai Foundation for Women and Children and the Aman Shelter for Women and Children co-produced a series of leaflets to inform vulnerable populations of domestic abuse and trafficking risks, which the organizations translated into 10 languages and distributed online and via social media. The Aman Shelter also reported producing a training film on workers' rights, trafficking, and domestic abuse that was shown to all domestic workers employed through Tadbeer Centers—recruitment centers for domestic workers—in Ras Al Khaimah. Shelter staff continued a partnership with art galleries for visual art exhibits that showcased art made by trafficking victims, to both increase awareness and raise funds for other victims. During the reporting period, the Federal Public Prosecution published an awareness brochure on social media outlining the penalties against individuals who knew of the commission of human trafficking crimes but failed to inform the competent authorities; the brochure was viewed more than 5,600 times. The MOI, in cooperation with health, social, and legal bodies, organized 20 lectures, workshops, and education seminars benefiting 6,420 workers across the UAE. Additionally, the Abu Dhabi Police worked with media outlets to warn job seekers about fraudulent internet employment ads that emerged as a result of increased unemployment due to the pandemic and cautioned laid-off workers to be cognizant of fraudulent job offers that charged recruitment fees, which is an illegal practice in UAE.

The government funded and ran a 24-hour toll-free hotline for reporting cases of trafficking, delayed wage payments, or other labor violations, which operated in Arabic, English, Hindi, Russian, Tagalog, and Urdu. Calls were categorized and automatically alerted police in suspected trafficking cases. Additionally, MOHRE, MOI and DFWAC had dedicated multilingual toll-free hotlines; MOI continued to host a mobile phone application that allowed users to access certain police services on their phones, and victims of trafficking or witnesses to the crime could use the application to file reports as well. In Dubai, law enforcement authorities ran a separate line, and UAE-wide there remained a 24-hour toll-free number for migrant laborers to vocalize workplace complaints or general inquiries. Analogous to the year prior, the government did not report how many trafficking

or trafficking-related calls any hotline received, how many victims were identified, or how many investigations were initiated during the reporting year.

Officials continued to employ public-private partnership recruitment centers for domestic workers, known as Tadbeer Centers, mandated to regulate the recruitment and training of domestic workers, educate them on their legal rights, resolve employer-employee disputes, and verify worker accommodations for compliance with domestic worker law minimum standards. Each center was equipped with a room solely for grievance mediation, with a video connection to MOHRE for official oversight. In practice, however, these centers were inhibited as they were not generally able to enter or inspect private homes. The centers were integral to the movement of domestic worker recruitment from the Ministry of Interior to MOHRE, a change aimed at improving recruitment regulation and standards. NGOs continued to raise concerns about the ease with which tourist visas could be converted into work visas for workers looking to circumvent their home countries' recruitment ban in the UAE—a practice that exacerbated the risk of trafficking for these workers, as they often paid fees to multiple recruitment agencies in both their home countries and in the UAE and had no protection under UAE law when they arrived on tourist visas. Furthermore, some workers were unable to switch their visas to employment visas and so continued to work illegally, heightening their vulnerability to exploitation. In January 2021, media reported that dozens of Filipina workers who had been promised jobs in the UAE and had entered the country on 30-day tourist visas facilitated by two private recruitment agencies in the Emirates were confined against their will upon arrival until their tourist visas expired; the workers were then transported to Syria to work as domestic workers and subjected to conditions of forced labor, including physical and sexual abuse and non-payment of wages. In a purported effort to address this practice and solely use Tadbeer Centers for the recruitment and regulation of all domestic workers, the MOHRE announced the closure of 250 private recruitment agencies in January 2021; agencies had the option to obtain a Tadbeer license, switch to another sector or shut down by March 2021. In the past, these private recruitment agencies were accused of violating labor and immigration laws and failing to guarantee the rights of workers and employers, but they were popular as their services were viewed as cheaper, more flexible and more accessible than those offered at Tadbeer Centers. MOHRE reported that it was working with Tadbeer Centers to lower their operational costs and revise their fees to make them more competitive and starting in March 2021, citizens and residents would be required to hire domestic workers through Tadbeer Centers, an effort to ensure that all domestic workers were recruited through government regulated mechanisms and therefore were protected under the domestic worker law. At the close of the reporting period, 56 Tadbeer Centers were operational across the Emirates, an increase from the 23 Centers that were operational at the end of the previous reporting period.

The government implemented Federal Law No. 10 of 2017 to improve the work conditions and welfare of domestic employees and adopted Cabinet Resolution No. 22 of 2019, which granted domestic workers the right to terminate their employment if an employer failed to meet contractual obligations such as payment of wages, or if the employee was subject to sexual harassment or physical or verbal abuse by the employer. The government did not strengthen regulatory enforcement of in-home inspections and workplace grievance resolution. In addition, sociocultural and legal barriers against government interference with private households continued to hamper monitoring and enforcement efforts of its domestic worker law. This law included the right for employees to retain personal documents, sign standardized contracts with unequivocally designated working conditions, access specialized tribunals for settling workplace grievances, and observe mandatory time off. It also stipulated in-home inspections on the basis of complaints or reasonable evidence of law violations. Under the law's provisions, a recruitment agency or person who hindered law enforcement,

anyone who disclosed information unveiled in an investigation, or anyone who facilitated the abandonment of a domestic worker may be jailed for a minimum of six months and ordered to pay a 10,000 to 100,000 AED (\$2,720 to \$27,230) fine. Expatriate workers were granted the freedom to leave and switch employers at any time without employer approval through Ministerial Decree No. 765 and 766 of 2015; however, this decision included the requirement that the worker had to provide between one and three months' notice, depending on the initial contract terms to leave an employer. According to the NCCHT, 319,655 workers changed employers during 2020. As with domestic workers, in instances where an expatriate employee faced physical or verbal abuse or sexual harassment, the worker had the freedom to leave the employer without notice. All workers were able to terminate employment at any time in the absence of abuse or a contractual breach but may be required to forego certain benefits including end of service gratuity and a return ticket to their home country. In those instances, a domestic worker may have had to pay their employer compensation equal to one month's wages and other entitlements deemed necessary by a court. In such instances, MOHRE could issue the domestic worker a new work permit to move to a new employer; the domestic worker was not subject to immediate deportation if they terminated employment, to ensure the worker had sufficient time to find a new job. Most workers chose to remain in the UAE to work for another employer under a new work permit or contract after terminating their previous employment.

MOHRE primarily oversaw, regulated, and enforced labor-related complaints. Efforts by MOHRE to combat forced labor across the UAE included an extensive labor inspection program that incorporated routine and unannounced inspections of company housing and work sites by a team of full-time labor inspectors, in addition to seven dedicated anti-trafficking inspectors. Authorities generally dealt with labor law violations administratively and did not report investigating such cases for trafficking indicators or referring any for criminal prosecution. Moreover, the NCCHT reported that the government conducted 280,728 inspection visits in 2020 but did not report how many labor law violations were identified via those inspections, and if any were referred for further investigation or criminal prosecution as potential trafficking cases. The government continued its monitoring and inspection program for regulation of private sector laborers, including through the WPS, which electronically monitored salary payments via vetted banks, currency exchanges, and financial institutions for all onshore companies employing more than 100 workers (95 percent of the private sector workforce). The WPS automatically flagged delayed salary payments of more than 60 days or payments that were less than contractually agreed upon, and after a designated period, authorities administered fines and other enforcement actions. MOHRE reported that letters were issued to companies irrespective of their size and owner and sent to the Public Prosecutor for WPS violations; the ministry also reported that cases were not dropped until the missing wages were paid and the company was up to date with all salary payments. For the 13th consecutive year, the government did not report the number of complaints of unpaid wages it investigated as a result of its dispute resolution process or the WPS, which were intended to ensure workers were paid according to their contracts and not subjected to forced labor.

The NCCHT reported that the government issued 8,181 fines to companies that failed to provide payments to workers via the WPS in 2020 but did not report investigating such cases for trafficking indicators or referring any for criminal prosecution. Workplace grievances routinely resulted in fines, suspended permits to hire new workers, or the cancellation of business licenses though, apart from the number of fines issued to companies in violation of the WPS, the official number and specifics of other punishments were unknown. Media and diplomatic sources continued to report that some companies retained workers' bank cards or accompanied workers to withdraw cash, coercively shortchanging the employees even though the WPS showed the proper amount paid. Such cases

were difficult to prove in labor courts, given the WPS documented accurate payments via designated bank accounts. Furthermore, domestic worker salaries were not required to be paid via the WPS; this, coupled with cultural norms and the lack of legal provisions requiring inspections of domestic worker accommodations, wage payment and work hour abuses, among other acts indicative of forced labor, rendered domestic workers vulnerable to exploitation. However, the government continued its pilot program from the previous reporting period to incorporate domestic workers into the WPS, and in July 2020, MOHRE signed an agreement with First Abu Dhabi Bank (FAB) to integrate these workers under the system. The NCCHT reported that the pilot program integrated 423 domestic workers in 2021; overall, however, less than one percent of domestic workers were enrolled in the WPS at the close of the reporting period. In practice, the system facilitated monthly salary payments and monitored payments for timeliness and transparency, and domestic workers received earnings into accounts that could be accessed through issued debit cards provided to workers. The NCCHT reported that although the enrollment of domestic workers under the WPS was currently voluntary, the renewal of domestic worker permits will make enrollment mandatory, with the intent that all domestic workers will be integrated under the WPS in 2022. The government did not enforce a prohibition on employers withholding workers' passports, which remained a pervasive problem and left workers vulnerable to exploitation and potentially trafficking.

In January 2021, the government announced a partnership between the UAE, Saudi Arabia and the African Union to pilot and implement an orientation program for Gulf-bound workers from Africa. During the previous reporting period, the UAE and Government of the Philippines signed a trafficking-specific memorandum of understanding (MOU), which adopted procedures and created a joint taskforce to combat the crime as well as share best practices, exchange information, promote human rights, and provide assistance in the protection, repatriation, recovery, and rehabilitation of trafficking victims in accordance with domestic laws. Since 2014, the Government of the Philippines banned the recruitment of domestic workers to the UAE; however, in March 2021, the two governments agreed to additional protections for Filipino domestic workers that lifted the suspension. These protections included ensuring domestic workers were given a standard employment contract, remained in possession of their passports and mobile phones (employers would be banned from holding them), got eight hours of sleep a day, one paid day off per week, and the right to hold a bank account; additionally, the Philippine's Embassy in the UAE would be notified if a Filipino national sought to change a tourist visa to a work visa. In addition to the government's MOUs with Armenia, Australia, Azerbaijan, Gambia, India, Indonesia, Nepal, Pakistan, Thailand, Uganda, and Vietnam to regulate recruitment mechanisms and prevent contract switching, in 2020, the UAE and the Government of Belarus signed an MOU to increase cooperation on trafficking issues. Further, the government also held the second bilateral meeting of the task force responsible for implementing the MOU between India and the UAE on cooperation to prevent and combat trafficking. The government did not report any specific results of any of these MOUs during the reporting period. The government did not take measures to reduce the demand for commercial sex acts in the UAE. The Ministry of Foreign Affairs maintained provision of workshops and awareness programs on human trafficking for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in the UAE. Foreign workers comprise nearly 90 percent of the UAE's population and are recruited globally. Lower wage labor, including most manual labor and a significant portion of the service sector, is provided almost entirely by migrant workers predominantly from South and Southeast Asia and the Middle East, with a growing percentage from East and West Africa. It is not uncommon for employers to subject some of these workers to conditions indicative of forced labor, such as passport retention, non-payment of wages

and unpaid overtime, restrictions on movement, contract switching, fraudulent employment promises, substandard food and housing provisions, or a failure to meet other contractual agreements. Adults from some of these countries travel willingly to the UAE to work as domestic workers, security guards, drivers, gardeners, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but traffickers subject some of them to forced labor or sex trafficking after arrival. Reports indicate the UAE serves as a trafficking hub where recruiters sell migrants to families who subsequently illegally transport them to other countries in the Gulf. The UAE has in recent years become a primary destination for Ugandans seeking employment as domestic workers and security guards. Many Pakistanis are reportedly hired on promises they will receive handsome salaries, medical benefits, and accommodations, but after reaching the UAE the promises go unfulfilled, with some Pakistanis discovering that the companies that hired them are fraudulent. For expatriate workers and domestic workers especially, the *kafala* or sponsorship system in the UAE restricts their ability to leave a position without prior notice. Despite legal measures allowing workers to change sponsors or terminate their employment, some employers continue to exercise unilateral power over foreign workers' movements, deny laborers working illegally the ability to change employers, restrict permission for them to leave the country, and threaten employees with abuse of legal processes, which heightens their vulnerability to trafficking. Traffickers subject some women, predominantly from Central Asia, South and Southeast Asia, East Africa, Eastern Europe, Iraq, Iran, and Morocco, to sex trafficking in the UAE, and most trafficking cases registered in the UAE are classified as sexual exploitation despite significant labor trafficking concerns. Per media sources, some cases of child sex trafficking involve traffickers forging ages on passports to facilitate undetected entry into the UAE. Other reporting claims recruiters in some source countries work as individual agents rather than for regulated companies, complicating law enforcement and monitoring efforts.

Although illegal under UAE law, many source-country labor recruiters charge workers exorbitant fees in their home countries (outside of UAE jurisdiction), causing workers to commence employment in the UAE owing debts in their respective countries of origin, increasing their vulnerability to trafficking through debt-based coercion. Despite UAE law to prevent the practice, reports of employers engaging in the practice of contract-swapping persist, leading to less desirable and lower paying jobs for laborers post-arrival in the UAE. Traffickers often recruit victims from the large foreign population already in the country; they may deceive or compel a migrant worker in the UAE, willingly on a tourist or work visa, into forced labor or sex trafficking. Additionally, some laborers enter the UAE on tourist visas and start working for an employer who subsequently opts to not change the tourist visa to a work visa in order to grant legal residency, a common method of exploitation. However, due to pandemic-related border closures and travel restrictions both in the UAE and in other countries, the use of tourist visas as a method to circumvent immigration and labor laws lessened, and traffickers reportedly focused on targeting workers inside of the UAE instead. During the reporting period, workers experienced pandemic-related job loss, non-payment of wages, and movement restrictions, which heightened their vulnerability to trafficking. These vulnerabilities, coupled with the halt in the government issuing new work permits from March to October 2020, led to an increase in traffickers using illegal online markets on social media to advertise and sell domestic workers already residing in the country. Following the temporary suspension of Tadbeer Centers—the government's regulated, privately-run domestic recruitment centers—due to the pandemic, some employers sponsoring domestic workers used online platforms to advertise the selling of domestic workers. According to UAE shelter staff, migrant workers will sometimes start with one employer and for various reasons, including abuse or exploitation, low salary, or simple dissatisfaction with the job, will follow alternate employment opportunities that ultimately prove fictitious, as traffickers in the UAE are adept at using manipulation to entice laborers with fraudulent

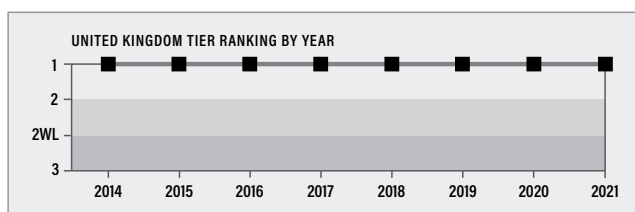


higher salaries. During the year, traffickers also targeted workers already residing in the country who had experienced pandemic-related job loss with false promises of better jobs through online platforms. Cuban nationals working in the UAE may have been forced to work by the Cuban government.

During the reporting year, there were no allegations the UAE recruited, used, or detained any child soldiers, and in September 2019, the UAE reportedly ceased providing direct support to Security Belt Forces in Yemen who allegedly recruited and used child soldiers. In June 2020, the UN Secretary-General delisted the Saudi-led Coalition in Yemen from the annexes of the UN report on Children and Armed Conflict. During a previous reporting period, an international organization alleged the government, a member of a multi-nation coalition that commenced military operations against Houthi rebel forces in Yemen in 2015, provided training and coordinated operations with the Security Belt Forces, Hadhrami Elite Forces, and Shabwani Elite Forces—proxy militias fighting Houthi forces and terrorists in Yemen that allegedly recruited and used children as soldiers. Media also previously reported officers associated with Sudan's Rapid Support Force took bribes from families to permit children to serve as combatants in Yemen during that reporting year. Emirati officers supposedly trained and commanded some Sudanese combatants during the previous reporting period. While the UAE did not directly commission those forces, there were Sudanese units under the Saudi-led Coalition fighting with Emirati and Yemeni government forces during those years.

## UNITED KINGDOM: TIER 1

The Government of the United Kingdom (UK) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the UK remained on Tier 1. These efforts included an increase in the number of referrals of trafficking suspects to the Crown Prosecution Service (CPS) and the introduction of minimum standards of care and an inspection regime for government-commissioned victim support services. Additionally, the government increased support payments to potential victims and their child dependents and introduced new payments for pregnant and young child victims. Furthermore, the government announced measures to strengthen reporting requirements under the Modern Slavery Act of 2015 (MSA) to ensure organizations' operations and supply chains were free of trafficking, and it launched an assessment tool to assist public-sector organizations in coordinating with suppliers to improve protections for workers and reduce the risk of exploitation in supply chains. Although the government meets the minimum standards, it prosecuted and convicted fewer traffickers, and observers reported long-term care and reintegration support for victims were inadequate. In addition, many potential victims continued to face long wait times to enter the National Referral Mechanism (NRM) and begin receiving support, and children in the protection system remained vulnerable to trafficking. Observers reported the government penalized some victims for unlawful acts traffickers compelled them to commit. Foreign victims faced hurdles in obtaining residence permits, and workers from the European Economic Area (EEA) became more vulnerable to trafficking due to confusion around changes to the UK's immigration standards.



## PRIORITIZED RECOMMENDATIONS:

Expand nationwide the Independent Child Trafficking Guardians (ICTG) program and train more social workers and care providers to better safeguard child victims. • Vigorously prosecute and convict suspected traffickers, including in Scotland and Northern Ireland. • Implement reforms to the NRM, including timely determination of victim status, to encourage more victims to come forward. • Expand long-term care and reintegration support and monitor and assess outcomes of post-NRM support. • Ensure victims are not penalized for unlawful acts, including immigration violations, their traffickers compelled them to commit. • Establish a database on investigations, prosecutions, convictions, and prison sentence data across the UK, categorized by type of trafficking. • Ensure the statutory definition of trafficking under the MSA and similar provisions in Northern Ireland do not require movement of the victim as an element of the crime. • Continue to provide adequate information to foreign workers, especially the most vulnerable, on their legal rights and how to maintain their status in the UK post-exit from the EU. • Provide a clear route to residency for foreign victims and ensure potential foreign victims who are referred into the NRM can work. • Provide a trafficking-specific long-term alternative for foreign victims at risk if returned to their home country.

## PROSECUTION

The government maintained prosecution efforts. The MSA, applicable to England and Wales, and similar statutes in Scotland and Northern Ireland, criminalized sex trafficking and labor trafficking and prescribed penalties of up to life imprisonment, which 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 laws in England, Wales, and Northern Ireland required the element of movement of a victim in the definition of "trafficking." However, these jurisdictions criminalized "slavery and servitude, and forced or compulsory labour" in other provisions of their law, which could be utilized to prosecute trafficking offenses that did not involve victim movement. Scotland, by contrast, did not require victim movement in the definition of trafficking.

In June 2020, there were 1,845 active law enforcement investigations of suspected trafficking crimes, compared with 1,479 in June 2019. The CPS prosecuted 267 defendants on trafficking charges, compared with 349 defendants prosecuted in 2019. Courts convicted 197 traffickers in 2020, a decrease from 251 convictions in 2019. The conviction rate increased slightly from 72 percent in 2019 to 74 percent in 2020. CPS data did not differentiate between sex and labor trafficking, nor did the government provide data on the range of sentences of convicted traffickers or percentage of convicted traffickers serving prison time. Court operations were curtailed throughout the reporting period due to the pandemic, leading to a backlog of more than 54,000 cases—including trafficking cases—in England and Wales by January 2021. The government reported it increased its use of intelligence, digital downloads, and financial information as investigative techniques for trafficking cases; these often resulted in guilty pleas. Police collaborated closely with the CPS and referred more cases for early investigative advice, leading to more evidence-led prosecutions; the government reported that relying on evidence over victim testimony was particularly successful in "county lines" cases, in which gangs exploited vulnerable individuals to transport drugs across county lines.

Scottish authorities convicted five individuals for trafficking offenses under the Scotland Human Trafficking and Exploitation Act (2015) between April 2019 and March 2020, the most recent period for which data was available. Police Scotland had a specialized anti-trafficking unit to coordinate information and intelligence and work with law enforcement agencies across Europe to investigate trafficking cases. In 2020, authorities in Northern Ireland arrested eight people and charged three people on trafficking or related crimes. Northern Irish authorities continued to prosecute five suspects in four separate cases; trials were pending at the end of the reporting period.

In November 2020, media reported police arrested two suspected traffickers in Glasgow following police raids at two properties in the city; authorities reportedly identified 12 potential victims of sex trafficking during the operation. As part of an investigation started in 2017, courts sentenced one trafficker in 2020 in Northern Ireland to 12 months in prison—suspended for two years—on multiple counts of human trafficking and money laundering; despite the inadequate sentencing, this was the Police Service of Northern Ireland (PSNI)'s second operation to successfully lead to a conviction without victim testimony and the fourth conviction under Northern Ireland's 2015 human trafficking law. Observers noted the greatest impediment to the timely prosecution of alleged traffickers in Northern Ireland remained inherent delays in the legal system, often taking two or more years from the time of initial arrest to conviction. The PSNI's Modern Slavery and Human Trafficking Unit, which added five detectives in the previous reporting period, added three uniformed constables and a financial investigator in 2020. Through Project AIDANT COVID-19, the National Crime Agency (NCA) and Gangmasters and Labor Abuse Authority (GLAA) launched a series of counter-trafficking operations and awareness-raising activities throughout the UK in June 2020 focused on the food packaging and processing, shellfish, textiles, and garment industries; authorities initiated 27 new investigations, made 16 arrests, and referred 13 potential victims as a direct result of this operation. In May 2020, the government released a report noting that Project AIDANT had resulted in more than 770 trafficking-related arrests from 2017-2019.

The government provided a wide variety of anti-trafficking training to law enforcement officers, prosecutors, and first responders. The Home Office committed £2 million (\$2.73 million) for law enforcement under the new Modern Slavery and Organized Immigration Crime program. The government trained prosecutors on building strong cases and identifying victims in the criminal justice system who may be subject to criminal exploitation; the training for new prosecutors included a module on the non-punishment of victims for unlawful acts traffickers compelled them to commit. Law enforcement created specialized training in May 2020 to raise awareness of trafficking among national helpline operators as they came into contact with potential victims during the pandemic. The Modern Slavery and Organized Immigration Crime Unit created guides for police on all elements of a successful trafficking investigation, from identification through prosecution. The PSNI hosted two courses for investigators; more than 50 officers had completed the course by the end of the reporting period. The Independent Anti-Slavery Commissioner (IASC) reported training for criminal justice officials had improved but was still insufficient.

The UK participated in 18 Joint Investigation Teams (JITs) with eight EU Member States, including a JIT with Romania established in December 2020 to investigate the suspected sex trafficking of Romanian women by Romanian suspects in Northern Ireland and Romania. Police Scotland participated in a JIT with international law enforcement partners to investigate a nationwide organized crime group involved in trafficking throughout Europe. Given the high number of potential trafficking victims from Vietnam, the government arranged for the secondment of two Vietnamese officers to Police Scotland for a period of six months, starting in October 2020. Furthermore, in the wake of the October 2019 incident involving the deaths of 39 Vietnamese nationals while being transported in the back of a refrigerated truck in Essex, the government engaged with Vietnamese authorities to identify and repatriate potential victims, share information, and conduct joint investigations. News reports highlighted multiple raids on properties in the cities of Glasgow and Aberdeen, as well as in England and Romania, in September 2020, leading to 24 arrests by police from both countries and the identification of a number of potential trafficking victims. Following the UK's exit from the EU in December 2020, the government retained access to EU fingerprint, DNA, and passenger name record data, all of which it could use in trafficking investigations; however, the government lost access to some EU databases, which could impede

some investigations. The 2019 decision by the Employment Tribunal that diplomatic immunity did not protect against trafficking charges was sent to the Supreme Court and a final decision was pending at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## PROTECTION

The government maintained protection efforts. Through the NRM, authorities referred 10,613 potential trafficking victims for care nationwide in 2020; authorities referred 10,616 victims to care in 2019 and 6,993 in 2018. The Home Office maintained a detailed database online with disaggregated information, including source of referral, nationality, jurisdiction handling the referral, type of trafficking, and disposition of review. Of the referred victims, 74 percent were male and 26 percent were female. Authorities identified 4,946 children, an increase from 4,547 in 2019. Authorities flagged 1,544 referrals as "county lines" referrals, the majority (1,247) of which were boys. The majority of identified victims were UK citizens (3,560), followed by Albanian (1,638) and Vietnamese (653) nationals. Labor trafficking, including forced criminality, was the most common form of exploitation of adults and children. In Scotland, 387 potential victims were referred to the NRM, a decrease from 512 in 2019. In Northern Ireland, officials reported a significant increase in the number of potential victims referred to the NRM from 91 in 2019 to 128 in 2020.

The NRM was the framework for identifying and providing care and support for victims. First responders, such as police, Border Force, local authorities, and NGOs, continued to refer potential victims into the NRM throughout the pandemic. The Home Office's single case management unit handled all NRM referrals and ensured victims continued to receive support. After a "reasonable grounds" decision that an individual was a trafficking victim, adult victims received a recovery and reflection period during which they could access support and protection measures, while awaiting a "conclusive grounds" decision, which was made no sooner than 45 calendar days after the "reasonable grounds" determination. If authorities recognized an individual as a victim per the "conclusive grounds" determination, they guaranteed the victim a minimum of 45 additional days of move-on support; the government utilized a recovery needs assessment to tailor ongoing support to the victim's specific recovery needs and to determine the point at which a victim would exit the support services under the Modern Slavery Victim Care Contract. As of June 2020, authorities completed 1,132 recovery needs assessments. The Home Office published updated guidance in August 2020 that incorporated feedback from key stakeholders to improve operational processes and provide policy clarity on the recovery needs assessment process. In Northern Ireland potential victims received support for a minimum of 45 days while authorities reviewed their cases, and in Scotland potential victims received support for 90 days or until authorities made a conclusive grounds decision. The Wales Anti-Slavery Leadership Group's "Survivor Care Pathway" provided a long-term post-NRM individualized plan for survivors.

NGOs and independent experts expressed concern victims often faced long wait times to receive a conclusive grounds determination under the NRM and that the current system did not adequately ensure victims exiting the system had a plan for sustainable independence, particularly foreign victims who may not be allowed to work, putting them at greater risk of re-trafficking. According to the Home Office, of the 10,613 NRM referrals during 2020, 8,665 were awaiting conclusive grounds determinations at the end of the year. Independent experts cautioned the end of the Brexit transition period at the end of 2020 could lead to further restrictions on foreign victims' ability to work while in the NRM. In December 2020, the High Court ruled the Home Office's policy on discretionary leave for trafficking victims under the NRM was unlawful; the Home Office planned to appeal the ruling. According to NGOs, authorities detained at least 2,914 potential victims of trafficking for immigration violations between

January 2019 and September 2020. The government continued to explore ways to amend the NRM, including by issuing possible reforms via a press release in March 2021; NGOs roundly criticized the press release for insinuating criminals were abusing the NRM system and conflating immigration and human trafficking, and because the proposed changes risked deterring victims from being identified and criminalizing some potential victims. In response to the pandemic, the government produced e-learning tools on victim identification and referral for first responders. The NCA partnered with the legal sector to highlight “red flag indicators” to assist in victim identification and worked with the health service to improve guidance and training on interacting with sex trafficking victims. The Modern Slavery Police Transformation Unit continued to deliver trainings to law enforcement officers and first responders across the UK to identify and safeguard trafficking victims.

The government awarded a five-year, £281 million (\$383.88 million) contract to an NGO to coordinate the provision of care for adult victims in England and Wales under the NRM. In January 2021, the government announced the introduction of minimum standards of care in all future contracts for support services to adult trafficking victims and an associated inspection regime. In response to the pandemic, the government distributed phones and data plans to facilitate remote support and appointments, provided payment cards for the distribution of pre-paid victim support payments, increased cleaning and provided personal protective equipment for safe houses, secured transportation for symptomatic victims, and implemented a temporary policy to ensure victims could remain in safe houses for at least three months. The IASC urged the government to increase efforts to provide safe mainstream accommodation for victims after they exit a safe house. An NGO further observed many female trafficking victims were not offered safe house accommodations, but were rather placed in unsafe asylum housing. The government included £1.73 million (\$2.36 million) for services for trafficking victims in its £750 million (\$1.02 billion) pandemic-related relief package. In July 2020, the government increased weekly payments to potential victims receiving other forms of support, such as medical, legal, and educational services; increased weekly payments for child dependents; and introduced new weekly payments for pregnant and young child victims. In May 2020, the Scottish Government announced approximately £1.5 million (\$2.05 million) in additional funding to the two NGOs providing victim protection and support. To avoid re-traumatization, authorities encouraged police to use intelligence-led investigations, pre-recorded cross-examination for vulnerable victims, and allowed victims to apply for reporting restrictions and other measures to maintain anonymity. The government encouraged efforts of private companies to assist in reintegration, particularly through employment of survivors. Under the “Bright Future” campaign, a national retail cooperative continued to hire and train survivors in partnership with an NGO, a model the government promoted for expansion; as of October 2020, Bright Future had successfully placed 63 survivors into permanent employment. The government engaged directly with survivors to better understand their recovery needs and experiences with the NRM and worked with the independent regulator for health and social care services to solicit survivor feedback for the creation of an inspection regime for government-commissioned victim support services.

Children received care through children’s services offices in local jurisdictions; social workers worked with potential child victims to assess needs and create a care plan that included health, legal, education, and accommodation support. The rollout of ICTGs continued throughout England and Wales and focused on areas with the highest need; these guardians provided an additional source of advice, support, and advocacy for child trafficking victims. Nevertheless, an NGO noted the government did not provide a timeline for full implementation of the ICTG service, which has supported over 900 children since its inception in February 2017. NGOs highlighted concerns about the difficulty of safeguarding children who the government relocated away from their home to parts of the country

where services are available; criminal gangs actively targeted vulnerable children who are taken out of their communities and run away or go missing. The Home Office launched a pilot program to devolve NRM decision-making for children to local authorities. Throughout 2020, the IASC collaborated with the Home Office to convene roundtables for local authorities to discuss potential approaches to devolved decision making. The MSA review committee recommended implementation of the ICTG system nationally, along with sufficient duration for providing services to child victims, in addition to requiring police to track cases of missing children until they are located, regardless of timeframe. NGOs continued to express concern that child victims who reached the age of 18 and therefore were no longer eligible for the ICTG service would be at risk of re-trafficking. The government committed to extending the ICTG service to individuals over the age of 18 in select sites as part of the continued rollout. In October 2020, the government assessed the role of the ICTG Regional Practice Coordinators (RPCs). RPCs worked with the social workers that supported children who had a parental figure, whereas ICTG direct workers provided direct support to children without a parental figure. NGOs expressed concern children assigned an RPC did not receive the full benefits of an ICTG direct worker who could advocate on their behalf. Scotland and Northern Ireland also required the appointment of independent legal guardians for child trafficking victims and trained the guardians on the support services available.

The government did not automatically grant foreign victims legal status in the UK; authorities reviewed requests for permission to remain in the UK outside the immigration rules, known as “discretionary leave” on a case-by-case basis. Discretionary leave decisions were not linked to an individual’s status as a confirmed trafficking victim but were judged on individual circumstances. Foreign victims who were granted a reflection period could not be removed from the UK during that period. Foreign victims who assisted with investigations were eligible for residency. However, observers reported residence permits were only issued in a minority of cases and then often only for 12 months. NGOs continued to express concern some foreign victims may have declined to enter the NRM for fear of deportation upon exiting the system. Under the EU Settlement Scheme, EEA citizens had to apply for legal status to remain in the UK by June 2021; in January 2021, the Home Office published reasonable grounds for missing this deadline, of which being a victim of exploitation was included. The government increased funding to local authorities and organizations who assisted victims with applying for status under the scheme and made resources available on the government’s website. Foreign overseas domestic workers (ODW) could legally change employers during the six-month period of their visa. Workers on the ODW visa identified as trafficking victims could apply for a two-year visa as a domestic worker, although NGOs contended workers who had suffered abuse would be unlikely to want to return to the same sector. NGOs urged the government to adopt reforms to the ODW visa, particularly in light of the heightened exploitation overseas domestic workers faced as a result of the pandemic. Foreign nationals identified as trafficking victims could apply for discretionary leave to remain in the UK if supporting the investigation of a trafficker, seeking compensation through a civil claim against the perpetrator, or in some cases, based on personal circumstances. Foreign victims could petition for asylum, based on risks faced if returned to their country of origin.

Victims had a statutory defense for most crimes committed as a direct result of being subjected to trafficking; the defense did not apply to the most serious crimes, such as sexual offenses or offenses involving serious violence. In these cases, the CPS had to consider whether it was in the public interest to prosecute the trafficking victim. The IASC concluded the statutory defense was inadequate to protect trafficking victims and police often did not consider the possibility of forced criminality at the beginning of an investigation, risking the punishment of victims. The European Court of Human Rights ruled in February 2021 that the UK failed to protect two victims of trafficking by punishing them for unlawful acts traffickers compelled them to commit. In



another case, the government granted a last-minute reprieve from deportation to 10 Jamaican citizens in December 2020, some of whom the government identified as potential trafficking victims. Following criticism from NGOs and independent observers that the government did not sufficiently screen migrants crossing the English Channel for indicators of trafficking, the government issued a statement in October 2020 urging law enforcement authorities not to arrest smugglers who showed signs of exploitation by criminal gangs. Observers expressed concern the government stripped citizenship from British citizens who went to Syria and Iraq to join ISIS without screening them for indicators of trafficking, despite indications some of them may have been child victims of trafficking. The courts allowed victims to testify by video, behind a screen, or with the public removed from the courtroom during hearings. Courts could grant restitution, but only after conviction of the trafficker and if satisfied that the defendant had the means to pay. However, NGOs noted courts infrequently granted restitution and although victims could apply for compensation, this remedy was difficult to access given the small number of legal aid providers available to file such claims. Moreover, traffickers could appeal or contest a compensation order and observers noted traffickers often moved assets, meaning that awards were often not paid in practice. In October 2020, the British Embassy in Slovakia and the Slovak government issued a press release informing Slovak trafficking victims who had been exploited in the UK about the possibility of receiving restitution from the seized assets of convicted traffickers and highlighted an August 2020 UK court ruling that convicted two Slovak nationals to six-year prison sentences and ordered them to pay £52,000 (\$71,040) and £78,000 (\$106,560), respectively, to their two victims.

## PREVENTION

The government increased prevention efforts. The Home Office published its 2020 annual report in October, with detailed data on anti-trafficking efforts across the UK as well as an outline of achievements and remaining challenges to fully implement the MSA. The Ministry of Justice produced a draft Modern Slavery Strategy for 2021-2022 and opened it to public consultation from October 2020 to January 2021. In its draft Organized Crime Strategy for 2020-2021, the government listed human trafficking among the top operational priorities for the Organized Crime Task Force. The IASC encouraged good practice in the prevention, detection, investigation, and prosecution of trafficking offenses as well the identification of victims. In May 2020, the Scottish Government published its third annual progress report on its anti-trafficking strategy. The Criminal Justice Inspection Northern Ireland published its first in-depth assessment of how the criminal justice system in Northern Ireland addressed trafficking and noted good working relationships amongst law enforcement; the report made several recommendations, including improving enforcement powers, increasing efforts to counter child trafficking and protect child victims, and providing additional training for front-line police officers.

The government invested £10 million (\$13.66 million) over a five-year period to fund a new Modern Slavery Policy and Evidence Centre to better understand trafficking and how to confront it and to develop research to inform policy choices. In 2020, the government partnered with a university to launch a program to pair policy officials and academics to strengthen collaboration to counter trafficking. The government conducted awareness campaigns across the UK with a wide range of partners. The “Hidden in Plain Sight” campaign targeting front-line professionals in the financial, health care, and recruitment sectors in four English regions reached more than 17 million people and led to a 30 percent increase in calls to the National Modern Slavery Helpline. The GLAA coordinated with an NGO to raise awareness among job seekers about fake online recruitment advertisements, including those placed by gangs to lure young Romanian men to nonexistent jobs. Building on established collaboration with the retail, construction, and textile industries, the GLAA partnered with an NGO to create a hospitality protocol; the launch was postponed due to the pandemic. Sixty-five percent of signatories to the GLAA’s construction protocol reported implementing reforms to due diligence measures

to identify and prevent labor exploitation in their supply chains. The GLAA coordinated with the Church of England to develop and launch an application to combat rural labor exploitation. Following allegations of labor exploitation in the garment industry in Leicester, England, the government established a multiagency taskforce in July 2020 to gather and share intelligence, raise awareness, and persuade workers to report concerns. Nevertheless, NGOs continued to raise concerns that some apparel companies operating in Leicester used forced labor in their operations. A parliamentary committee urged the creation of a garment industry watchdog that could monitor compliance with labor laws, issue recommendations, and impose fines for non-compliance. Despite having a national remit, extended powers as of 2018, and 50 dedicated investigators, NGOs argued that since 2018 the GLAA reported fewer trafficking cases and dedicated fewer resources to investigating labor exploitation, focusing instead on awareness raising.

The MSA required organizations with annual turnover exceeding £36 million (\$49.18 million) to publish an annual statement detailing efforts to ensure its operations and supply chains were free of human trafficking. However, observers noted the MSA did not include a mechanism to ensure compliance; an NGO report issued in February 2021 stated that since the law’s inception in 2015, the government had not issued any penalties to companies despite approximately 40 percent of companies not complying with the law. In September 2020, the government announced measures to strengthen reporting requirements, introduced mandatory reporting topics, extended the reporting requirement to public bodies with a budget of at least £36 million (\$49.18 million), and required entities to publish statements on a new registry launched in March 2021 in an attempt to increase compliance. In addition to publishing in March 2020 the world’s first government modern slavery statement outlining steps taken to encourage responsible procurement practices, the government launched the Modern Slavery Assessment Tool to assist public sector organizations in coordinating with suppliers to improve protections and reduce the risk of exploitation of workers in their supply chains. The government extended into 2021 the seasonal workers pilot to ensure that fruit and vegetable farmers could legally employ non-EU migrant farmers for seasonal work for up to six months, with an expanded quota of 30,000 available visas. NGOs noted the pilot left migrant workers vulnerable to exploitation; according to an NGO study, many of the workers accrued large debts and were limited in their ability to change employers. NGOs expressed concern the government’s strict immigration policies, which criminalized the act of working while undocumented, continued to prevent trafficking victims from seeking help. In January 2021, the government published a whole-of-government strategy to counter all forms of child sexual abuse; the strategy included a national action plan on combating international child sex tourism. The government did not report making efforts to reduce the demand for commercial sex acts but criminalized soliciting a sex trafficking victim.

The government funded a wide range of anti-trafficking programs globally, including continued implementation of programs under the £33.5 million (\$45.77 million) Modern Slavery Fund, of which the government committed £7.8 million (\$10.66 million) to a range of anti-trafficking efforts in 2020. The government has invested more than £10 million (\$13.66 million) since 2017 in programs in Nigeria, Albania, and Vietnam to provide rehabilitation and reintegration services, targeted outreach to at-risk communities, and training for law enforcement and other first responders on how to apply a victim-centered approach in their work. In Nigeria, the government delivered the second phase of the “Not for Sale” campaign to counter trafficking and worked with civil society and government stakeholders in India to address bonded labor. Through the Modern Slavery Innovation Fund, the government funded projects to strengthen workers’ rights in Malaysian factories and provided direct assistance to trafficking victims in Ethiopia. The UK’s Commonwealth Parliamentary Association (CPA UK) works with Commonwealth countries to pass human trafficking legislation, using a tailored approach suited to each country’s needs and

capacity. In February 2021, CPA UK organized a virtual anti-trafficking workshop for Caribbean countries, the organization's first focused engagement on trafficking with the Caribbean region. Experts reported many of the government's global anti-trafficking aid programs did not demonstrate direct impact in reducing the prevalence of trafficking and did not adequately include monitoring and evaluation mechanisms.

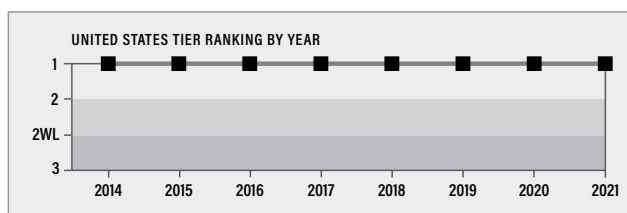
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the UK, and traffickers exploit victims from the UK abroad. Although the government reported 10,613 potential victims came through the NRM in 2020, one NGO estimates the actual number of victims in the UK is closer to 100,000. The UK, Albania, and Vietnam are the leading nationalities of potential victims referred into the NRM. Twenty-six percent of potential victims assert their exploitation occurred entirely outside of the UK. Labor trafficking, including forced criminality, is the most common form of exploitation among adults and children. Migrants crossing the English Channel in small boats are vulnerable to exploitation; more than 8,000 migrants crossed the channel in 2020, many of whom were unaccompanied children. Nearly half of all victims identified are children. Children in the care system and unaccompanied migrant children are particularly at risk of trafficking. Youth trafficked by gangs are forced to act as drug couriers from larger cities into rural areas across the UK. Traffickers force adults and children to work in agriculture, cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, the hospitality industry, car washes, food supply industry, and warehousing, as well as on fishing boats. In Scotland, most victims are from Vietnam with many forced to work in agriculture, cannabis farms, and nail bars. In Northern Ireland, there are cases of perpetrators forcing victims into shoplifting and the cultivation and distribution of illicit drugs. Young women and girls from Albania, Bulgaria, and Romania, including ethnic Roma, remain vulnerable to sex trafficking in Northern Ireland.

## UNITED STATES OF AMERICA: TIER 1

The Government of the United States fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the United States remained on Tier 1. These efforts included increasing the number of investigations for the second year in a row; increasing the number of victims served by federal grantees; granting T nonimmigrant status to more victims; increasing enforcement of the prohibition of imports made wholly or in part by forced labor; and issuing its first national action plan to combat human trafficking. Although the government meets the minimum standards, it implemented policies that placed greater limits on access to immigration options for trafficking victims for most of the reporting period prior to repealing them. These policies further increased some foreign national victims' distrust in authorities and caused them to fear for their safety if they came forward to assist law enforcement, pursue these immigration options, or access services. As a result of the March 2020 Title 42 order related to the pandemic, the government began expelling migrants, including unaccompanied children. Such unaccompanied children were held in the Department of Homeland Security's (DHS) custody for various lengths of time. While Title 8 of the U.S. Code requires the government to screen unaccompanied children and follow certain procedures to place the children in the least restrictive setting in the best interest of the child to combat child trafficking, unaccompanied children were processed and expelled pursuant to the Title 42 order and not Title 8 until February 2021. The government enforced policies that further marginalized communities overrepresented among trafficking

victims, increasing their risk to human trafficking. It also initiated policy changes to certain employment-based nonimmigrant visa programs that reduced its ability to prevent trafficking and enforce workers' rights under those programs, and it did not increase efforts to hold foreign labor recruiters civilly or criminally liable for criminal violations in connection with their recruitment practices. There was a continued lack of progress and sustained effort to comprehensively address labor trafficking in the United States, including in efforts to identify victims, provide specialized services to labor trafficking victims, and address obstacles to including high-risk sectors in federal labor protection laws. Law enforcement efforts for labor trafficking, the top recommendation for the last five years, continued to decline with the number of labor trafficking convictions declining each of the last three years. The government continued to not mandate human trafficking screening for all foreign national adults in immigration detention or custody. Officials prosecuted fewer cases for the third year in a row and secured convictions against fewer traffickers for the second year in a row. Advocates continued to report concerns that trafficking survivors were held in immigration detention, and survivors continued to be arrested for the unlawful acts traffickers compelled them to commit.



### PRIORITIZED RECOMMENDATIONS:

Increase investigation and prosecution of labor trafficking cases, and increase access to protections for labor trafficking victims. • Strengthen rules and regulations to ensure immigration enforcement does not hinder human trafficking detection, criminal law enforcement, or victim protections. • Screen all individuals in immigration detention or custody for human trafficking indicators. • Adopt inclusive policies that address aspects of government-run systems or programs that have disparate negative impact on marginalized communities and increase their vulnerability to human trafficking. • Improve access to emergency and long-term housing for all victims. • Increase access to and accessibility of specialized victim assistance for men, boys, LGBTQI+ persons, and persons with disabilities. • Mitigate vulnerabilities in employment-based or other nonimmigrant U.S. visa programs, including by holding accountable noncompliant employers and their agents, and adopting policies that incentivize workers to report program violations. • Increase the number of requests by federal law enforcement officials for Continued Presence. • Encourage state and local authorities to implement policies not to prosecute victims for the unlawful acts their traffickers compelled them to commit. • Train investigators, prosecutors, and judges to increase the number of forfeiture orders and mandatory restitution orders for trafficking victims, and use all available authorities to ensure restitution is paid. • Increase survivor engagement, including by establishing accessible mechanisms for receiving and providing compensation for survivor input when forming policies, programs, and trainings. • Increase training for and efforts to pursue financial crime investigations in tandem with human trafficking cases. • Conduct agency-level risk assessments for contracts connected to high-risk regions, industries, or sectors. • Strengthen efforts to examine the role of demand reduction in preventing human trafficking. As described in the Methodology section of this report, these recommendations were drawn from input solicited from multiple anti-trafficking stakeholders, such as advocates (which includes NGOs and subject matter experts who have survived human trafficking), academia, and government agencies, on how the United States could better meet the minimum standards set forth in the TVPA.

## PROSECUTION

The government's prosecution efforts were mixed. The government increased the number of investigations, and law enforcement officials adapted to pandemic-related restrictions by conducting remote forensic interviews. The number of prosecutions decreased for the third year in a row, and the number of convictions decreased for the second year in a row in the midst of pandemic-related court closures and suspension of grand jury proceedings throughout the reporting period. The TVPA, as amended and codified at Title 18 U.S. Code sections 1581, et seq., criminalizes sex and labor trafficking. U.S. law confers extraterritorial jurisdiction for these human trafficking offenses, as long as the defendant (whether individual or entity) is a U.S. national, U.S. lawful permanent resident, or regardless of nationality, present in the United States. The penalties prescribed under these provisions, which can include up to life imprisonment, are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. U.S. law prohibits conspiracy and the attempt to violate these provisions, obstruction of the statutes' enforcement, and benefiting from such acts. Additionally, a criminal statute prohibits the use of fraud to recruit workers abroad to come to the United States to work, or to recruit workers to work on a U.S. government contract performed outside the United States, on U.S. property, or on military installations outside the United States. During the reporting period, the U.S. Congress passed several laws that address human trafficking and related crimes, including a law requiring certain companies – which can be used as fronts for human trafficking and other illicit activities – to disclose their beneficial owners to the government and enable the tracing of human trafficking networks through financial transactions. Congress passed other legislation to extend authorization of the U.S. Advisory Council on Human Trafficking and to allow for compensation of its members.

The Department of Justice (DOJ), DHS, Department of State (State), and Department of Defense (DoD) are the primary investigating agencies for federal human trafficking and other related offenses. DOJ prosecutes federal human trafficking cases. DOJ, DHS, and State support victims by engaging law enforcement victim assistance specialists during trafficking investigations and prosecutions, including by connecting identified victims to victim service providers. In response to the pandemic, DOJ developed a process to conduct remote forensic interviews. DHS's victim assistance program created new guidance on conducting remote forensic interviews, including safety protocols, which allowed forensic interview specialists to continue interviews during the pandemic. DOJ, in coordination with DHS and the Department of Labor (DOL), continued to support complex human trafficking investigations and prosecutions initiated and developed in Phase II of the Anti-Trafficking Coordination Team (ACTeam) Initiative. DOJ conducted an assessment of Phase II of the initiative to inform preparation for Phase III, including updating training materials and revising the operations guide to support advanced investigation and prosecution techniques, including dismantling transnational organized crime human trafficking rings. Preparation for Phase III included efforts to ensure necessary resources are in place across all relevant agencies. DOJ provided more than \$22.7 million to support the work of anti-trafficking task forces. More than \$17.7 million in FY 2020 went to fund 14 Enhanced Collaborative Model (ECM) anti-trafficking task forces, which included awards to 13 state and local law enforcement agencies and 14 victim service providers, compared to \$21 million for 15 ECM task forces funded in FY 2019 (13 state and local law enforcement agencies and 12 victim service organizations). In addition, DOJ provided almost \$5 million for training and technical assistance focused on building the capacity of law enforcement and multidisciplinary teams. Several federal agencies participated in other human trafficking task forces nationwide consisting of federal, state, and local law enforcement, as well as victim service providers.

Advocates called on federally funded task forces to continue to increase engagement with local survivor leaders and service providers to

improve victim services, including by developing and implementing a standard set of trauma-informed, victim-centered protocols. NGOs called on the government to discontinue ECM task force funding and to increase overall funding for NGOs providing victim services, noting the current approach has not achieved its goal to build sustainable collaboration between law enforcement and service providers on human trafficking cases.

The federal government reports its law enforcement data by fiscal year, which may include joint federal and state or local initiatives but does not include separate state law enforcement data. In FY 2020, DHS opened 947 investigations related to human trafficking, a decrease from 1,024 in FY 2019. DOJ formally opened 663 human trafficking investigations in FY 2020, an increase from 607 in FY 2019. Of DOJ's FY 2020 investigations, 619 involved predominately sex trafficking, 41 involved predominately labor trafficking, and three involved both sex and labor trafficking. State reported investigating 95 human trafficking-related cases worldwide during FY 2020, a decrease from 134 in FY 2019. In FY 2020, DoD reported investigating 160 human trafficking-related cases involving DoD military, civilian, and contractor personnel, a significant increase from 65 in FY 2019, and 55 of those cases were referred for criminal investigation. Of the 160 human trafficking-related cases, 112 were related to forced labor, most of which DoD investigated through an administrative process that referred cases to criminal investigators if appropriate. The 112 forced labor investigations are detailed in the Prevention section below.

DOJ initiated a total of 210 federal human trafficking prosecutions in FY 2020, a decrease from 220 in FY 2019, 230 in FY 2018, and 282 in FY 2017. DOJ charged 337 defendants in FY 2020, a decrease from 343 in FY 2019, 386 in FY 2018, and 553 in FY 2017. Of these FY 2020 prosecutions, 195 involved predominantly sex trafficking and 15 involved predominantly labor trafficking, compared to 208 and 12 in FY 2019; 213 and 17 in FY 2018; and 266 and 16 in FY 2017, respectively.

During FY 2020, DOJ secured convictions against 309 traffickers, a significant decrease from 475 convictions in FY 2019 and 526 in FY 2018. Of these, 297 involved predominantly sex trafficking and 12 involved predominantly labor trafficking, compared to 454 and 21 in FY 2019; 501 and 25 in FY 2018; and 471 and 28 in FY 2017, respectively. Federal courthouses closed or operated at limited capacity for about six months of the reporting period due to the pandemic, and most human trafficking-related trials scheduled for FY 2020 were postponed to FY 2021. In addition, some enforcement operations were postponed; some witness interviews were postponed or happened virtually; grand juries were not able to convene for a period of time, delaying presentation of indictments; and some investigative work that required travel or in-person contacts was delayed.

These prosecutions and convictions include cases brought under trafficking-specific criminal statutes and non-trafficking criminal statutes, but they do not include child sex trafficking cases brought under non-trafficking statutes. Among the 168 traffickers sentenced to prison in cases brought under trafficking-specific criminal statutes, which excludes trafficking cases brought under non-trafficking statutes, terms ranged from one month to life imprisonment, with more than 76 percent of defendants receiving prison sentences of five or more years. Two traffickers received a probation-only sentence, and six received a suspended sentence.

Advocates continued to call for increased training of relevant officials and efforts to identify, investigate, and prosecute labor trafficking cases. NGOs noted federal human trafficking cases involve predominately sex trafficking despite certain service providers reporting nearly one third of their clients were victims of labor trafficking. NGOs called for DOJ to develop a process through which human trafficking cases that are not prosecuted can be referred to other relevant authorities, such as DOL, for possible action.



NGOs called for U.S. law enforcement entities to pursue financial investigations as a standard practice when investigating and prosecuting human trafficking cases and cited the existence of a strong legal framework for such investigations. NGOs reported the government has never prosecuted an extraterritorial labor trafficking case with a nexus to the United States and urged the government to increase its focus on such cases. NGOs noted a trend of criminal proceedings in human trafficking cases being delayed due to the pandemic.

DOJ and DHS continued to advance bilateral investigations and prosecutions of transnational trafficking enterprises operating across the U.S.-Mexico border by facilitating exchanges of leads, intelligence, and expertise between U.S. and Mexican anti-trafficking authorities, and providing support to 13 Mexican state-level human trafficking task forces. DOJ, in collaboration with the Department of the Treasury (Treasury), increased engagement with Mexican anti-money laundering authorities to enhance capacity to identify and combat human trafficking and secure trafficking proceeds for victim restitution. Treasury released a human trafficking advisory, supplementing its 2014 advisory, to inform financial institutions of additional typologies, behavioral indicators, and financial red flags so they may better detect and report suspicious transactions indicative of human trafficking. Treasury continued to analyze and disseminate information received from financial institutions related to human trafficking and partnered with domestic and foreign government stakeholders to support human trafficking investigations. Treasury and State, after consulting with interagency and external stakeholders, submitted a report to Congress that examined anti-money laundering efforts of the U.S. government and financial institutions with respect to human trafficking. DOJ continued to train federal human trafficking prosecutors on forfeiture and restitution for victims.

Advocates continued to call for federal prosecutors to seek, and for courts to award, mandatory restitution for both sex and labor trafficking cases, citing concerns about both the low number of cases in which it was ordered and the low rate of payment of restitution to trafficking victims consistent with restitution orders. One NGO noted that 50 percent of defendants convicted of a crime that triggered mandatory restitution were ordered to pay restitution in 2020, an increase from approximately 40 percent in 2019. Advocates also called for increased and improved training of investigators, prosecutors, and judges on mandatory restitution, and urged the government to use its available authorities, such as freezing or seizing assets and seeking forfeiture, to ensure compliance with restitution orders. Advocates again noted that, while not required by law, many victims lacked independent legal counsel to assist them in obtaining restitution. NGOs called for DOJ to establish an office to lead government efforts to improve access to justice in the civil and criminal justice systems for low-income and underserved individuals who are often at increased risk of human trafficking.

State laws form the basis of most criminal actions in the United States. All U.S. states and territories have anti-trafficking criminal statutes. Forty-six states had laws allowing survivors to seek a court order vacating, expunging, or sealing criminal convictions entered against them that resulted from unlawful acts traffickers compelled them to commit. In three of these states, however, such relief was only available to child trafficking victims. At least 35 states had “safe harbor” laws, which are meant to prevent child sex trafficking victims from being prosecuted for commercial sex.

One NGO reported that some state vacatur laws provided limited relief for trafficking victims with criminal records resulting from unlawful acts traffickers compelled them to commit. In addition, NGOs continued to call for the adoption of federal vacatur legislation.

NGOs continued to report trafficking victims were arrested at the state and local levels for the unlawful acts traffickers compelled them to commit including commercial sex and drug-related charges, and called for the government to increase efforts to identify victims in the context of law enforcement “sting” operations. One NGO noted 89

percent of its current clients who reported being arrested or convicted of a crime were Black, indigenous, or people of color. That NGO further stated victims from those communities were more likely to be charged for crimes traffickers compelled them to commit and to be threatened with charges if they did not cooperate in a case against their trafficker. Even in some states with “safe harbor” laws, child victims were arrested. One NGO noted child sex trafficking victims can still be charged with prostitution in 19 states despite being defined as human trafficking victims under federal law, and only 18 states protect child sex trafficking victims from being prosecuted for crimes other than commercial sex, including theft or forgery. An NGO expressed concern that some states’ laws require child victims to cooperate in identifying their traffickers to qualify as victims of sex trafficking, a process that is often re-traumatizing.

The federal government continued to collect state and local data on human trafficking investigations during the reporting period through the Uniform Crime Reporting (UCR) Program. Data from 2019 collected from participating jurisdictions are publicly available. Ninety-six percent of U.S. states had some participating jurisdictions in 2019, compared to 94 percent the previous year, although the numbers of participating jurisdictions in each of those states varied. Not all agencies within all states have the ability to report data to the UCR Program. In 2019, participating jurisdictions reported a total of 703 human trafficking offenses resulting in arrest or solved for crime reporting purposes, an increase from 548 in 2018. There is no other formal mechanism for the federal government to track prosecutions at the state and local levels.

The government took actions to address alleged complicity in human trafficking by government personnel. A U.S. naval officer was found guilty of sex trafficking. A former U.S. Army reserve police officer was sentenced to 40 years for sex trafficking crimes. A state attorney was charged with human trafficking and is awaiting trial. There were reported instances of law enforcement officers engaging in sexual acts with known or suspected victims of sex trafficking, in the course of conducting criminal investigations. Federal inquiries into these incidents remained ongoing as of the end of the reporting period.

Advocates called for federal law enforcement agencies to adopt and enforce explicit policies stating that officers should not engage in sex acts while acting in an official capacity or conducting an investigation.

The U.S. government continued to build the capacity of law enforcement, judges, military personnel, and labor inspectors, among others, to respond more effectively to human trafficking cases. DOJ conducted more than 24 trainings in FY 2020 for federal, state, and local law enforcement, including task forces members and financial units, on how to investigate financial crimes and money laundering investigations to enhance human trafficking and child exploitation cases. DOJ trained more than 2,000 law enforcement, government, and NGO partners on effective strategies for identifying human trafficking cases and victims, including through proactive labor trafficking investigations and best practices in conducting survivor-centered, trauma-informed investigations and prosecutions. DOJ convened a workshop for national human trafficking coordinators, delivered regional task force trainings, and introduced a new course on trauma-informed victim interviewing and the neurobiology of trauma. DOJ continued to provide training to federal, state, local, and tribal law enforcement partners on how to proactively investigate labor trafficking. DHS provided training on the indicators of human trafficking to more than 21,700 federal, state, local, and tribal law enforcement officers in FY 2020. DHS separately trained more than 940 federal, state, local, and tribal law enforcement officials and stakeholders nationwide through its new online human trafficking awareness training. DoD continued to require all its investigative professionals to take training on human trafficking investigations. The Department of the Interior (DOI) provided training to about 1,325 of its law enforcement officers, first responders, contracting officers, as well as other federal, state, local, and tribal organizations on human trafficking. State trained its agents and analysts who

investigate and support human trafficking cases to identify networks and engage with survivors using a victim-centered approach.

Advocates called for increased training across all criminal justice sectors, including law enforcement, prosecutors, and judges, to correct misconceptions about what constitutes a human trafficking crime. One NGO called for more training on trauma-informed care during the criminal justice process to avoid retraumatizing victims who choose to testify against their traffickers and called for training on the effect on victims of prosecuting victims for unlawful acts their traffickers compelled them to commit. Advocates called on the government to ensure that law enforcement trainings, including on labor trafficking investigations and cultural sensitivity, are developed in consultation with survivor leaders. Advocates called for training and technical assistance for law enforcement and judges to recognize when individuals with cognitive disabilities are targeted by traffickers. One NGO called on the government to provide consistent training on conducting financial investigations to all federal law enforcement agents tasked primarily with pursuing human trafficking cases.

## PROTECTION

During the reporting period, the government decreased overall protection efforts. The government increased the number of victims served and the number of federally funded victim assistance programs. The number of victims granted T nonimmigrant status significantly increased, although the median processing time for T nonimmigrant status was longer. Despite these efforts, for the majority of the reporting period until largely being repealed in the final two months, the government implemented policies that increased obstacles for foreign national trafficking victims to secure immigration options, including T and U nonimmigrant status and asylum. Advocates noted for the third consecutive year such policies resulted in increased reports of trafficking victims being afraid to report their cases to government officials, pursue immigration options, or seek services; for those who did apply for an immigration option, they faced longer periods of time without support services, legal status, and employment authorization. The government did not implement screening and processing protocols for unaccompanied children intended to prevent child trafficking before expelling them as a result of an order related to the pandemic until February 2021, did not create a law enforcement victim screening protocol as required by law, and did not mandate screening of adult foreign nationals apprehended, interdicted, or held in detention pending deportation. Advocates again reported concerns that trafficking survivors were held in immigration detention facilities and that the government still did not provide sufficient services for labor trafficking victims, boys and men, and LGBTQI+ persons.

The government had formal procedures to guide officials in victim identification and referral to service providers. The government also funded several federal tip lines, including an NGO-operated national hotline and referral service, as well as victim assistance organizations that provided trafficking-specific services. Victim assistance funded by the federal government included case management, medical care, mental health and substance use disorder treatment, housing and shelter, translation and interpretation services, a broad range of legal services, employment and training, transportation assistance, and other services.

DOJ provided funding for victim-centered services for both foreign national and domestic trafficking victims. In June 2020, DOJ consolidated its program office's law enforcement, juvenile justice, and victim services human trafficking initiatives into one division within the same office to better align its funding, training, victim assistance, and other resources. HHS issued Certification and Eligibility Letters to foreign national victims of severe forms of trafficking to establish eligibility to apply for benefits and services to the same extent as refugees, provided grant funding for comprehensive case management for foreign national and domestic trafficking victims, and funded capacity-building grants for community-based organizations

and child welfare systems to respond to trafficking. Record-keeping systems used by DOJ and HHS did not allow for cross-referencing to determine which victims were served by grantees of both agencies.

During FY 2020, DOJ provided about \$74.6 million for 133 awards to support victim assistance programs across the United States, compared to \$73.3 million for 116 awards in FY 2019. Specific programs included \$35.1 million for 73 housing assistance awards (supported in part with funding returned to DOJ by the Department of Housing and Urban Development), \$23.6 million for 43 victim service awards addressing a broad range of case management and specialized service needs, and \$14.9 million for 15 awards supporting specialized services at the state level for child trafficking victims. In addition, DOJ provided funding to increase survivors' access to educational and employment opportunities (\$300,000) and for training and technical assistance to improve housing services offered to trafficking victims nationwide (about \$643,000). DOJ grantees providing victim services reported from July 1, 2019, to June 30, 2020, 9,854 open trafficking client cases, an increase from 8,375 open client cases the previous year. Of these open client cases, 5,968 were new clients, an increase from 5,090 new clients reported the previous year. DOJ's grantees reported 61 percent of clients served during the reporting period were U.S. citizens or lawful permanent residents, 37 percent were foreign nationals, and the status of two percent was unknown. Grantees reported 62 percent of clients served were victims of sex trafficking, 23 percent were victims of labor trafficking, seven percent were identified as victims of both sex and labor trafficking, and the form of trafficking for eight percent was unknown.

HHS runs two victim assistance programs – one for foreign national victims and the other for domestic victims of human trafficking. HHS awarded \$5.4 million in FY 2020 for the provision of case management services to foreign national victims through a nationwide network of NGO sub-recipients, a significant decrease from \$10.9 million in FY 2019. Through this program, HHS supported 96 NGOs that served 2,352 individuals, including 1,457 victims of trafficking and 895 qualified family members in 41 states and U.S. territories, a significant increase from 1,573 individuals served from the previous year. HHS's grantees in its victim assistance program for foreign national victims reported 66 percent of clients served were victims of labor trafficking, 22 percent were victims of sex trafficking, and 12 percent were identified as victims of both sex and labor trafficking. For the provision of case management services to domestic victims of human trafficking, HHS awarded \$5.3 million in FY 2020, a significant increase from \$2.9 million in FY 2019, which served 884 victims of trafficking in 11 states through collaborative partnerships with 245 service providers, an increase from 825 individuals served the previous year. HHS's grantees in its victim assistance program for domestic victims of human trafficking reported 95.5 percent of clients served were victims of sex trafficking, 0.5 percent were victims of labor trafficking, three percent were identified as victims of both sex and labor trafficking, and the form of trafficking for one percent was unknown.

In response to the pandemic, DOJ and HHS published comprehensive resource guides for grantees that included how to operate, provide services, and manage grants during the pandemic. HHS provided flexibilities in grant program performance reporting deadlines and technical assistance to support grantees' transition to remote operations and phased re-openings.

Advocates noted that while funding for victim services remained high, these investments were undermined by policies and practices that decreased the availability of protections to trafficking victims and support for individuals at heightened risk to trafficking. Advocates noted a continued lack of available federal trafficking victim resources or specialized services for labor trafficking victims, boys and men, LGBTQI+ persons, persons with disabilities, and those who do not wish to participate in the criminal justice process. NGOs called on DOL to fund employment programs specifically for human trafficking survivors through its public workforce system.

NGOs reported the pandemic affected survivors, such as through job loss, heightened health issues or reduced access to health care, and delays with judicial decisions in their trafficking cases, and noted that survivors thus had a greater reliance on services, needed services for longer periods of time, or returned to services. NGOs called for flexibility in government service grants to meet these needs. Advocates reported even more drastic lack of access to housing because of the need for shelters and housing facilities to operate at limited capacity due to the pandemic, coupled with increased assistance requests, including for transitional housing and long-term housing options for trafficking victims. One NGO called for grant funding for emergency and temporary housing options to meet this exacerbated housing need.

A Certification Letter enables foreign national adult victims of severe forms of trafficking in persons to be eligible to apply for benefits and services to the same extent as refugees when DHS grants Continued Presence or when a victim has a bona fide or approved application for T nonimmigrant status, as described further below. An Eligibility or Interim Assistance Letter enables foreign national minors to apply for benefits and services to the same extent as refugees. HHS issues such letters when the Department receives credible information the child is or may be a victim of a severe form of trafficking in persons under the TVPA. HHS issued 508 Certification Letters to foreign national adults in FY 2020, representing a significant increase from 311 in FY 2019, and issued 673 Eligibility Letters to foreign national children in FY 2020, representing a significant decrease from 892 in FY 2019. Of the 508 foreign national adult victims certified in FY 2020, 70 percent were labor trafficking victims, 15 percent were sex trafficking victims, 11 percent were victims of both sex and labor trafficking, and four percent were victims of a severe form of trafficking in persons unknown to HHS. Out of 673 foreign national child victims certified in FY 2020, 69 percent were labor trafficking victims, 25 percent were sex trafficking victims, five percent were victims of both labor and sex trafficking, and one percent were victims of a severe form of trafficking in persons unknown to HHS. In FY 2020, HHS launched an online case management system to automate and streamline the process for survivors to request assistance, receive secure case coordination messages, and check for updates on cases and letter verification status.

In FY 2020, a State program reunified 87 family members with 43 identified victims of trafficking in the United States, a significant decrease from 204 family members and 89 identified victims in FY 2019.

DHS provides immigration options specifically for victims of trafficking through Continued Presence, a temporary immigration designation, and T nonimmigrant status, another temporary immigration benefit (commonly referred to as the “T visa”). Both immigration options strengthen law enforcement’s ability to investigate and prosecute human trafficking by offering foreign national victims temporary immigration relief. To qualify for Continued Presence, law enforcement must identify an individual as a victim of human trafficking who may be a potential witness in the investigation or prosecution of the trafficker. To qualify for T nonimmigrant status, an applicant must demonstrate that they (1) are a victim of a severe form of trafficking in persons; (2) are physically present in the United States, its territories and outlying possessions, or at a U.S. port of entry on account of trafficking; (3) have complied with reasonable requests from law enforcement, unless they are younger than the age of 18 or unable to cooperate due to trauma suffered; and (4) would suffer extreme hardship involving unusual and severe harm upon removal from the United States. T nonimmigrant applicants may sponsor certain family members, including certain extended family members who face a present danger of retaliation as a result of the principal applicant’s trafficking situation or cooperation with law enforcement. T nonimmigrants and their derivative family members are authorized to work and are eligible for certain federal public benefits and services. T nonimmigrant status is granted for a period of four years and may be extended under certain limited circumstances. After three years, or upon the completion of the

investigation or prosecution, T nonimmigrants may be eligible to apply for lawful permanent resident status and eventually may be eligible for citizenship. DHS granted T nonimmigrant status to 1,040 victims in FY 2020, a significant increase from 500 victims in FY 2019, and granted T nonimmigrant status to 1,018 eligible family members of victims in FY 2020, compared to 491 family members in FY 2019. The median processing time for T nonimmigrant status applications increased to 18.6 months in FY 2020 from 16.2 months in FY 2019, 12.1 months in FY 2018, and 9.6 months in FY 2017.

During the reporting period, the government continued to modify its immigration policies affecting certain forms of humanitarian relief, such as T nonimmigrant status. A new administration came into office in January 2021 and reviewed, rescinded, and announced it would not implement a number of these policies. DHS published a final rule in August 2020 that changed its fee waiver determination process for certain immigration filings, including filings related to T nonimmigrant status. Under this rule, applications for T nonimmigrant status remained fee-exempt, and applicants were still permitted to seek a fee waiver for related filings based on their household income, but they could no longer use receipt of a means-tested benefit or proof of financial hardship as reasons for the waiver request. As of the end of the reporting period, there were two preliminary injunctions on the final rule, suspending DHS’s implementation of the rule. In February 2021, the new administration issued an executive order for federal agencies to review actions that fail to promote access to the legal immigration system, including the final rule related to DHS’s fee waiver determination process. While the fee waiver policy is under review, DHS adjudicated fee waiver requests under its 2011 policy, which allows for applicants to qualify under the receipt of means-tested criteria.

In response to the February 2021 executive order, federal agencies also began to review actions related to implementation of the public charge ground for inadmissibility and to identify steps to communicate current public charge policies and changes, if any, to reduce fear and confusion among affected communities. In March 2021, DHS announced the government would no longer defend the public charge final rule issued in August 2019 and implemented in February 2020. In March 2021, a U.S. district court’s order vacating the public charge final rule went into effect. As a result, DHS stopped applying the final rule to all pending and future applications and petitions that otherwise would have been subject to the rule, issued a new final rule removing the regulatory provisions promulgated by the August 2019 rule, and began applying the public charge ground of inadmissibility consistent with its 1999 guidance. Applicants for T nonimmigrant status, T nonimmigrants seeking to adjust status, applicants for U nonimmigrant status, and U nonimmigrants seeking to adjust status are exempt from the public charge ground of inadmissibility.

Additionally, in January 2021, DHS rescinded its 2018 policy regarding notices to appear (NTA). The 2018 policy allowed DHS to generally issue NTAs for individuals who were denied certain immigration options, including individuals who were removable upon denial of T or U nonimmigrant status (after the appeal or motion period ended). As a result of the rescission, DHS began issuing only statutory and regulatory NTAs and those required by court order, settlement agreement, or for litigation need.

Advocates again reported increased obstacles to obtaining T nonimmigrant status. For instance, advocates again noted a continuing rise in the number of requests for additional evidence by adjudicators, which tends to increase processing times, and reported increased T nonimmigrant status denials that they believed improperly interpreted relevant statutes and regulations, such as denials based on unlawful acts traffickers compelled victims to commit or narrower interpretations of the physical presence requirement. Advocates also expressed concern with DHS’s August 2020 final rule regarding changes to its fee waiver policy, stating the changes impeded access to the TVPA’s intent for survivors to apply for a waiver when pursuing



immigration options. They noted inconsistent fee waiver adjudication and increased denials have caused hardships for survivors trying to access trafficking-specific immigration options, particularly during the pandemic, citing that a large number of survivors – some of whom were facing financial insecurity or experiencing homelessness – used resources meant for housing and other living expenses to pay filing fees. Some survivors chose to delay applying for immigration options due to fear they would not have the means to pay for fees if their fee waiver request was denied.

Advocates continued to voice concern with lengthy and increasing T nonimmigrant status processing times, citing added vulnerabilities for survivors who lack legal status or whose time-limited support services expire, and they called for removal of policies that unnecessarily slow down the adjudication of T nonimmigrant status applications. NGOs voiced concern with the DHS position to not conduct bona fide determinations for T nonimmigrant status applications, which would allow applicants to receive deferred action from removal and employment authorization. They reported this practice has left trafficking victims in vulnerable situations, whether in immigration detention, unable to legally work, or at risk of removal before their T nonimmigrant status application is adjudicated, which would make them ineligible for the status. NGOs called for DHS to improve training for adjudicators that includes detailed guidance on current regulations, examples of trafficking situations, information on a trauma-informed approach, and instructions for drafting victim-centered requests for additional evidence developed with input from survivors and other nongovernmental subject matter experts.

Advocates continued to report an increasing number of foreign national survivors are afraid to report their cases to law enforcement, pursue immigration options, or seek services due to heightened immigration enforcement policies and increased fear of removing victim witnesses from the United States. Advocates again stated that DHS's November 2018 policy on notice to appear undermined the intent of the TVPA to safeguard victims of trafficking. As a result of the public charge final rule, survivors were afraid to access public assistance programs to which they are entitled and their clients were withdrawing from or choosing not to enroll in programs. NGOs noted the new administration's actions in 2021 to review, rescind, or not implement prior modifications to certain forms of humanitarian relief were a necessary first step to rebuilding survivors' trust in the safety of pursuing immigration options.

DHS manages all requests from federal, state, and local law enforcement for Continued Presence, authorizing foreign nationals identified by law enforcement as trafficking victims who may be potential witnesses to remain lawfully and work in the United States during the investigation and prosecution of the crime. In FY 2020, DHS issued Continued Presence to 117 trafficking victims, who were potential witnesses, compared to 125 in FY 2019. DHS granted 56 extensions of Continued Presence, compared to 48 in FY 2019. Effective February 2021, DHS streamlined its process to review Continued Presence after moving the administration of the program to its new center for countering human trafficking, which it established in October 2020 to bring together multiple DHS components to prioritize human trafficking investigations, victim identification, and public outreach. DOJ and DHS convened an interagency working group and held listening sessions with victim service providers and state and local law enforcement members of human trafficking task forces to receive input on improvements to the Continued Presence process.

Advocates reported continued concern with the low number of Continued Presence requests made by law enforcement and noted the heightened importance of this temporary status to access services given increased obstacles to obtaining T nonimmigrant status. NGOs called for targeted training of law enforcement in geographic areas with the greatest disparities between requests for Continued Presence and applications for T nonimmigrant status. They also recommended the government grant federal victim assistance specialists the authority

to request Continued Presence. NGOs again reported survivors of sex trafficking were more likely to obtain Continued Presence than survivors of labor trafficking.

Another immigration benefit available to certain human trafficking victims is U nonimmigrant status (commonly referred to as the "U visa") for victims of certain qualifying crimes, including human trafficking, who are, have been, or are likely to be helpful in the detection, investigation, prosecution, conviction, or sentencing of the qualifying criminal activity and meet other specific eligibility requirements. While DHS has conducted an analysis on a random sample of U nonimmigrant status applications, it is unable to accurately track the number of approved applications based on the specific underlying crimes for which they were issued. Partly in response to litigation, in December 2020, DHS stopped applying its December 2019 policy to reject a U nonimmigrant status application if any field on the form was left blank. (While DHS posted an alert in March 2020 indicating that T nonimmigrant status applications could be rejected if required fields were left blank or incomplete, DHS never implemented a no blank spaces policy for T nonimmigrant status applications.)

Advocates expressed concern with the lack of advance notice of the December 2019 DHS policy not to allow applications with any blank fields to be accepted at the time of filing, citing that DHS communicated it by posting an alert on its website the same day the policy took effect. During the first month of the DHS policy, the rejection rate for U nonimmigrant status reached 97.7 percent. DHS data showed it rejected almost 12,000 U nonimmigrant status petitions from December 30, 2019 to July 2020, or about half of all applications received during that period.

In July 2020, an NGO sued DOL, alleging that July 2019 amendments to its policy of certifying applications for U and T nonimmigrant status were issued without following proper administrative procedure. The July 2019 amendments had required DOL to make a referral to criminal law enforcement prior to issuing certifications, among other changes. NGOs reported the amended DOL certification policy created additional barriers to obtaining U or T nonimmigrant status and deterred victims from coming forward. In February 2021, DOL withdrew its July 2019 amendments to its policy for certifying applications for U and T nonimmigrant status.

To enhance protections for unaccompanied children and combat child trafficking, DHS and HHS share responsibility for the processing, treatment, and placement of unaccompanied children. This includes a screening by DHS within 48 hours of apprehension, transfer of certain unaccompanied children to HHS custody within 72 hours, and prompt placement by HHS in the least restrictive setting that is in the best interest of the child. When foreign national children are placed in the care and custody of HHS, they are screened for human trafficking. The TVPA also requires any federal, state, or local official with information on a foreign national minor who may have experienced human trafficking to refer those cases to HHS to assess whether the minor is eligible for services to the same extent as a refugee. When appropriate, HHS makes a determination of eligibility for benefits and services, which may include long-term assistance. In FY 2020, HHS assisted 347 foreign national child victims of trafficking, including 142 new enrollments, through its Unaccompanied Refugee Minors Program, compared to 231 foreign national child victims of trafficking, including 70 new enrollments in FY 2019. (The FY 2019 number of victims assisted (231) and number of new enrollments (70) represent corrections to the numbers cited last year (228 and 69, respectively.) This program requires states to provide such child victims with the same assistance, care, and services available to foster children.

DHS is required to screen certain individuals for human trafficking, including unaccompanied children and some detained individuals. In cases where potential victims were identified, DHS referred cases to law enforcement for further investigation. In the case of foreign

national adults apprehended, interdicted, or in detention pending removal from the United States, DHS does not mandate screening of such individuals for trafficking indicators. The government issued an order in March 2020 under Title 42 of the U.S. Code that authorized the government to suspend the entry of migrants arriving at U.S. land ports of entry through Canada and Mexico who would be subject to immigration processing. As a result of the Title 42 order related to the pandemic, the government began expelling migrants, including unaccompanied children. Such unaccompanied children were held in DHS custody for various lengths of time. While Title 8 of the U.S. Code requires the government to screen unaccompanied children and follow certain procedures to place the children in the least restrictive setting in the best interest of the child to combat child trafficking, unaccompanied children were processed and expelled pursuant to the Title 42 order and not Title 8. In February 2021, the government announced that it was suspending the expulsion of unaccompanied children pursuant to the order, and such children were thereafter processed under Title 8. From March to November 2020, DHS detained at least 660 unaccompanied children in hotels, where they were largely restricted from leaving their room, for various lengths of time – some for up to 38 days – when the TVPA requires a transfer to HHS custody within 72 hours. During the first part of 2021, DHS worked with HHS to increase HHS capacity to accept arriving children, including increasing transportation capacity, co-locating personnel to help with case management and shelter management, and creating a new interagency coordination body. During the reporting period, the government continued not to mandate human trafficking screening for all foreign national adults in immigration detention or custody. In some cases, migrants were expelled to a country where they were not a citizen and did not speak the language, heightening their vulnerability to human trafficking. DHS and DOJ did not establish law enforcement victim screening protocols for human trafficking cases, as required by laws enacted prior to the reporting period. HHS developed a human trafficking screening tool for domestic violence shelters and programs.

A center that provides legal services for children noted DHS's screening mechanisms for unaccompanied children have often failed to identify child trafficking cases. One NGO reported that between March and November, the government expelled at least 13,000 unaccompanied children. Advocates called for a study on the effect of the government's recent policies around unaccompanied children on their trauma and vulnerability to human trafficking. NGOs noted that changes limiting asylum eligibility and preventing people from applying have placed trafficking survivors at increased risk of violence and trauma, particularly those fleeing a trafficking situation involving family members, intimate partners, or gangs. Advocates also reported trafficking survivors are increasingly held in immigration detention, which limits their access to critical services needed to begin recovering from their trauma and experience and keeps them in unsafe and unsanitary conditions.

The U.S. government continued to provide and fund training to federal, state, local, and tribal officials, as well as to NGO service providers and health and human service providers, to encourage more consistent application of victim-centered, trauma-informed, and culturally responsive approaches in all phases of victim identification, assistance, recovery, and participation in the criminal justice process. In FY 2020, HHS delivered 91 training and technical assistance activities to more than 50,000 federal grantees and health and human service professionals, including more than 46,000 people who completed its online training. In FY 2020, DOJ awarded \$3.6 million in funding under two contracts to deliver training and technical assistance to grantees and to organizations building their capacity to respond to human trafficking victims. DOJ's specialized training and technical assistance providers assisted organizations in strengthening their anti-trafficking responses related to housing, employment, legal services, trauma-informed care, courts, and identifying labor trafficking victims.

Advocates continued to report that survivors with criminal records resulting from unlawful acts their traffickers compelled them to commit often remain excluded from employment, housing, and higher education; are ineligible for government programs; and face difficulties meeting needs essential to their safety and recovery. Advocates again called for better trafficking screening of individuals with disabilities to improve the identification of potential victims. Advocates noted federal efforts around addressing human trafficking in the child welfare system focused almost exclusively on child sex trafficking and called for equal efforts to address child labor trafficking within the system.

## PREVENTION

The U.S. government decreased efforts to prevent trafficking. In October 2020, the government issued and began to implement a comprehensive three-year national action plan to combat human trafficking. Federal agencies conducted numerous educational and training activities for their own personnel, state, local, and tribal officials, and other stakeholders. To enhance transparency and stakeholder input, the President's Interagency Task Force to Monitor and Combat Trafficking in Persons reported on agency accomplishments and future efforts and again invited members of the presidentially appointed survivor advisory council, as well as members of the presidentially appointed public-private partnership advisory council, to join its meeting. However, the government did not take sufficient measures to address the factors, government policies, and conditions that increase historically marginalized communities' risk to human trafficking, such as the exclusion of domestic and agricultural workers from legal worker protections. The government repealed housing regulations meant to correct discriminatory housing practices and past harms, and it rolled back legal protections for LGBTQI+ persons; advocates noted these actions contributed to the systemic marginalization and vulnerability of communities overrepresented among trafficking victims and disproportionately affected by the pandemic. The government again did not increase efforts to prevent human trafficking in its employment-based and other nonimmigrant visa programs or to hold employers and their agents, including labor recruiters, accountable for practices known to lead to human trafficking. In addition, it implemented policies that reduced its ability to oversee and enforce worker protections in these programs, which made it even harder for workers to protect themselves from an abusive employer or to access a healthy and safe workplace during the pandemic because they were forced to continue working or feared losing their job and immigration status.

The government continued public outreach measures on the causes and consequences of human trafficking and continued efforts to increase victim identification among vulnerable populations and sectors and to seek and incorporate survivor input into policies and programs. HHS continued to fund an NGO to operate the national human trafficking hotline. In FY 2020, the hotline received 195,100 calls, texts, chats, online tips, and emails, identified 11,193 potential human trafficking cases, and provided 8,701 referrals to potential victims. In response to the pandemic, the hotline transitioned to fully remote operations with no disruption in services. The number of emergency trafficking cases handled by the hotline increased by more than 40 percent in the month following shelter-in-place orders compared to the prior month. More than 13,000 signals, which includes calls, texts, and web chats, came from individuals who identified themselves as potential victims of trafficking seeking help, with calls being the most common method of communication. The U.S. government operated other tip lines that received calls or messages related to suspected human trafficking cases. U.S. embassies and consulates worldwide continued to provide the "Know Your Rights" pamphlet to visa applicants in multiple languages for temporary work and exchange visitor categories and play a related video in certain consular waiting rooms to help visa applicants better understand their rights and raise awareness of human trafficking. In FY 2020, the pamphlet generated 113 signals to the national hotline, a decrease from 156 calls generated in FY 2019.

In response to an increased risk of encountering traffickers online, DHS partnered with a national NGO to run social media ads directing people to internet safety resources. HHS established a grant program on creating and implementing strategies to deliver prevention education and skills-based training to school communities. For the fourth year, HHS continued its leadership academy composed of survivors and anti-trafficking professionals that developed recommendations for addressing risk factors among migrant families to labor trafficking. The HHS advisory committee on child sex trafficking, composed of trafficking survivors and other subject matter experts, published a report on best practices and recommendations for states. The Department of Education supported human trafficking prevention awareness for schools, including by launching a webpage dedicated to human trafficking; releasing the second edition of its guide for school communities on how to use individualized interventions for students who have experienced human trafficking and suggested steps for reintegrating such students into educational environments; and releasing a brief about integrating school-based prevention and intervention strategies to combat domestic child sex trafficking. The Department of Transportation (DOT) and DHS continued to train aviation personnel and, in FY 2020, formed 27 new partnerships with airlines, airports, and aviation industry organizations for a total of 59 partners. During the reporting period, DOT's initiative of transportation leaders aligned against human trafficking secured 55 pledges across the transportation sector for a total of 533 partners, with a commitment to train their employees and raise public awareness. DOT also awarded the first annual \$50,000 grant to incentivize the development of innovative solutions that increase human trafficking prevention efforts among transportation stakeholders. Domestically, DOJ trained more than 11,000 people through its public online training series on trauma-informed and victim-centered approaches to human trafficking, and DOJ grantees reported providing training to 72,326 anti-trafficking partners and stakeholders. DOJ, DHS, and State, along with Australia, Canada, New Zealand, and the United Kingdom, consulted with six tech companies to develop public service announcements to prevent and respond to online exploitation, including child sex trafficking, during the pandemic. HHS and DOJ held national listening sessions on preventing and responding to child trafficking during the pandemic. In FY 2020, the Equal Employment Opportunity Commission (EEOC) participated in 120 outreach events that addressed human trafficking, reaching 12,020 individuals, and continued efforts to increase public awareness about human trafficking with its human trafficking resource guide. DOL launched a labor trafficking awareness campaign that highlighted the effect of the pandemic on risk factors, indicators, and identification challenges. DOL also held a national online dialogue for stakeholders to provide ideas and comments on DOL's efforts to combat labor trafficking. Treasury held bilateral banking dialogues with foreign partners and financial institutions to discuss financial trends, typologies, and how financial tools can help combat human trafficking. Congress made available \$92 million in FY 2020 foreign assistance resources to State and the U.S. Agency for International Development to support international anti-trafficking initiatives in countries in every region of the world.

NGOs noted human trafficking prevention efforts must address the ways systemic exploitation of Black and Brown communities heighten their vulnerability to human trafficking, especially given the disproportionate effect of COVID-19 on their health, economic stability, and safety. For instance, workers in domestic and agricultural sectors, performing duties historically performed by people who were enslaved, people who were formerly enslaved, and their descendants, were and remained specifically excluded from legal worker protections under federal law. Their lack of legal protections combined with the heightened isolation, economic uncertainty, and health risks due to COVID-19 has increased their risk of human trafficking. Despite the pandemic exacerbating housing instability for many individuals, which is a vulnerability traffickers often target, the government repealed regulations meant to correct and prevent discriminatory housing practices. In addition, advocates noted the government's

removal of protections from discrimination on the basis of sexual orientation and gender identity by federally funded health and welfare programs, efforts to revise the definition of sex in federal laws to exclude LGBTQI+ persons, and elimination of data collection requirements on LGBTQI+ youth in foster care during the reporting period furthered the LGBTQI+ community's marginalization and heightened their risk to human trafficking. Advocates continued to call for a more comprehensive and proactive approach to address the factors and conditions that increase vulnerabilities, such as creating economic opportunities to empower communities at higher risk for human trafficking and providing critical support services that human traffickers might otherwise offer.

DOL, DHS, and State screen and approve employers and workers for temporary foreign worker programs to ensure compliance with program requirements, including worker protections. To reduce workers' vulnerability to exploitation, including human trafficking, the United States bars employers participating in these programs or their agents (whether or not those agents or others in the recruitment chain are in contractual privity with the employer or a recruiter, whether or not located in the United States, and whether or not such agents are governmental or non-governmental entities) from seeking or receiving payments from workers for any activities related to obtaining labor certification or employment. These payments include job placement and recruitment fees, and salary and wage deductions, and the United States requires that the terms of employment be disclosed. DOL seeks to ensure employer compliance through audits and investigations and does not accept temporary labor certification applications if the employer discloses it charges a prohibited fee to the worker. State waived interviews for certain first-time H-2 visa applicants to avoid labor shortages in U.S. supply chains due to the pandemic. The interview waivers reduced the government's ability to verbally ensure applicants know their rights under the program and to detect potential cases of fraud that increase an applicant's vulnerability to human trafficking. Workers received the "Know Your Rights" pamphlet along with their passport containing an issued visa rather than prior to visa approval. In April 2020, DHS issued a temporary final rule allowing H-2A agricultural employers with the flexibility to immediately hire workers who held H-2A status at the time of the petition and extended workers' maximum allowable period of stay. DHS issued a similar rule for the H-2B non-agricultural program in May 2020 before a June executive action froze State's issuance of new H-2B visas.

In September 2020, the U.S. and Guatemalan governments expanded an agreement that required Guatemala to begin performing labor recruitment directly or to create and maintain a registered foreign labor recruiter-monitoring program for the H-2A program to include the H-2B program.

Advocates again reported weak oversight of employment-based and other nonimmigrant visa programs and documented human trafficking cases involving workers in the United States on these programs. From April 1 to September 30, 2020, the number of cases reported to the national human trafficking hotline involving a potential victim in H-2A status more than doubled compared to the previous six months. Advocates continued to call for enhanced protections for workers in temporary worker programs, including regulatory changes to uncouple employment visas from an employer or sponsor, and to protect individuals in certain temporary worker programs to the same extent as other workers. NGOs continued to call for increased transparency and accountability for temporary worker programs and for agencies to develop a more accessible system to share visa applications and job-related information with workers in real time, including the names of employer petitioners. NGOs noted concern that the DHS temporary final rules regarding the H-2 programs exacerbate workers' vulnerability to exploitation, including human trafficking, by granting employers more control over workers' employment situation. NGOs and news outlets reported employers using threats of job loss, blacklisting, and deportation if workers left the worksite or housing facility to receive testing or medical treatment



for COVID-19, despite the high rates of infection in the food and agricultural sectors. One NGO expressed concern with State's policy to waive interviews for certain first-time H-2 visa applicants because such interviews provided a critical layer of review for fraud concerns and allowed State to confirm workers understood their rights.

Formal and informal recruiters, labor contractors, and agents continued to charge workers prohibited fees, and the government's enforcement of the ban on worker-paid recruitment fees and other prohibited practices meant to prevent workers from experiencing situations of heightened risk to human trafficking remained weak. H-2A employers increasingly relied on labor contractors to shield themselves from liability for any violations, including by intentionally remaining uninformed about the recruitment process and the treatment or conditions of workers outside of work hours, including housing conditions and wage payments. In August 2020, H-2A workers filed a class action lawsuit against a farm labor contractor alleging illegal wage deductions, underpayment of wages in violation of written contracts and the Fair Labor Standards Act, worker-paid recruitment fees, and threats of blacklisting and deportation. As of the close of the reporting period, the farm labor contractor continued to hold a farm labor contractor certification of registration under the Migrant and Seasonal Worker Protection Act.

Advocates called on the government to increase enforcement of H-2 program requirements and hold accountable employers and their agents who have exploited workers and violated visa program regulations. They also recommended the government create a public registry of certified labor recruiters and implement a policy that incentivizes workers to report experiencing prohibited employment or recruitment practices, instead of denying them a visa.

State continued its oversight of the Exchange Visitor Program (EVP, commonly referred to as the "J-1 visa"), which includes among others the Summer Work Travel, Camp Counselor, Intern, and Au Pair programs. State continued to monitor exchange visitors to help safeguard their health, safety, and welfare and to identify and investigate program fraud and abuse, and it enhanced its virtual monitoring capabilities. State conducted outreach throughout 2020 to raise program sponsors' awareness of their administrative oversight and reporting obligations to State with respect to the health, safety, and welfare of exchange visitors. State requires EVP sponsors to provide all exchange visitors with the "Know Your Rights" pamphlet during orientation sessions. State continued to liaise and collaborate with law enforcement on criminal investigations relating to the EVP in 2020.

Advocates continued to report the need for additional steps to reduce the risks of exploitation in some EVP categories, noting concerns with fraudulent recruitment practices, exorbitant program fees, and exploitative work conditions. A news report featuring interviews with former and current EVP au pairs detailed a lack of oversight of sponsors and families, including insufficient corrective action and frequent sponsor non-compliance with the program's reporting requirements. In June 2020, two former EVP au pairs sued their former sponsor agency and host family, claiming the family subjected them to forced labor. State is not party to the lawsuit. Two groups of international students each separately sued an EVP student intern program sponsor alleging forced labor, among other offenses. Advocates called for increased protections for EVP exchange visitors under U.S. labor and employment laws with oversight by DOL, more accountability of sponsors and participating employers, and greater transparency about employers and occupations.

State and the U.S. Mission to the UN continued to implement their respective domestic worker In-person Registration Programs for A-3 and G-5 visa holders employed by foreign mission and international organization personnel in the United States. Due to the pandemic, the programs temporarily transitioned to phone and video registrations. During the reporting period, State found the continued presence in the United States of an international organization employee to be

"undesirable" pursuant to the law, such that if she did not depart the United States by a certain date she would no longer be entitled to the benefits accorded to employees of designated international organizations under U.S. law, including the immigration benefit of G nonimmigrant status. This was following an investigation into allegations including submission of a fraudulent labor contract and participation in a scheme to underpay and overwork a domestic worker in violation of contract terms. State also asked a foreign government to waive immunity of a foreign mission member following an investigation into allegations including fraud in foreign labor contracting and collection of data. State subsequently required the departure of the foreign mission member from the United States.

During the reporting period, lawsuits in Colorado, Georgia, Texas, and California remained pending against privately owned and operated detention facilities contracted by DHS. These lawsuits allege the contractors forced immigration detainees to work in violation of the TVPA during their federal immigration detention. DHS is not party to the lawsuits, nor are any of its component agencies. In January 2021, a U.S. court of appeals ruled in one of these cases the TVPA applies to immigration detention facilities.

Advocates asserted that immigration detainee labor and convict labor perpetuate slavery and its legacy of racial injustice. They called for the government to end its use of labor in immigrant detention facilities, whether government-operated or operated through contracts with private entities, as these immigration detainees have not been convicted of a crime. They also called for the government to amend the U.S. Constitution to eliminate the exception to the Thirteenth Amendment that allows for slavery or involuntary servitude as punishment for those convicted of a crime. NGOs and media reported prisons and detention facilities threatened inmates or detainees with disciplinary action if they refused to work due to COVID-19.

Civil enforcement of federal laws continued to be a significant component of the government's anti-trafficking efforts. DOL investigated complaints and conducted targeted civil labor investigations involving workers in industries and sectors known to be vulnerable to labor trafficking. Where appropriate, DOL refers these cases for criminal investigation. In FY 2020, DOL continued such enforcement activities in industries including agriculture, landscaping, hospitality, seafood processing, and reforestation. In FY 2020, DOL made 14 referrals to federal, state, and local law enforcement agencies or task forces and referred six H visa cases to DOL's inspector general regarding allegations of human trafficking. Additionally, one criminal law enforcement agency referred a case to DOL, four criminal agencies requested DOL assistance, and 10 such agencies requested DOL's case file information. The EEOC enforces federal employment discrimination statutes, and it continued to investigate civil charges on behalf of and seek compensation for victims of trafficking during the reporting period. In FY 2020, the EEOC received three new charges of discrimination linked to human trafficking compared to six in FY 2019. For the one charge of discrimination the EEOC resolved in FY 2020, the EEOC did not recover monetary relief, compared to \$56,000 in monetary benefits it recovered in resolution of charges in FY 2019. In August 2020, the EEOC settled a lawsuit with national origin and race claims against U.S.-based employers in Washington who hired Thai farm workers through a farm labor contractor. In 2016, a federal court entered a default judgment against the farm labor contractor and ordered damages to the workers who were subjected to "an unrelenting sense of imprisonment." The settlement with the farms provided for \$325,000 to be distributed among 105 workers and required the employers, who had denied liability for the farm labor contractors' actions, to institute accountability measures over their contractors, training, review of policies and procedures, and reporting of violations. As of September 30, 2020, the EEOC had 13 pending charges linked to human trafficking.

NGOs stated DOL's investigative divisions continued to be significantly underfunded and its work to protect workers underprioritized, which

inhibit meaningful or systematic enforcement of labor laws and detection of forced labor in industry supply chains. One NGO report released in December 2020 found more than 70 percent of farm investigations conducted by DOL uncovered violations, but there was only a one percent chance a farm would be investigated by DOL. NGOs continued to call for more resources to be allocated to DOL to enhance efforts to identify labor trafficking cases.

Federal law also allows a trafficking victim to independently file a civil cause of action, and there were cases in which individuals filed and successfully pursued civil causes of action during the reporting period.

The government made efforts to reduce the demand for commercial sex acts, including by prosecuting individuals for sex trafficking who pay or attempt to pay for commercial sex involving children. In May 2020, the government established an ad hoc working group to examine the role of demand reduction in preventing human trafficking. The working group held a listening session with survivors in December 2020. The government provided anti-trafficking training to its diplomats.

Advocates called for greater efforts to address demand, including increased education and awareness, and called for these efforts to encompass sex trafficking and labor trafficking. One NGO called for DOJ to increase efforts to pursue the prosecution of those who knowingly purchase a commercial sex act with a trafficking victim, as well as financial penalties and mandatory restitution.

The government made efforts to reduce the demand for participation in extraterritorial sexual exploitation and abuse (commonly referred to as “international sex tourism”) by its citizens, including by proactively investigating allegations of child sexual exploitation crimes perpetrated overseas by U.S. citizens and partnering with foreign law enforcement counterparts to share information regarding international travel of registered child sex offenders. At least three defendants were convicted federally in FY 2020 of engaging in extraterritorial child sexual exploitation and abuse, compared to 11 in the previous reporting period. Offenders who abuse children abroad may have been prosecuted under other statutes, and prosecutions based on other statutes are not reflected in this statistic.

DOJ and other federal law enforcement agencies received zero allegations of forced labor or recruitment fees required of third-country nationals working on certain U.S. government contracts abroad. DOJ initiated zero federal criminal prosecutions of employers or labor contractors for such violations in connection with U.S. government contracts abroad in FY 2020 and zero prosecutions for fraud in foreign labor contracting.

The Office of Management and Budget (OMB) notified agencies’ procurement offices three times of specific concerns regarding human trafficking risks in certain supply chains. Additionally, OMB held one call to coordinate efforts and share ideas among designated procurement officials for how to better protect agencies’ supply chains from being connected to human trafficking. Despite a 2019 directive for certain agencies to designate these points of contact, not all had done so by the end of the reporting period. In FY 2020, 1,050 federal employees completed human trafficking training for the acquisition workforce. As stated in the Prosecution section above, in FY 2020, DoD reported investigating 112 cases related to forced labor, compared to 13 cases in FY 2019. DoD took action against noncompliant employers and labor contractors resulting in one corrective action report, 50 local corrective actions, 48 other actions (including assisting DoD commands to achieve resolution), and DoD took no action in 13 cases. Where appropriate, DoD refers these cases for criminal investigation or pursues criminal investigations. DoD delivered anti-trafficking messaging and materials to more than 2,500 foreign workers, who had worked on U.S. bases in Afghanistan and were departing the country due to the drawdown, and interviewed more than 1,400 such workers to ensure they did not experience human trafficking on the base. DHS debarred one

entity and two individuals convicted of engaging in human trafficking from conducting business with the federal government.

The government increased efforts to prevent human trafficking in U.S. private sector supply chains. DHS continued to enforce the law that prohibits the importation of goods mined, produced, or manufactured, wholly or in part, under forced labor conditions, including forced child labor. In accordance with law, the government established a task force to monitor enforcement of this law. DHS received 50 allegations and issued 16 Withhold Release Orders within the reporting period for shipments of goods where information reasonably indicated that merchandise within the purview of Title 19 U.S. Code section 1307 is being, or is likely to be, imported into the United States, resulting in the detention of 606 shipments worth approximately \$90 million, compared to 53 allegations and six Withhold Release Orders within the previous reporting period. DHS collected \$575,000 in civil penalties for violations of U.S. trade law regarding goods produced with forced labor. The new DHS center for countering human trafficking supported and coordinated the initiation of five criminal investigations of individuals and entities that may be benefitting from goods produced using forced labor overseas, including those importing high-demand goods due to the pandemic.

The government took a series of measures to prevent U.S. businesses and consumers from interacting with or purchasing from entities engaged in forced labor and other human rights abuses in the Xinjiang Uyghur Autonomous Region and beyond, including issuing a business advisory, imposing export controls, and issuing sanctions against officials and entities. The U.S. government, led by the Office of the U.S. Trade Representative, engaged with the governments of Canada and Mexico to ensure implementation of a provision in the United States-Mexico-Canada Agreement that entered into force in July 2020 requiring all three countries to prohibit the importation of goods produced wholly or in part with forced labor. DOJ convened an interagency task force that, after consulting external stakeholders, submitted to Congress a report that examined the United States government’s legal and regulatory authorities to address forced labor in fishing in international waters and the legal and jurisdictional challenges preventing it from acting effectively, and made recommendations to address gaps in the government’s legal and regulatory framework. DOL updated and added more than 50 examples of promising practices to its mobile application that provides companies and industry groups with guidance on how to identify risks of forced and child labor in their supply chains and mitigate or remediate abuses.

The Government Accountability Office (GAO) recommended DHS better communicate to stakeholders the types of information that could help with forced labor cases related to seafood and other goods, as appropriate. GAO also recommended DHS better communicate information about its modification and revocation process for Withhold Release Orders. NGOs urged DHS to increase enforcement of its prohibition on the importation of goods produced with forced labor, work with DOJ to prosecute violators, and increase transparency of its processes so NGOs and unions can monitor workers’ conditions. NGOs recommended OMB issue guidance requiring agencies to conduct risk assessments to identify contracts providing goods from high-risk regions or sectors and recommended greater transparency of agencies’ implementation of the federal acquisition regulation on human trafficking.

DOJ published an issue of its journal on federal law and practice dedicated to the topics of missing or murdered American Indians and Alaska Natives, which included discussions on identifying and preventing human trafficking. As part of the task force’s work, HHS’s operating division released a framework for missing and murdered American Indians and Alaska Natives in October 2020 to guide its programs for those communities. In FY 2020, HHS funded a new grant program in six locations to strengthen the response to victims of human trafficking in American Indian and Alaska Native communities.

Survivors and anti-trafficking professionals who identify as Native American comprised HHS's fifth class of its leadership academy, which developed recommendations for using cultural practices and traditions to prevent human trafficking among Native youth. HHS continued to offer online training to educate health care providers serving American Indians, Alaska Natives, Native Hawaiians, and Pacific Islanders regarding human trafficking and its effect on their communities, and 605 people completed the course during the reporting period. In FY 2020, HHS funded a new demonstration grant program to provide comprehensive case management services for indigenous survivors of human trafficking in Alaska, Hawaii, Minnesota, North Carolina, Washington, and Wisconsin. DOJ awarded more than \$39 million to tribal governments under its program to address domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

Advocates from indigenous communities and NGOs highlighted the vulnerabilities created by systemic oppression, continued underfunding, and historical trauma that have led to significant rates of human trafficking among their communities. They recommended increased data collection and monitoring, trauma-informed cultural humility training for law enforcement and service providers, and more culturally appropriate and community-specific support and early intervention services.

### U.S. INSULAR AREAS

Trafficking in persons occurs in the U.S. insular areas, including American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands (USVI).

In Puerto Rico, DOJ created a working group composed of federal and state law enforcement agencies, NGOs, and higher learning institutions to assess the threat of and propose measures to protect women against violence, including human trafficking. In Guam and CNMI, members of DOJ-led human trafficking task forces continued to engage with community partners to provide victim services, train law enforcement, and share strategies for improving victim identification. DOJ also continued to advance an initiative that enhances coordination with stakeholders in the Pacific Region on victim services, law enforcement responses, training, community outreach, and prevention programs. DOJ and DHS continued to participate, along with local authorities in Puerto Rico, in the crimes against children task force. To increase capacity for DHS to connect victims in Puerto Rico and USVI involved in investigations with appropriate services, DHS identified anti-trafficking NGOs in the continental United States willing to accept victims identified in these territories. In addition, DHS provided training on trauma-informed and victim-centered investigations for its San Juan field office.

HHS provided comprehensive case management services to foreign national victims of trafficking identified in American Samoa, Guam, CNMI, Puerto Rico, and USVI, and two DOJ grantees provided comprehensive and legal services to victims of all forms of trafficking in CNMI during the reporting period. HHS provided technical assistance on human trafficking to government and non-government stakeholders in Guam, with virtual participation including NGOs from other Pacific Island and Micronesian communities.

As part of the prosecution statistics previously mentioned, DOJ filed one new human trafficking case in CNMI within the reporting period. Authorities pursued related non-trafficking charges in one federal case in CNMI that involved elements of human trafficking, including victims forced to work to repay debts incurred from recruitment fees, withholding of wages, forced overtime, confiscation of travel documents, verbal abuse, and threats of deportation and physical harm, in addition to other criminal and civil actions related to the labor scheme during prior reporting periods.

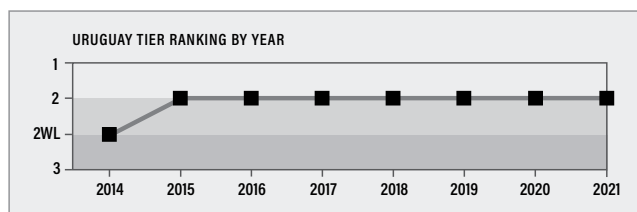
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign national victims in the United States, and traffickers exploit victims from the United States abroad. Human trafficking cases have been reported in all 50 states, the District of Columbia, and U.S. territories. Traffickers compel victims to engage in commercial sex and to work in both legal and illicit industries and sectors, including in hospitality, traveling sales crews, agriculture, janitorial services, construction, landscaping, restaurants, factories, care for persons with disabilities, salon services, massage parlors, retail, fairs and carnivals, peddling and begging, drug smuggling and distribution, religious institutions, child care, and domestic work. Individuals who entered the United States with and without legal status have been identified as trafficking victims. Victims originate from almost every region of the world; the top three countries of origin of victims identified by federally funded providers in FY 2020 were the United States, Mexico, and Honduras. Individuals in the United States vulnerable to human trafficking include: children in the child welfare and juvenile justice systems, including foster care; runaway and homeless youth; unaccompanied children; individuals seeking asylum; American Indians and Alaska Natives, particularly women and girls; individuals with substance use issues; migrant laborers, including undocumented workers and participants in visa programs for temporary workers; foreign national domestic workers in diplomatic households; persons with limited English proficiency; persons with disabilities; LGBTQI+ persons; and victims of intimate partner violence or domestic violence. Some U.S. citizens engage in extraterritorial child sexual exploitation and abuse in foreign countries. NGOs reported an increase in traffickers' use of the internet to recruit and advertise victims during the pandemic. NGOs also noted a growing trend of misinformation about human trafficking spreading throughout communities and through social media, which they reported negatively affected anti-trafficking efforts by overburdening law enforcement and victim service providers with unactionable, false information.

## URUGUAY: TIER 2

The Government of Uruguay 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Uruguay remained on Tier 2. These efforts included prosecuting more traffickers, increasing the number of dedicated anti-trafficking units in Montevideo, and launching the nation's largest investigation of sexual exploitation crimes, which included trafficking crimes and led to the identification of 20 child trafficking victims and the prosecution of more than 30 individuals for soliciting a child sex trafficking victim. However, the government did not meet the minimum standards in several key areas. The government identified fewer victims than in the previous reporting period. Law enforcement officials did not proactively and systematically identify victims, and the government did not provide adequate victim services or consistent access to shelters. The government devoted inadequate resources to investigating, prosecuting, and convicting labor traffickers and to protecting labor trafficking victims. There were no protection services accessible to adult male trafficking victims, and officials inconsistently referred labor trafficking victims to services. Some victims declined to participate in trials against their traffickers due to doubts about the government's ability to ensure their safety.





### PRIORITIZED RECOMMENDATIONS:

Provide adequate services and shelter for all victims, especially male victims and those outside the capital. • Increase training for law enforcement officials, labor inspectors, coast guard officers, prosecutors, judges, and social workers to understand human trafficking and, as appropriate, proactively identify victims of sex and labor trafficking. • Implement a set of routine guidelines for the proactive identification of trafficking victims and train officials to use them. • Designate an agency responsible for the provision of services to male trafficking victims. • Operationalize a centralized database to systematically record official statistics on anti-trafficking law enforcement efforts and victim identification, including those outside the capital. • Refer labor trafficking victims to services upon identification, hold labor traffickers criminally accountable, and establish standard operating procedures for Ministry of Labor officials to combat labor trafficking. • Allocate a dedicated anti-trafficking budget, fund the implementation of the national action plan and the anti-trafficking law, and increase funding for victim services. • Expand long-term and reintegration services, including vocational training. • Proactively screen foreign workers for trafficking indicators, including through inspections aboard foreign-flagged vessels in Uruguayan waters and docked at port. • Establish a facility accessible to victims while shelters are closed during the day. • Vigorously investigate and prosecute all forms of human trafficking, including forced labor and child sex trafficking. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Consistently inform victims of their rights under the law, including to apply for permanent residence permits and compensation from their traffickers, and support those victims who wish to pursue these rights. • Revise the definition of trafficking under Uruguayan law to align with the definition in the 2000 UN TIP Protocol. • Ensure the safety of victims participating in trials against their traffickers as required by law and inform victims of available protective measures.

### PROSECUTION

The government maintained law enforcement efforts. Article 78 of the 2008 immigration law criminalized sex trafficking and labor trafficking, prescribing penalties of four to 16 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The penalties were increased by one-third to one-half if the trafficking offense involved a child victim. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as an aggravating factor rather than as an essential element of the crime.

In 2020, the government initiated 22 new trafficking investigations, compared with 23 trafficking investigations in 2019 and 23 in 2018. In one case involving four suspects and eight potential victims, law enforcement investigated whether a mother and daughter partnered with a Cuban couple to exploit Cuban women in sex trafficking at brothels in Paysandú and Montevideo. The government prosecuted eleven accused traffickers in 2020, compared with four in 2019 and four in 2018. The government did not report whether these alleged traffickers were accused of sex or labor trafficking; it did, however, confirm that at least two were foreign nationals. Officials also prosecuted 39 individuals for soliciting child sex trafficking victims, compared with two such prosecutions in 2019. The vast majority of these additional prosecutions stemmed from a coordinated, multi-jurisdictional law enforcement investigation, called Operation Ocean,

targeting men – including a former juvenile court judge, a politician, and a high school principal – who solicited girls on dating mobile apps or online classified pages, which also led to the identification of 20 child trafficking victims. The government convicted four traffickers in 2020, compared with eight traffickers in 2019 and zero in 2018. Judges sentenced traffickers convicted in 2020 to between 17 months' and six years' imprisonment. In one case, courts convicted under charges of forced prostitution a sex trafficker who exploited her daughters in commercial sex over several years. In the past five years, the government reported investigating 55 trafficking cases and prosecuting 39 suspected traffickers, but convicted just 15 traffickers. The government reported convicting one individual for soliciting a child sex trafficking victim. Officials reported courts closed briefly in March 2020, but judicial activity was otherwise uninterrupted by pandemic-related circumstances. The government collected data on active cases, including trafficking cases, via the Accusatory Penal Process Information System (SIPPAU). However, it remained difficult to obtain comprehensive data, especially on trafficking investigations, prosecutions, and convictions outside the capital region, and analyze trends across reporting periods.

The Ministry of Interior's organized crime division was the primary entity responsible for anti-trafficking law enforcement efforts. However, the Ministry of Labor (MTSS) directed most efforts related to labor trafficking; MTSS primarily responded to labor traffickers through administrative processes, although cases it referred to the prosecutor's office could also be criminally prosecuted. The attorney general's office in Montevideo had three gender-based violence units that prioritized investigating and prosecuting crimes related to human trafficking and the exploitation of children, up from two in 2019; there were no specialized units outside of the capital. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government offered limited anti-trafficking training to law enforcement officials responsible for victim identification and investigation, but it included trafficking-specific modules in standard gender-based violence training for approximately 375 law enforcement officers in 2020; 62 officials opted into an online anti-trafficking training for law enforcement. Observers indicated law enforcement officials did not employ systematic procedures to identify victims proactively. Uruguayan officials coordinated with United States officials in relation to a United States citizen convicted of human trafficking and serving a term of imprisonment in Uruguay.

### PROTECTION

The government decreased protection efforts. The Ministry of Social Development (MIDES) facilitated the care and protection of trafficking victims through two entities: the National Institute for Women (Inmujeres), which served adult female trafficking victims, and the National Institute for Children and Adolescents (INAU), which served child trafficking victims. Both institutions primarily catered to sex trafficking victims, as MTSS maintained responsibility for most labor trafficking victims identified through its inspections. In 2020, the Ministry of Social Development reported Inmujeres assisted 37 newly identified victims in 2020, compared with 83 victims in 2019 and 95 victims in 2018; it did not report the number of trafficking victims assisted by INAU. The 37 victims served by Inmujeres were all adult women; they were mostly Uruguayan, Dominican, or Cuban. The government did not report identifying any adult male, child, or LGBTQI+ trafficking victims in 2020; the government did not consider the 20 victims identified through Operation Ocean to be trafficking victims and provided them services through the Victim Protection Unit of the prosecutor's office. An INAU program for child victims of sexual exploitation operating in Montevideo served 42 children during the reporting period, but it was not clear how many of these children were victims of trafficking, as opposed to other forms of exploitation. The government had a variety of victim protection protocols and written referral mechanisms on assisting victims, including an interagency response system; however, it did not have a lead agency or inter-institutional protocols to facilitate

the proactive identification of trafficking victims by law enforcement or other officials. MIDES was the principal provider of services for victims of crimes; specialized services for victims of trafficking were very limited in Uruguay and, in practice, only available to adult female sex trafficking victims. Inmujeres coordinated with civil society to provide services for female sex trafficking victims at its centers in Montevideo and Cerro Largo, and INAU had a partial-service center for child sex trafficking victims in Paysandú. Inmujeres provided some services by phone or video call during the reporting period to limit disruption under pandemic-related restrictions, although not all services could be administered virtually, and these services were unavailable to victims for periods of time. The government adapted physical spaces to continue accommodating victims in-person where possible, including by installing barriers and screening for symptoms. The government primarily provided services to adult female victims of sex trafficking; it did not have shelters or services designed to accommodate male, LGBTQI+, or labor trafficking victims. When officials identified such victims, the government could usually arrange ad hoc housing in hotels or non-specialized shelters designed to serve other vulnerable populations, such as individuals experiencing housing insecurity or recovering from addiction. Some organizations expressed concern about the lack of formality in victim referral. The government and civil society continued to operate a 14-member mobile team of psychologists, social workers, and lawyers that responded to cases involving child victims in the interior of the country. The government offered limited trainings throughout the year, often virtually and with the support of international organizations, including a four-week course on child sexual exploitation for INAU staff and a training for medical professionals on identification and referral procedures for gender-based violence, including trafficking.

The government contracted with NGOs to provide victims services similar to those given to other vulnerable populations, such as the homeless, refugees, and citizens on welfare; there were no specialized services for trafficking victims. Although government officials had some facilities that could temporarily house victims, there were no dedicated shelters for trafficking victims. Government officials expressed concern that victims' security would be at risk in a centrally located, trafficking-specific shelter, due to the country's small size. The government preferred to lodge victims in hotels and occasionally referred them to shelters or group homes serving other populations, such as victims of domestic violence. Civil society expressed concerns about the suitability of these facilities, as they did not meet the needs of trafficking victims, and reported challenges finding shelter for trafficking victims, particularly for those identified outside the capital. Many shelters were overnight-only facilities; observers identified a need for daytime facilities and programming. Civil society reported government services focused mostly on psycho-social and legal assistance, while long-term services, such as housing, vocational support, and job placement, were insufficient. Inmujeres provided 11.37 million pesos (\$269,770) to its NGO partners to fund provision of services and allocated 304,500 pesos (\$7,230) to cover short-term hotel stays for victims. The government did not report other budget allocations or funding for victim assistance. Although the government had a protocol to provide security and protection measures to victims, observers reported the government could not ensure victims' physical safety, and fear of retaliation prevented some victims from participating in trials against their traffickers. Victims could file civil suit to seek compensation from their traffickers, but the government did not report whether any victims did so in 2020. Foreign victims were entitled to work permits and permanent residency status and had 180 days to decide whether to stay in the country, return to their country of origin, or resettle in a third country. However, the government did not report issuing residence permits to any foreign victims during the reporting period, and there was no record it had done so since the 2018 legislation establishing this entitlement.

## PREVENTION

The government slightly decreased prevention efforts. The national trafficking council, composed of high-level government agencies and

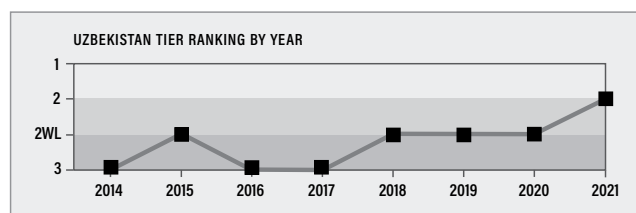
civil society participants and led by MIDES, met twice during the reporting period. The council was responsible for the implementation of recommendations from international organizations and institutional oversight on the implementation of Law 19.643 and the 2018-2020 national action plan. During the reporting period, the council began drafting a 2020-2022 national action plan. The national trafficking council was required to publish at least one public report per year, usually an annual review of its anti-trafficking efforts, but did not release a report in 2020. The government did not allocate funding to implement the trafficking law or the national action plan, and the trafficking council lacked an operational budget. The government conducted activities to promote awareness of human trafficking in 2020; with the support of an international organization, the government conducted one virtual awareness-raising workshop for officials in communities with an established trafficking risk. The government continued to distribute to the public informational and awareness-raising materials developed in previous reporting periods. Generally, the government's awareness-raising efforts featured trafficking as a sub-topic of wider programming on gender-based violence and other related crimes. The government operated telephone hotlines and a corresponding cellphone app where the public could report crimes; the government did not report how many calls involved trafficking cases. In 2020, the government launched a hotline dedicated to a nationwide investigation; in addition to information related to that case, officials also reported receiving tips leading to five new investigations, at least one of which involved human trafficking. The Ministry of Labor reported it trained its inspectors to identify labor trafficking indicators; these inspectors continued to perform regular labor inspections during the pandemic, including in establishments known to facilitate commercial sex. Labor inspectors lacked specific procedures to identify trafficking, although the Ministry of Labor had primary responsibility for labor trafficking. The government encouraged private sector actors to engage in an anti-child sex tourism campaign but did not otherwise 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 Uruguay, and traffickers exploit victims from Uruguay abroad. Uruguayan women and girls – and, to a more limited extent, transgender adults and male adolescents – are exploited in sex trafficking within the country. Traffickers force Uruguayan women and LGBTQI+ individuals into commercial sex in Argentina, Brazil, Italy, and Spain. Traffickers exploit women from Cuba, the Dominican Republic, Haiti, and, to a lesser extent, from South American countries, in sex trafficking in Uruguay. Many victims are South American women of African descent. Foreign workers, mainly from Argentina, Bolivia, Brazil, Cuba, the Dominican Republic, and Paraguay, are exploited in forced labor in construction, domestic service, cleaning services, elder care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Cuban nationals working in Uruguay may have been forced to work by the Cuban government. Sex traffickers exploited migrants, particularly women, from Cuba in border cities; sex traffickers may move victims city-to-city to avoid detection and prolong exploitation. From 2018 to 2020, 17 crewmember deaths were associated with Taiwan-, Chinese-, and other foreign-flagged fishing vessels docked at the Montevideo port and in Uruguay's waters; before 2018, observers reported an average of 11 crewmember deaths per year. Foreign workers aboard these vessels are subjected to abuses indicative of forced labor, including unpaid wages, confiscated identification documents, and physical abuse, and there are anecdotal reports of murder at sea. Citizens of other countries, including China and the Dominican Republic, may transit Uruguay en route to other destinations, particularly Argentina, where some are exploited in trafficking. There was heightened vulnerability to trafficking in the interior of the country, where the government's monitoring and anti-trafficking efforts had limited reach. In particular, domestic workers employed in the interior of the country are at greater risk of trafficking.

## UZBEKISTAN: TIER 2

The Government of Uzbekistan 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Uzbekistan was upgraded to Tier 2. These efforts included passing a new anti-trafficking law outlining improved victim protection protocols; amending the criminal code to explicitly criminalize child forced labor in the first offense; identifying more victims than in prior years; investigating, prosecuting, convicting, and sentencing significantly more traffickers than the previous reporting period, constituting the first quantitative enforcement increase in six years; and, for the first time, referring potential cases of official complicity in cotton harvest forced labor for criminal investigation. Authorities also undertook new efforts to repatriate and provide robust protection and reintegration services for hundreds of Uzbekistani women and children previously stranded in exploitative conditions that often amounted to trafficking in armed conflict zones in Syria, Iraq, and Afghanistan; mitigated elevated risk among vulnerable populations during the pandemic by connecting nearly half a million unemployed migrant workers with job opportunities; and significantly reduced the incidence of forced labor in the annual cotton harvest—despite an increase in the size of the work force—through continued mechanization and privatization measures, increased oversight into labor practices, expanded provision of monitoring access to civil society and international organizations, and other factors. However, the government did not meet the minimum standards in several key areas. Local officials in some districts continued to impose cotton production quotas in contravention of the national ban on the practice, perpetuating incentives for the mobilization of civil servants into cotton harvest forced labor in some areas of the country. Although the government continued to fine officials for labor violations, for the ninth consecutive year it did not criminally prosecute any officials for their alleged complicity in forced labor crimes. Existing laws establishing forced labor as an administrative violation at first offense continued to constrain effective enforcement.



### PRIORITIZED RECOMMENDATIONS:

Continue substantive action to end all government-compelled forced labor and hold complicit officials criminally accountable, including by increasing enforcement of the national ban on cotton production quotas at local levels. • Continue efforts to ensure all citizens are aware of their “right to refuse” participation in the cotton harvest or other work outside their professional duties, and of the requirement to pay for replacement workers, without suffering consequences. • Amend legislation to fully criminalize forced labor in the first offense. • Respecting due process, increase investigations and, when sufficient evidence exists, criminally prosecute, convict, sentence, and incarcerate persons complicit in human trafficking, including officials involved in mobilizing forced labor. • Establish and implement a legal framework to regulate labor brokers involved in the recruitment of seasonal agricultural workers. • Continue to grant and expand the access of independent observers to monitor cotton cultivation and fully cease the harassment, detention, and abuse of activists and journalists for documenting labor conditions. • Expand space for civil society and freedom of association for labor activists, including

by streamlining and increasing registration of anti-trafficking NGOs, and by ensuring that local governments do not interfere with the formation of labor unions. • Continue training law enforcement officials and labor inspectors on proper identification and handling of trafficking cases, with an emphasis on anti-trafficking legislation and evidence gathering procedures. • Improve victim identification among, and provision of psychosocial care to, Uzbekistani families repatriated from armed conflict in Syria, Iraq, and Afghanistan. • Train all first responders to officially identify potential trafficking victims and refer them to care. • Improve anti-trafficking coordination and communication between government agencies, NGOs, and the international donor community by establishing a secretariat within the national trafficking in persons commission. • Amend legislation to ensure victims are not penalized for any unlawful acts traffickers compelled them to commit, particularly for illegal border crossings or loss of personal identification documents. • Encourage prosecutors to proactively seek victim restitution in criminal cases. • Monitor private employment agencies for recruitment fees and ensure they are paid by employers rather than prospective job applicants.

### PROSECUTION

The government increased law enforcement efforts. Article 135 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to five years’ imprisonment for offenses involving an adult victim and eight to 12 years’ imprisonment for those involving a child victim, which were sufficiently stringent. However, with respect to sex trafficking, by allowing for house arrest in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, Article 135 established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime. Article 148 (2) of the criminal code addressed “administrative forced labor.” Such offenses involving adult victims were only considered administrative violations for first time offenses; repeated offenses were penalized with a fine or imprisonment of up to two years. In February 2021, Article 148 (2) was amended to criminalize all “administrative forced labor” offenses involving children with a fine or up to three years’ imprisonment. Civil society and government contacts alike noted these provisions, coupled with limited capacity to identify the crime among judicial officials and frontline officers, significantly constrained Uzbekistan’s ability to prosecute and convict labor traffickers.

The government continued to provide increasingly detailed law enforcement data compared to previous reporting periods. Progress was, at times, constrained by gaps in technical capacity, lack of familiarity with existing laws, insufficient evidence gathering procedures, and poor coordination between the labor inspectorate and judicial officials. Some enforcement efforts suffered as a result of the pandemic, during which observers reported an increase in the prioritization of cases involving the sale of children, at the expense of anti-trafficking work. Some law enforcement officers were hesitant to investigate trafficking crimes due to a perception that cases would be too difficult to prosecute. Despite this, for the first time in six years, investigations, prosecutions, convictions, and incarcerations increased. The government reported conducting 566 investigations and prosecuting 93 cases – 51 cases of sexual exploitation, 39 of cases involving unspecified exploitation of children, and three of forced labor – involving 129 suspects, compared with 66 investigations and 53 prosecutions involving an unspecified number of defendants in 2019. Because of a tendency to conflate cases involving “sexual intercourse with a person under the age of 16” with sex trafficking, it is possible some of the 566 reported investigations contained elements inconsistent with international law. For the second consecutive year, these figures included an increase in international investigations under the auspices of a tripartite anti-trafficking enforcement initiative between the governments of Uzbekistan, Kazakhstan, and Tajikistan; 28 of the 93 prosecutions featured trafficking crimes committed abroad. Authorities also cooperated with Kazakhstani counterparts to extradite an Uzbekistani national following reports from labor



migrants that the individual had recruited them and subsequently withheld their wages; the case was pending at the end of the reporting period. The government reported convicting 100 defendants for crimes involving trafficking in 2020, including 50 for sexual exploitation, six for forced labor, and 44 for “trafficking in minors,” compared to 64 total in 2019. Of the 100 convicted traffickers, courts sentenced 33 to imprisonment, 35 to house arrest, one to correctional labor, and 20 to probation, compared with 18 imprisoned, 22 put under house arrest, and two fined in 2019. Four convicted traffickers received unreported sentences, and seven were granted amnesty (three amnesties in 2019). Uzbekistan’s State Security Services also reported unspecified enforcement actions against 102 criminal groups for human trafficking crimes in 2020. Some victims reached financial settlements outside of the justice system, in some cases with the facilitation of low-level officials.

The Ministry of Interior (MOI) maintained an investigatory unit dedicated to trafficking crimes. A 2019 presidential decree mandated the MOI to establish a law enforcement trafficking data repository; this process was significantly delayed in 2020 due to the pandemic, but authorities reportedly resumed the work through a third-party organization prior to the end of the reporting period. In partnership with international organizations and civil society, the government continued to provide trafficking-specific training to police, judges, and other authorities, including the labor inspectorate. In addition to attending state-funded training, government officials participated in seminars and conferences sponsored by the government and led by NGOs, international organizations, and foreign governments.

The labor inspectorate continued to gather evidence against local *hokims* and other officials for their alleged involvement in cotton harvest-related crimes, including trafficking, and for the first time it reported referring six such cases to the Prosecutor General’s Office for further investigation; authorities did not report the status of those cases. The government administratively penalized at least 170 officials—including 46 *hokims*, deputy *hokims*, and leaders of banks—for cotton harvest labor crimes during the reporting period, a decrease from 259 officials in 2019; fines totaled 653.2 million soum (\$62,380) (compared with 550 million soum, or \$52,520, in 2019). Amid law enforcement coordination challenges and legislative limitations establishing forced labor in the first offense as an administrative violation, the government did not criminally charge, prosecute, or convict any government officials for their complicity in human trafficking cases for the ninth consecutive year. Police continued to arbitrarily detain and threaten LGBTQI+ persons under legislation criminalizing homosexuality, at times resorting to threats and physical abuse to extort bribes or coerce them into informant roles or pornography; authorities spuriously charged some LGBTQI+ persons under anti-prostitution provisions.

## PROTECTION

The government increased protection efforts. Authorities formally identified 150 victims of trafficking in 2020, compared with 95 in 2019; this marked the first increase in annual victim identification figures since 2012. However, 37 of these cases involved the sale of children, and the government did not report if these included sex trafficking or forced labor indicators in accordance with international law. Of the 150 victims, 138 were women and 12 were men (compared with 90 and five, respectively, in 2019). Sex traffickers exploited 89 of the victims, and labor traffickers exploited 12 victims (compared with 89 and six, respectively, in 2019); authorities did not report on the circumstances of the remaining 49 victims. At least 70 victims endured exploitation in Uzbekistan (15 in 2019), with the remainder exploited abroad. The government again did not identify any victims of foreign origin. NGOs identified and assisted 239 victims during the reporting period (579 in 2018 and 676 in 2017); the government did not report how many of these it referred (171 in 2019). NGOs filed 121 applications to initiate criminal cases on behalf of victims; authorities did not report how many of these culminated in official investigations (compared with 457 in 2018).

With the assistance of international partners, the government completed and promulgated a law that included provisions significantly enhancing victim protection procedures and policies. Per Article 27 of the law, victims of human trafficking were exempted from civil, administrative, and criminal liability for acts committed under coercion. The government also finalized victim identification and referral guidelines originally mandated in a 2019 presidential decree and initiated in conjunction with international partners, but key stakeholder ministries did not report on their implementation in 2020. International observers argued insufficient implementation of these new victim identification guidelines continued to put potential victims at risk of penalization, particularly among individuals in commercial sex and migrant workers. Current law did not explicitly exempt transnational sex and labor trafficking victims from facing a criminal penalty for illegally crossing international borders, which may have deterred some victims from reporting their traffickers. The closure of international borders as a pandemic mitigation measure significantly decreased irregular migration; in previous years, some victims initially faced criminal penalties for illegal border crossings.

The new victim identification and referral procedures outlined an expanded list of ministries authorized to make initial victim identification and approve victims for receipt of government assistance, after which cases would be referred to local trafficking in persons commissions for final verification. Officials authorized to identify trafficking victims could refer them to either a state-run shelter or NGOs for services. Civil society observers expressed concern that this new two-step process was not sufficiently detailed or inclusive of NGO roles, lacked victim-centered approaches outlined in relevant legislation, and was overly bureaucratic in nature, and might therefore incentivize territorial commissions to refer victims to NGO services directly rather than confirming victim designation. Victims were not required to file a criminal complaint to benefit from government-provided protection services; the government did not provide information on how many such individuals received assistance. Local officials regularly referred victims who did not wish to pursue a criminal case to NGO offices for assistance. Some victims were reluctant to contact or cooperate with law enforcement due to distrust in the authorities and fear for their personal and familial safety. Uzbekistan’s diplomatic missions abroad helped repatriate 50 Uzbekistani victims during the reporting period (compared with 51 in 2019). The government also worked to repatriate thousands of Uzbekistani migrant workers stranded in Kazakhstan and Russia due to the pandemic-related closure of businesses and borders; authorities did not report specific measures to screen these groups for trafficking indicators. As part of its “*Mehr*” or “Compassion” campaign, the government also located and repatriated hundreds of Uzbekistani women and children who had traveled with their male relatives to Syria, Iraq, and Afghanistan and had subsequently been confined to camps, often in exploitative conditions. Although the government did not positively identify any of these women or children as victims of trafficking, it funded and provided them with shelter, education, limited psychosocial care, and other medical services for five-week cycles throughout the reporting period. Some NGO observers claimed capacity was low among psychosocial care providers in these facilities. Authorities also held online seminars to share best practices on rehabilitation and reintegration of these communities for Central Asian and Russian government counterparts.

In 2020, the government matched its 2019 allocation of 1.2 billion soum (\$114,590) to operate its Tashkent-based trafficking center for men, women, and children with official victim status. The government assisted 92 victims at this facility in 2020, compared with 220 victims in 2019—a decrease attributable to pandemic-related border closures and limitations on service availability. This center provided shelter, medical and psychological care, legal services, job placement assistance, and restoration of lost identity documents. The center had the capacity to accommodate foreign victims, but the government has not served any foreign victims in the shelter since its opening in 2009. The government also operated 197 centers to assist women

subjected to domestic violence, including trafficking victims; these centers were managed and funded by regional governments, some of which coordinated with local anti-trafficking organizations. Anti-trafficking NGOs continued to report favorable cooperation with the government. During the reporting period the government issued a presidential order affording NGOs additional support and legal protections, including expanded annual funding caps from foreign donors, increased state funding contributions, and administrative penalties for government officials or entities that interfere with their activities. However, civil society observers noted ongoing delays in NGO registration constrained some service provision. The government continued to provide in-kind support to local NGOs for the provision of victim assistance, such as food and clothing, and for the first time in recent years it reported provision of direct funding assistance to some anti-trafficking NGOs. Several NGOs also competed for and received a total of 461 million soum (\$44,020) in grants from a general governmental assistance fund (compared with 817 million soum, or \$78,020, in 2019). New anti-trafficking legislation strengthened language guaranteeing victims' confidentiality, but it was unclear if this applied to the divulgence of victims' identities in court proceedings. Although victims could bring civil suits against traffickers, such instances were rare due to the high cost of legal representation, which was neither provided by the government nor affordable to most victims. With the assistance of an NGO, at least 10 victims received compensation in 2020 (unreported in 2019).

## PREVENTION

The government increased prevention efforts. The government maintained its National Commission on Trafficking in Persons and Forced Labor (the Commission) with the Chair of the Senate serving as the National Rapporteur. The Commission comprised two high-level sub-committees: one on trafficking in persons, chaired by the Minister of Internal Affairs, and one on forced labor, chaired by the Minister of Employment and Labor Relations. The Commission directed the activities of regional commissions in 12 regions, one autonomous republic, and one independent city (Tashkent). The Commission continued to convene monthly, and the regional commissions met every 14 days, despite pandemic-related challenges. Members of Uzbekistan's anti-trafficking civil society landscape participated in the national and regional meetings. Some international observers described insufficient coordination and communication between the Commission and civil society partners in the absence of a secretariat structure. The government did not centrally allocate funding for the Commission, which instead required funding contributions from individual member ministries' budgets; this arrangement reportedly led to overreliance on NGO and international assistance. The government updated its national action plan to reflect international input in 2020 but did not provide information on these updates; it also maintained a roadmap developed by an NGO and a series of recommendations submitted to the government by an international organization during a previous reporting period.

Uzbekistan's cotton harvest was unimpeded by the pandemic in 2020. A combination of ongoing robust mechanization efforts, continued awareness-raising activities, continued consolidation of the cotton sector into a privatized "cluster"-based system, increased wages for cotton pickers, some improved recruitment practices, and the government-facilitated voluntary participation of hundreds of thousands of unemployed migrant workers as a pandemic-mitigation measure significantly reduced the incidence of forced labor in the 2020 harvest. According to the ILO, reports of forced labor in cotton picking decreased by 33 percent in 2020. The government continued to implement ILO recommendations, further reduced land allocated for cotton cultivation, and purchased more machinery to work toward the mechanization of the harvest. In 2020, the government reported increasing the total number of private textile-cotton clusters to 96 – nearly 30 more than the previous year – accounting for more than 90 percent of arable production land (an increase from 63 percent in 2019). The clusters processed cotton from cultivation to finished textile products and paid higher wages to workers. Approximately 30

percent of established cluster sites also provided technical services and methodological advice to participating farmers. The government reiterated a March 2020 presidential decree banning the imposition of cotton production quotas and warned local authorities against the harvest mobilization of students, in particular. However, some local officials continued to mobilize adults and children into compulsory cotton picking to meet local harvest benchmarks established in direct violation of the decree. Labor inspectors identified cases in which local *hokims* directed banks to send their employees into the cotton fields or find and/or pay for replacements through unregulated, informal channels; as in previous years, this de facto penalty system generated a lucrative means of extortion for corrupt officials. NGOs continued to report that many of the voluntary pickers preferred to be hired as replacement pickers by those seeking to avoid the cotton fields, as this enabled them to earn income beyond the standard picking wages. Farmers who were unable to fulfill illegal quotas risked losing the rights to farm their government-leased land. Media reports indicated – and some government officials acknowledged – that ongoing development of the privatized cluster system inadvertently generated other vulnerabilities, including avenues for private businesses to subject harvest workers to contract violations, loss of bargaining power or choice of cluster-affiliation, coerced cultivation of cotton under threat of land loss, wage irregularities, and forced overtime. Some authorities reportedly expropriated land formerly leased or owned by individual farmers for the creation of new cluster sites without adequately compensating them, increasing their vulnerability to forced labor at those clusters. NGO observers noted the absence of a legal framework to ensure oversight of worker contracts and regulate and ensure proper licensing of labor recruitment intermediaries left seasonal agricultural workers vulnerable to forced labor in some cluster sites. The 2020 harvest marked the seventh consecutive year the government conducted a nationwide campaign to raise public awareness of its prohibition of child labor in the cotton harvest. The government continued to uphold this prohibition; while there were isolated reports of children working in the fields—a trend that may have increased due to family-directed mobilization of children in response to pandemic-related school closures and economic hardships—there continued to be no reports of systemic mobilization. The government, in coordination with the ILO, continued to conduct awareness-raising campaigns to ensure citizens were aware of their labor rights.

For the sixth consecutive year, the government allowed the ILO to monitor the cotton harvest for child and forced labor, and ILO monitors had unimpeded access to the cotton fields for observations and to interview laborers. For the first time, the government also issued official monitoring access permits to civil society groups. The ILO assessed that government entities compelled approximately 80,000 pickers out of an estimated two million-member workforce to work in the 2020 harvest—a significant decrease compared with 102,000 in 2019, 170,000 in 2018, and 336,000 in 2017. However, as was the case in previous years, in 2020 the annual rate in the reduction of forced laborers continued to slow. For the third year, authorities granted the ILO access to data acquired through the government's Cotton Harvest Feedback Mechanism, which included dedicated telephone hotlines and messaging applications for reports of labor violations; this mechanism and Federation of Trade Unions system received a total of 970 complaints, including 180 complaints related to wage irregularities and inadequate working conditions and 790 explicit allegations of forced labor, during the cotton harvest season (compared with 1,563 in 2019). The government continued to increase the size of the labor inspectorate, bringing the total number of labor investigators assigned to look into these complaints across the country to 600 (compared with an increase to 400 in 2019). Inspectors reported these complaints resulted in the positive identification of 101 cases of adult forced labor in the cotton harvest, leading to fines for at least 170 officials—a decrease from 259 officials in 2019; fines totaled 653.2 million soum (\$62,380) (550 million soum, or \$52,520, in 2019). Six of these cases were sent to criminal courts for additional investigation for the first time.

User assessments of the feedback mechanism were unavailable in 2020; in previous harvests, observers reported concerns about the effectiveness of the mechanism, the credibility and efficacy of ensuing investigations, and fear of retaliation for its use. For the third year, the government included independent human rights activists in harvest monitoring, field interviews, awareness raising activities, and the review of cases gathered through the mechanism. Observers reported isolated incidents in which local government officials harassed and temporarily detained independent civil society activists who attempted to monitor the cotton harvest, at times under the pretext of quarantine requirements. Media, including state media outlets, continued to report on forced labor practices, problems, and violations, generally without penalization or censorship; however, at least one high-profile blogger was subjected to politically motivated arrest, detention, and repeat criminal charges after attempting to report on farmers' dissatisfaction with cluster model-related land management. As with service provision, delays in or refusal of NGO registration constrained some civil society efforts to monitor and assist the victims of forced labor in the cotton harvest. During the reporting period, local authorities reportedly harassed and threatened several activists in response to their efforts to establish Uzbekistan's first independent labor union.

In a prior reporting period, the government encouraged Ministers to use a special fund under the Ministry of Employment and Labor Relations to recruit unemployed individuals for public works, instead of subjecting civil servants and students to forced labor therein. In 2020, the government allocated 262 billion soum (\$25 million) to this fund (unreported in 2019; 714 billion in 2018), through which it successfully provided job opportunities to nearly half a million Uzbekistani nationals left suddenly unemployed by the pandemic, assuaging a significant economic driver of potential exploitation. Unlike in 2019, the Ministry of Employment and Labor Relations did not provide information on the amount of fines for labor violations it contributed to the fund (6.6 billion soum, or \$630,260, in 2019). An NGO reported the central government continued to set silk cocoon production quotas, which may have incentivized government officials to coerce in-home silk production in some communities. The government continued to call for *hashar*, or volunteer workdays, throughout the country; some local leaders characterized cotton picking and street cleaning as *hashar*.

The government continued to provide support to labor migrants abroad, including victims of forced labor, and allocated a budget of 8.5 billion soum (\$811,690); this significant decrease from 200 billion soum (\$19.1 million) in 2019 was likely attributable to the pandemic-related decline in labor migration. Uzbekistan's Agency for Foreign Labor Migration (the Agency) continued outreach to prospective labor migrants, serving to reduce potential risks of trafficking among this population. The Agency also conducted pre-departure consultations, through which it provided information on primary destination countries' labor and migration laws – especially Russia and Kazakhstan; issued some prospective migrant workers health insurance; and provided micro-loans to those who could not find work abroad. The government also operated a 24-hour hotline in Russia that provided Uzbekistani labor migrants with legal advice, advised them of their rights, and directed them to the nearest consulate for assistance. The government maintained bilateral employment agreements outlining citizens' labor rights with Japan, Poland, Russia, South Korea, and Turkey; during the reporting period, it signed a new agreement on migrant worker rights with Kazakhstan, negotiated improvements to the aforementioned agreement with Russia, and worked with Moscow municipal authorities to establish a migrant labor recruitment and training center in Tashkent. Private companies, including foreign and local, had official permission from the government to recruit Uzbekistani citizens for jobs abroad and within Uzbekistan. Although the companies were required to obtain recruitment licenses, the government did not report the number of such licenses granted. During the reporting period, the government banned the imposition of recruitment fees on workers seeking

employment abroad, addressing a longstanding recommendation from international observers; however, it was unclear to what extent authorities enforced this ban.

The government's expanded labor inspectorate reported conducting 16,671 inspections and investigations in 2020, although it did not specify how many were initiated by worker complaints (compared with 21,172 inspections and 8,322 complaint investigations in 2019). These inspections and investigations culminated in the identification of more than 15,000 employment law violations. As in previous years, the inspectorate did not report screening for trafficking indicators or referring any cases for criminal investigation as part of these inspections. Labor inspectors were not empowered to bring criminal charges for first time violations of the law against forced labor, and international observers noted some inspectors also demonstrated limited comfort with their administrative enforcement mandate. Authorities continued to conduct public awareness efforts on transnational sex and labor trafficking, including through events, print media, television, and radio, often in partnership with and in-kind support to NGOs. Authorities worked with a diaspora organization in Tashkent to secure citizenship documentation for over 150 previously stateless Uyghur residents. The government maintained a 24-hour hotline; in 2020 the line received 318 trafficking-related phone calls, from which 93 were identified as trafficking cases (422 and 75, respectively, in 2019). An NGO maintained a foreign donor-funded hotline. The government did not conduct efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit Uzbekistani victims domestically and abroad, and some foreign nationals may be vulnerable to trafficking within Uzbekistan. Forced labor in the annual cotton harvest continues to decrease as a function of ongoing national reforms within the sector; however, local officials in several areas of the country continue to subject thousands of students, teachers, emergency personnel, medical workers, soldiers, and other civil servants into cotton picking in furtherance of illegal local production quotas. Some adults who refuse to pick cotton, are unable or unwilling to pay for a replacement worker, or do not fulfill their daily quota, at times face the loss of social benefits, termination of employment, or other forms of harassment. Some employees and market vendors choose to hire a replacement picker directly, pay a fee for the mobilizer to find a replacement picker, or pay a fine, rather than pick cotton; this generates a coercive arrangement that penalizes those who choose not to participate in the harvest while also creating a lucrative means of extortion for corrupt managers and officials. Private companies in some regions mobilize employees for the harvest under threat of increased government inspections of, and taxes on, their operations. Farmers forced to vacate and remit their land to private cotton operators are at high risk of forced labor, including in the cluster sites established on their former land, due to disruption of livelihoods and ensuing economic hardships.

The government subjects adults to forced labor in other sectors as well. Some local officials reportedly provide silkworms to farmers and force them to sign contracts stating they will agree to cultivate silk cocoons in furtherance of national production quotas. Despite a 2018 government prohibition on the practice, some local officials continue to force teachers, students (including children), private businesses employees, and others to work in construction and other forms of non-cotton agriculture, and to clean parks, streets, and buildings. Officials occasionally cast these compulsory tasks as part of Uzbekistan's traditional *hashar* system, under which community members are expected to perform voluntary work for communal benefit. Criminalization of same-sex relationships between men makes some members of Uzbekistan's LGBTQI+ communities vulnerable to police abuse, extortion, and coercion into pornography and informant roles; widespread social stigma and discrimination against LGBTQI+ individuals also compound their vulnerability

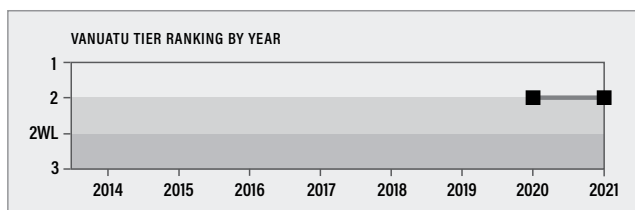


to family-brokered forced marriages that may feature corollary sex trafficking or forced labor indicators. Children in institutions are vulnerable to sex trafficking. Traffickers exploit Uzbekistani nationals domestically in brothels, clubs, and private residences.

Traffickers exploit Uzbekistani nationals in sex trafficking and forced labor in the Middle East, including in Bahrain, Iran, and United Arab Emirates; in Europe, including Estonia, Georgia, Latvia, Moldova, Russia, and Turkey; and in Central, South, and East Asia, including in Kazakhstan, Sri Lanka, and Thailand, respectively. Uzbekistani nationals are subjected to forced labor in these regions in the construction, transportation, oil and gas, agricultural, retail, and food sectors. Hundreds of thousands of Uzbekistani migrant workers are at elevated risk of trafficking within Russia, where employers and authorities charge high work permit fees that catalyze debt-based coercion, subject them to poor living and working conditions, and garnish or withhold their wages; these vulnerabilities are often compounded by Russian employers' failure to register Uzbekistani migrant workers with the relevant authorities. Over half of Uzbekistani migrant workers reportedly forego the complex bureaucratic processes required to obtain proper documentation, exacerbating their vulnerability within the system. Some Uzbekistani men travel to Syria, Iraq, and Afghanistan to fight alongside or seek employment within armed groups and are subsequently subjected to forced labor in cooking, cleaning, and portering. Uzbekistani women and children traveling with these men are also vulnerable to sex trafficking and forced labor on arrival; many are reportedly placed alongside other Uzbekistani family members in makeshift camp communities, where their travel and identity documentation is confiscated and their freedom of movement is restricted. Many of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may feature corollary sex trafficking or forced labor indicators.

## VANUATU: TIER 2

The Government of Vanuatu 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Vanuatu remained on Tier 2. These efforts included the continued prosecution of the country's first trafficking case and, in partnership with an international organization, continued protection services for victims identified in that case. However, the government did not meet the minimum standards in several key areas. The government did not initiate any new trafficking investigations during the reporting period, nor did it conduct public awareness campaigns or administer systematic anti-trafficking training for its law enforcement officials. Contrary to a victim-centered protection approach, in the aforementioned ongoing case, the government forced some victims to stay in the country for the duration of court proceedings without allowing them to formally work, possibly increasing their indebtedness and vulnerability to re-trafficking.



## PRIORITIZED RECOMMENDATIONS:

Amend anti-trafficking legislation to remove sentencing provisions that allow for the payment of fines in lieu of imprisonment for sex trafficking offenses. • Increase efforts to prosecute and convict traffickers under anti-trafficking laws and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • In coordination with civil society, develop and implement comprehensive standard operating procedures (SOPs) for victim identification and referral, including by screening for trafficking indicators among vulnerable populations, such as individuals in commercial sex, migrant workers, and persons displaced by natural disasters. • Allocate increased resources for and implement victim protection benefits, including permission to work for foreign victims who wish to participate in prosecutions against their alleged traffickers, taking into consideration humanitarian and compassionate factors. • Ensure all identified victims are referred to services. • Develop and implement a formalized process to consider requests for trafficking victims to remain in the country permanently. • Provide systematic training for all relevant officials on the trafficking law, victim identification, and referral mechanisms. • Cease compelling foreign victims to remain in Vanuatu for the length of prosecutions against their alleged traffickers. • Institute a campaign to raise public awareness of trafficking, including among remote and vulnerable communities. • Improve anti-trafficking coordination with international partners, including by increasing information sharing with sending countries and instituting standard repatriation procedures. • Accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained law enforcement efforts. Vanuatu law criminalized sex trafficking and labor trafficking. Article 34 of the Counter Terrorism and Transnational Organized Crime (CTTOC) Act criminalized trafficking in persons offenses involving adult victims and prescribed penalties of up to 10 years' imprisonment, a fine of up to 50 million Vanuatu Vatu (VT) (\$470,680), or both. Article 35 criminalized trafficking in persons offenses involving child victims and prescribed penalties of up to 15 years' imprisonment, a fine of up to 75 million VT (\$706,020), or both. These penalties were sufficiently stringent; however, with respect to sex trafficking, by allowing fines in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes, such as rape.

In a prior reporting period, the government arrested and initiated prosecution of four Bangladeshi nationals for the alleged forced labor of 101 Bangladeshi victims – the first trafficking prosecution in the country's history. Vanuatuan authorities charged the suspects with slavery, money laundering, and "threatening" under the Penal Code Act (Cap 135), in addition to trafficking-related charges under the CTTOC. The case was ongoing at the end of the reporting period, and the four alleged traffickers remained in detention. The government did not report any new trafficking investigations, prosecutions, or convictions during the reporting period.

The National Intelligence Unit (NIU) within the Vanuatu Police Force was the lead agency for trafficking investigations; however, deficiencies in the country's anti-trafficking policy infrastructure reportedly continued to constrain NIU officials' ability to adequately investigate trafficking cases. An international organization provided trafficking-related training to immigration officials and also developed for officials' use a manual with guidance on victim identification; however, the government did not provide standardized or systematic anti-trafficking training for law enforcement officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained efforts to protect victims. In the previous reporting period, immigration officials, in partnership with an international organization, implemented border control SOPs

that included some guidance on trafficking victim identification. However, as a result of pandemic risk mitigation measures, the government issued new screening procedures that reportedly contained gaps in trafficking victim identification measures. Officials expressed concern that the change in procedures may have adversely affected the government's efforts to identify trafficking cases. The government continued to lack comprehensive, government-wide victim identification and referral SOPs. The government did not identify any victims during the reporting period.

In 2018, with assistance from an international organization, the government identified 101 Bangladeshi adult male victims in forced labor in construction and domestic service. The government, with additional support from partners, provided housing, medical services, and food for the victims for the duration of court proceedings. Formal shelters were not available to male victims; however, the government provided, on an ad hoc basis, shared furnished properties. Officials reportedly diverted funds from other government entities, specifically from the fuel budget for immigration officials' vehicles, to provide victim services. Protection services were time-limited, and authorities conditioned some services on the victims' participation in court proceedings against the alleged traffickers. The government required some of the victims to remain in Vanuatu to serve as witnesses in the ongoing prosecution and tied their repatriation to a final court ruling; an international organization reported this requirement may have re-traumatized several victims. Sixteen of the 101 victims testified against the alleged traffickers, and the courts took steps to protect their identities during the proceedings. The government provided interpretation throughout the court proceedings for the victims. One of the victims sought restitution, which remained pending with the court.

The government provided victims who participated in court proceedings with longer-term shelter options, immigration support, legal support, and witness protection services and advocacy until the end of the proceedings; those who did not participate in the trial received only short-term housing. An international organization continued to provide support for the victims who participated in the court proceedings as they awaited the court's decision. The government did not have a process in place to change victims' immigration status to grant them permission to work until the court reached a verdict, which may have compounded some victims' indebtedness. In the previous reporting period, authorities reportedly did not share information or coordinate with their Bangladeshi counterparts on repatriation options, despite repeated requests for information from the Government of Bangladesh. An international organization funded and facilitated flights back to Bangladesh for the majority of the victims who did not testify in the trial. As of March 2021, all but eight of the victims had been repatriated. The government did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

## PREVENTION

The government slightly increased efforts to prevent trafficking. The Transnational Crime Unit had an action plan, which included anti-trafficking action items; however, it did not address all forms of trafficking and limited resources continued to hinder its implementation. The government's national security strategy highlighted trafficking and other transnational crimes as a threat to national and human security. The government, in coordination with partners, undertook efforts to advance the trafficking-related equities in the strategy, particularly in the areas of aid for communities displaced by natural disasters, support systems for victims of crime, and monitoring of Vanuatu's territorial waters; implementation and partner engagement were ongoing at the end of the reporting period. The government did not conduct systematic anti-trafficking awareness campaigns. The government did not have a trafficking hotline and lacked an adequate system to research and assess the scope of its trafficking problem or evaluate its anti-trafficking efforts. The labor department licensed and monitored agencies that could

recruit workers from Vanuatu for overseas work. The government prohibited recruitment fees for seasonal work outside of Vanuatu and issued a notice of "non-compliance" to agents who charged migrant workers recruitment fees. During the reporting period, the government proposed policy and legislative action to abolish seasonal worker recruitment agents and to create a centralized government-managed process to connect workers with employment; however, the proposed actions were not passed or implemented by the end of the reporting period. The government did not undertake efforts to reduce the demand for commercial sex acts. The government, in partnership with an international organization, continued to implement a program to digitize and streamline citizen access to voter cards, citizenship documents, and national identification cards. Vanuatu is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

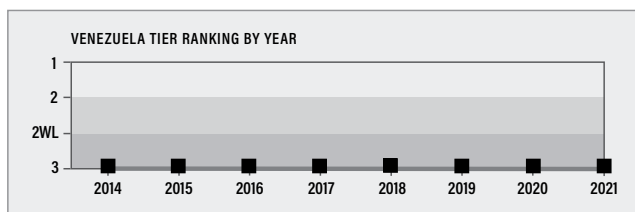
Human traffickers exploit domestic and foreign victims in Vanuatu, and traffickers exploit victims from Vanuatu abroad. Labor traffickers exploit individuals from China, Thailand, Bangladesh, and the Philippines in Vanuatu. Chinese nationals working in Vanuatu may have been forced to work by Chinese companies, including state-owned enterprises. Traffickers target migrant women in the hospitality and tourism sectors and low-skilled foreign workers in high-risk sectors, such as agriculture, mining, fishing, logging, construction, and domestic service. Chinese and South Asian migrant women are particularly at risk for labor trafficking in bars, beauty salons, and massage parlors. Bangladeshi criminal groups have reportedly lured Bangladeshi individuals with false promises of high-paying job opportunities in Australia, transported them through Fiji, India, and Singapore, and then subjected them to forced labor in the construction industry in Vanuatu. Some of the victims take out substantial loans to pay relevant travel expenses, which traffickers exploit through debt-based coercion. Foreign fishermen working on Vanuatuan-flagged, Taiwan-owned vessels have experienced indicators of forced labor, including deceptive recruitment practices, abuse of vulnerability, excessive overtime, withholding of wages, physical and sexual violence, and abusive living and working conditions on board.

Natural disasters and climate-induced displacement significantly increases Vanuatuan's vulnerability to trafficking, particularly as a majority of the population relies on small-scale and subsistence agriculture. Thousands of Vanuatuan who permanently or temporarily evacuated from the islands of Ambae and Ambrym due to volcanic activity are at higher risk of trafficking due to the economic hardships ensuing from their ongoing displacement. Women and girls may also be at risk of debt-based coercion in sex trafficking and domestic servitude via the customary practice of "bride-price payments" where a man's family gives a woman's male relatives money or other valuables in order for the man and woman to become married. The man's family may at times force the woman to "pay back" the money through commercial sex acts or forced domestic service. The incidence of bride-price payments is linked to broader economic hardship and vulnerability, particularly in the context of the country's frequent natural disasters; increased reports of child marriage, where children may be exploited in domestic servitude or sex trafficking, occurred immediately after a cyclone in April 2020. Children are also subjected to trafficking through "child swapping" – brokered as an inter-familial cultural practice or as a method to pay off debts. Women in commercial sex face physical and sexual violence and are reportedly coerced into forced pregnancy and forced marriage; reports acknowledge a correlation between the lack of economic opportunities and an increase in commercial sex. The limited ability for women and girls in commercial sex to seek justice increases vulnerability to trafficking. There were reports of children exploited in commercial sex facilitated by taxi drivers. Forced labor and child sex trafficking occur on fishing vessels in Vanuatu. Foreign tourists aboard boats reportedly approach remote Vanuatuan communities and offer money in exchange for marriage with underage girls as a ploy for short-term sexual exploitation. Locals onshore, acting as recruiters, also reportedly take underage girls aboard vessels and

subject them to commercial sexual exploitation by foreign workers, often for weeks at a time. The local recruiters, and in some instances the families, receive payment for recruiting and transporting the girls to the boats. Children may also experience conditions indicative of forced labor in the illegal logging industry and in newspaper sales.

## VENEZUELA: TIER 3

The Government of Venezuela does not fully meet the minimum standards for the elimination of trafficking and is not making any efforts to do so, even considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity; therefore Venezuela remained on Tier 3. On January 10, 2019, the term of former president Nicolás Maduro ended. On January 23, 2019, Juan Guaidó assumed the role of interim president; however, former president Maduro refused to cede control, preventing interim president Guaidó from exercising authority within the country. The United States continues to recognize the authority of the democratically elected 2015 National Assembly and of Juan Guaidó as the interim president of Venezuela. References to a “regime” or “Maduro regime” below are not intended to indicate that the United States considers such entity a government. Despite the lack of significant efforts, in 2020, according to press reports, Venezuelan authorities under the illegitimate Maduro issued arrest warrants for seven complicit officials in a notable case involving potential trafficking victims who perished at sea. However, authorities did not report assisting any victims or prosecuting or convicting any traffickers. Venezuelan authorities provided support and a permissive environment to non-state armed groups, including Colombian illegal armed groups that recruited and used child soldiers for armed conflict and engaged in sex trafficking and forced labor while operating in Venezuelan territory with impunity. Venezuelan authorities did not make sufficient efforts to curb forced recruitment of Venezuelan children by non-state armed groups.



### PRIORITIZED RECOMMENDATIONS:

Investigate, prosecute, and convict alleged traffickers, including complicit officials and anyone involved in the forcible recruitment of children into illegal armed groups. • Provide specialized services for all trafficking victims, including repatriated victims, child soldiers, men, boys, and LGBTQI+ individuals. • Draft and enact comprehensive anti-trafficking legislation criminalizing all forms of trafficking, including the criminalization of child sex trafficking without elements of force, fraud, or coercion, and the trafficking of men and boys. • Increase staffing and funding for the office of the special prosecutor to combat trafficking. • Proactively inform Venezuelans fleeing the country on the risks of human trafficking, as well as where and how to seek services. • Train all migration and law enforcement officials operating in border crossings to identify and respond appropriately to trafficking indicators. • Given significant concerns about forced labor indicators in Cuban Medical Missions, screen Cuban medical professionals for trafficking indicators and refer those identified to appropriate services. • Fund and collaborate with civil society organizations and other service providers to increase protection and assistance for victims. • Implement formal procedures and training for identifying victims among vulnerable populations, such as individuals in commercial sex, and for referring victims for care. • Develop and publish an anti-trafficking action plan taking into account present

challenges—such as mass migration and displacement—and allocate resources for its implementation. • Enhance interagency cooperation by forming a permanent anti-trafficking working group. • Improve data collection on government anti-trafficking efforts and make this data publicly available.

### PROSECUTION

Venezuelan authorities under the Maduro regime maintained very weak law enforcement efforts. Venezuelan law did not criminalize all forms of trafficking. Venezuelan law criminalized labor trafficking and some forms of sex trafficking of women and girls through a 2007 law on women’s rights that prescribed penalties of 15 to 20 years’ imprisonment. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute child sex trafficking and therefore did not criminalize all forms of trafficking. Venezuelan law failed to criminalize trafficking of men and boys when perpetrators were not part of an organized criminal organization. The law addressing organized crime criminalized trafficking by organized criminal groups of three or more individuals, with penalties of 20 to 30 years’ imprisonment. The penalties for trafficking crimes by organized criminal groups were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The organized crime office (ONCDOFT), with approximately 24 employees, focused on trafficking crimes and continued to be the lead entity for trafficking issues. According to a press report, regime authorities investigated 66 cases of trafficking in 2020. Press reports indicated authorities either arrested or indicted 63 individuals for trafficking crimes in 2020, compared with 17 in 2019 and 99 in 2018. In a notable case, authorities continued to investigate six suspected traffickers and issued arrest warrants for seven national guard officers suspected of complicity in facilitating trafficking crimes after a ship en route to Trinidad and Tobago capsized and killed 28 alleged victims. Some observers asserted some of the arrests and investigations reported in the media were politically motivated cases of persecution by the Maduro regime of individuals helping opposition supporters and others depart Venezuela. Reports indicated one additional investigation of officials for alleged complicity in trafficking crimes; however, authorities did not indicate if any complicit officials were prosecuted or convicted for trafficking crimes. Years of corruption, incompetence, and abuse weakened the Maduro regime’s capacity to govern and hollowed out legitimate institutions, fostering a permissive environment for non-state armed groups to operate with impunity. According to stakeholders, officials at high levels linked to Maduro were complicit in trafficking crimes perpetrated by non-state armed groups and provided support and a permissive environment. A civil society organization alleged forced recruitment of children by non-state armed groups, including the ELN and FARC dissidents, was rampant in Venezuela. Colombian illegal armed groups recruited and used child soldiers for armed conflict and engaged in sex trafficking and forced labor. Another NGO indicated school drop-out rates during the pandemic reached 82 percent in border states, and 75 percent of those who left school had direct or indirect links to irregular armed groups. Contacts reported that school closures, lack of access to school lunches, and school supplies increased non-state armed groups’ ability to recruit children as they sought to fill this gap. A civil society organization indicated FARC dissidents and the ELN registered more than 20,000 students to receive school supplies as the first step in the recruitment process. Representatives of the Guaidó-led interim government estimated that non-state armed groups recruited 75 percent of children unable to attend school in border regions. The special prosecutor’s office charged with investigating trafficking crimes against women, developing anti-trafficking policies, and facilitating victims’ access to justice did not report updates on its activity. The special prosecutor’s mandate did not include trafficking crimes against transgender individuals, children, or men, leading to impunity of traffickers, and leaving victims unprotected and at risk of re-victimization. Venezuelan authorities reported holding one training session, in collaboration



with an international organization, in Anzoátegui state; authorities also reported conducting additional training activities but did not provide additional details.

## PROTECTION

Venezuelan authorities did not report making efforts to identify or protect victims. In 2020, one civil society organization estimated authorities under the Maduro regime had identified approximately 233 victims exploited by 11 trafficking rings between January and June. According to media sources, the ONCDOFT continued to operate a 24-hour hotline to receive general reports of abuse against women, including trafficking allegations; however, several of the numbers provided were often inactive. Venezuelan authorities did not report identifying trafficking victims among vulnerable populations or referring victims to services. Stakeholders reported unemployment caused by the pandemic and quarantine measures adopted to mitigate the spread of the virus increased the vulnerability of Venezuelans to sex trafficking and forced labor, as many were unable to secure employment in the formal or informal sector. Civil society organizations reported the regime used resources that would otherwise have been dedicated to victim identification and support to address the impact of the pandemic.

Availability of victim services remained limited, and there were no specialized shelters for trafficking victims in the country. While civil society and religious organizations provided some services to victims of trafficking—including assistance for child victims of forced labor in Táchira state, outpatient psychological assistance for adult and child victims of sexual exploitation, including trafficking, and shelter for women victims of sexual exploitation, including trafficking—such assistance may have been temporarily suspended or limited as a result of the pandemic. In addition, these organizations noted the pandemic and regime efforts to restrict foreign funding limited their ability to provide services to trafficking victims. Historically, victims could reportedly access government centers for victims of domestic violence or at-risk youth, although services for male victims were minimal. Venezuelan law and authorities did not consider males as potential victims of trafficking; therefore, it was likely services for male victims of trafficking, particularly for men, did not exist. Authorities reportedly made psychological and medical examinations available to trafficking victims, but additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, were minimal. International media sources continued to report on the growing number of Venezuelan victims identified abroad, many repatriated or deported back to Venezuela; authorities did not report what assistance, if any, they provided victims upon their return or if authorities coordinated with foreign governments to ensure the protection of those victims.

## PREVENTION

Venezuelan authorities under Maduro maintained inadequate prevention efforts. No permanent anti-trafficking interagency body existed. Regime authorities did not report any activities carried out under a new, media-reported 2020-2025 national action plan; regime authorities also did not report on the content of the plan, including whether it addressed present challenges, such as the increase in cases of forced labor in domestic service, the forced recruitment of children into armed conflict, a greater number of victims repatriated from other countries, and efforts necessary to mitigate the exploitation of those leaving the country as a result of the economic crisis. ONCDOFT held a three-week virtual event series that provided presentations and training to an unknown number of participants on ways to prevent trafficking. Venezuelan authorities did not provide anti-trafficking training for its diplomatic personnel and did not report any specific activities 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 Venezuela, and traffickers exploit Venezuelan

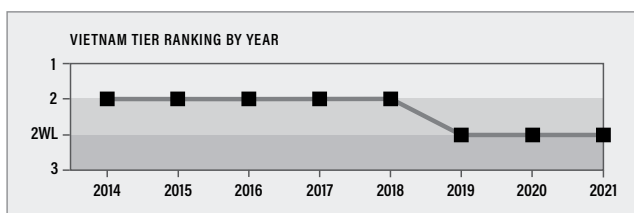
victims abroad. As the economic situation continued to spiral into critical deterioration, more than 5.6 million Venezuelans have fled Venezuela to neighboring countries. Traffickers have exploited Venezuelan victims in Aruba, The Bahamas, Bolivia, Brazil, Colombia, Costa Rica, Curacao, Dominican Republic, Ecuador, Guyana, Haiti, Iceland, Macau, Mexico, Panama, Peru, Spain, Suriname, and Trinidad and Tobago. Venezuelan women and girls were particularly vulnerable to sex trafficking in Colombia, Ecuador, and Trinidad and Tobago. In 2020, 23 percent of victims identified in the Mexican state of Quintana Roo were Venezuelan. In 2019, Spanish authorities reported that Venezuela was the number one source country for victims exploited in Spain. In 2019, NGOs noted an increase in cases of sex trafficking and forced labor in domestic service and, in 2020, an increase in cases of sex trafficking and forced labor in the mining sector within the country. Traffickers increasingly exploit Venezuelan men in forced labor in other countries, including Aruba and Curacao.

Non-state armed groups, including Colombian illegal armed groups, especially near border regions, subjected Venezuelans to forced criminality and forced recruitment. In 2019, the UN, foreign governments, media outlets, and credible NGOs reported Maduro regime officials, including members of security forces and local authorities, including those near border regions, colluded with, tolerated, and allowed Colombian illegal armed groups to operate in Venezuelan territory with impunity. These officials reportedly provided support and a permissive environment to non-state armed groups that recruited children for armed conflict and forced criminality. These non-state armed groups grew through the recruitment of child soldiers and engaged in sex trafficking and forced labor. They lured children in vulnerable conditions and dire economic circumstances with gifts and promises of basic sustenance for themselves and their families to later recruit them into their ranks. These groups recruited children to strengthen their operations and terrorize border communities in Venezuela and neighboring countries, especially Colombia, in areas with limited governance. An NGO reported non-state armed groups indoctrinated, recruited, and engaged children in five Venezuelan states using lectures, brochures, and school supply donations. Reports have documented the presence of six dissident movements comprising ex-FARC combatants in at least seven of 24 Venezuelan states, including Amazonas, Apure, Bolívar, Guárico, Mérida, Táchira, and Zulia, five of which are border states. In 2019, Colombian authorities estimated there were approximately 36 ELN camps located on the Venezuela side of the Colombia-Venezuela border. Members of the Maduro regime probably profit from such non-state armed groups' criminal and terrorist activities inside Venezuela, including human trafficking, and such funds likely contribute to their efforts to maintain their illegitimate control. According to documents reportedly from Venezuela's intelligence agency (SEBIN) and published in Colombian press, the Armed Forces in 2019 ordered members of the Army, National Guard, and militias present in four states along with Colombia-Venezuela border to avoid engaging unspecified allied groups in Venezuelan territory and encouraged the armed forces to aid and support their operations. These groups threaten to destabilize the region, as they grow their ranks exploiting children in sex trafficking, forced labor, and forced recruitment. According to NGOs, forced labor is a common punishment for violating rules imposed by armed groups. Illegal armed groups forced Venezuelans, including children, to work in mining areas and women and girls into sex trafficking. Traffickers subject Venezuelan women and girls, including some lured from poor interior regions to Caracas, Maracaibo, and Margarita Island, to sex trafficking and child sex tourism within the country. Traffickers, often relatives of the victims, exploit Venezuelan children in domestic servitude within the country. Venezuelan officials and international organizations have reported identifying sex and labor trafficking victims from South American, Caribbean, Asian, and African countries in Venezuela. Foreign nationals living in Venezuela subject Ecuadorians, Filipinos, and other foreign nationals to domestic servitude. Illegal gold mining operations exist in some of the country's most remote areas, including the Orinoco Mining Arc in Bolívar state, where traffickers exploit girls in sex trafficking, forcibly

recruit youth to join armed criminal groups, and force children to work in the mines under dangerous conditions. In 2019, there was an increase in sex and labor trafficking in the informal gold mining sector. It was estimated roughly 45 percent of miners in Bolívar state were underage and extremely vulnerable to trafficking. Armed groups exploit civilians and kidnapping victims in sex trafficking and forced labor, including farming, domestic service, and construction. Workers recruited from other areas of the country were victims of forced labor and manipulated through debt, threats of violence, and even death. Traffickers exploited women and girls, especially those from indigenous communities. Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. The Cuban government may have forced Cubans medical workers participating in its government-sponsored medical missions in Venezuela to work. Some Cuban medical professionals posted in Venezuela indicated Cuban minders withheld their documentation and coerced them to falsify medical records. An NGO reported failure to obtain adequate personal protective equipment for medical workers could have contributed to the death of at least one Cuban medical worker.

## VIETNAM: TIER 2 WATCH LIST

The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included an increase in prosecutions of traffickers, and—for the first time—the government reported comprehensive disaggregated data on trafficking cases. It also passed revisions to a law governing contract-based Vietnamese overseas workers which eliminated brokerage fees and expanded worker protections. The government also increased its law enforcement and victim assistance budgets, continued to identify and refer victims to protection services, and carried out large-scale awareness campaigns in communities vulnerable to trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not systematically implement victim identification procedures, and officials did not proactively identify trafficking victims among some vulnerable groups, such as women and children in commercial sex, resulting in a continual decline in identified victims over the last few years. As a result, some victims may have been penalized for unlawful acts traffickers compelled them to commit. For the fourth consecutive year, the government reported a decline in investigations and convictions of traffickers. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Vietnam was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Vietnam remained on Tier 2 Watch List for the third consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Collaborate with NGOs and civil society to review and revise anti-trafficking legislation and a national victim referral mechanism.

- Vigorously prosecute all forms of trafficking and convict and punish traffickers, including in cases involving forced labor or complicit officials.
- Amend the penal code to criminalize all forms

of sex trafficking of 16- and 17-year-old children, consistent with international law.

- Continue to train officials on implementing guidelines for Articles 150 and 151 of the penal code, with a focus on identifying and investigating forced labor and internal trafficking cases, including those involving male victims.
- In coordination with civil society, update implementing guidelines on victim identification to reduce bureaucratic obstacles preventing victim detection and train cross-sectoral officials on their usage.
- Coordinate and effectively implement policies across government agencies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in commercial sex, child laborers, and North Korean nationals and train relevant officials on these procedures.
- Proactively screen for and identify trafficking victims among women and girls discovered during police raids and inspections of business establishments that facilitate commercial sex.
- Take steps to eliminate all worker-paid recruitment fees and predatory recruitment practices for workers migrating abroad or to Vietnam, including by strengthening efforts to monitor labor recruitment companies and third-party sub-brokers and prosecuting predatory or illegal sub-brokerage networks.
- Expand training for social workers, first responders, and the judiciary on victim-centered approaches to working with victims of trafficking, including trauma-informed care.
- Increase national funding available to provincial-level authorities to provide services to reintegrated victims of trafficking.
- Implement and allocate sufficient resources to the 2021-2025 national action plan.
- Invite independent verification of the termination of forced labor within drug treatment centers and provide results of such verification.

### PROSECUTION

The government increased law enforcement efforts. Article 150 of the penal code criminalized labor trafficking and sex trafficking of adults and prescribed penalties of five to 10 years' imprisonment and fines of 20 million to 100 million Vietnamese dong (VND) (\$867 to \$4,330). Article 151 criminalized labor trafficking and sex trafficking of children under the age of 16 and prescribed penalties of seven to 12 years' imprisonment and fines of 50 million to 200 million VND (\$2,170 to \$8,670). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape. Inconsistent with international law, Article 150 applied to children between the ages of 16 and 17 years old and required a demonstration of force, fraud, or coercion to constitute a sex trafficking offense; therefore, it did not criminalize all forms of child sex trafficking. Civil society previously reported this led to confusion on how to treat cases involving 16- and 17-year-old children, especially for cases involving labor trafficking, resulting in victims being treated as adults.

The government increased the number of alleged traffickers charged and prosecuted, but it decreased the number of investigations and convictions of traffickers during the reporting period. Throughout the reporting period, courts were intermittently closed due to the pandemic; however, to ensure that criminal cases—including human trafficking cases—were adjudicated in a timely manner, the Supreme People's Court directed the courts to schedule trials on the weekends, rent additional space or utilize outdoor locations to hold hearings, and prioritize trials set to expire. Despite these challenges, for the first time, the government provided disaggregated law enforcement data by trafficking type including investigations, prosecutions, and convictions of sex and labor trafficking crimes. According to the Ministry of Foreign Affairs (MFA) and the Ministry of Public Security, authorities investigated 110 cases of human trafficking and arrested 144 suspects of trafficking during the reporting period. This demonstrated a decline in investigations compared with 175 trafficking cases investigated during the previous reporting period. In 2020, the People's Procuracies (Prosecutor's Office) charged 180 suspects for alleged human trafficking offenses in 106 cases, compared with 152 suspects in 84 cases in 2019, under Articles 150 or 151. The People's Procuracies prosecuted 161 alleged traffickers involved in 102 trafficking cases, compared with 156 in 91 cases in 2019. This represented an increase in alleged traffickers charged and prosecuted during the reporting

period. Of the 102 trafficking cases prosecuted in 2020, 79 involved sexual exploitation, 18 involved forced labor, and the remaining five cases involved either sex or labor trafficking. In 2020, the court system convicted 136 individuals (compared with 174 in 2019) among 84 cases under Articles 150 and 151, including 71 cases of “sexual exploitation,” 10 cases of forced labor, and three cases for either sex or labor trafficking. Sentences for convicted traffickers ranged from less than three years’ to 20 years’ imprisonment under both Articles 150 and 151. Vietnam maintained a high conviction rate and continued to impose strict sentencing for convicted traffickers. Ha Giang provincial officials, a northern border province with trafficking concerns, reported notable increases in human trafficking investigations, prosecutions, and convictions resulting from increased interagency collaboration and NGO technical assistance. Law enforcement authorities reportedly participated in an unspecified number of investigations of regional trafficking cases and other coordination activities through bilateral and regional agreement on an ad hoc basis. The government did not receive extradition requests related to human trafficking cases in 2020.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Government officials acknowledged that overall poor data collection and management, oversight of businesses that facilitated commercial sex, evidence collection of transnational trafficking cases, and monitoring trafficking cases and evolving trends impeded the government’s efforts to combat trafficking. Nevertheless, the government continued to provide multiple anti-trafficking trainings—at times with support from international organizations, NGOs, and foreign governments—to its personnel, including law enforcement officers, border guard forces, prosecutors, judges, and social workers at the district, provincial, and commune levels.

## PROTECTION

The government maintained overall efforts to protect victims, but it identified and provided services to fewer of them. The government reported its identification of 121 victims in 2020, of which 112 were female and nine were male; 32 were children. This represented a continual decrease in identified victims in comparison to previous reporting periods (300 identified in 2019; 490 identified in 2018; 670 identified in 2017). The government utilized victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking and its own 2014 procedures for victim identification; however, neither the criteria nor the procedures were reported to be proactively or widely employed, including among individuals in commercial sex, individuals transiting border stations, workers in the fishing industry and seafood processing industry, migrant workers returning from abroad, and child laborers. Moreover, ineffective implementing guidelines on victim identification procedures prevented border guards, law enforcement, and other officials from fully detecting and assisting victims. The victim identification process remained overly cumbersome and complex, requiring sign-off from multiple ministries before victims could be formally identified and assisted. For example, despite conducting more than 31,000 inspections of businesses that facilitated commercial sex—such as karaoke bars and massage parlors—where individuals in commercial sex were at heightened risk of trafficking, authorities did not identify any sex trafficking victims during these inspections.

Of the 121 victims identified, 67 were Vietnamese nationals initially identified at land borders by border guard forces or Chinese authorities. Of these 67 individuals, four were victims of “sexual exploitation,” 60 were victims of “illegal marriage”—which may have subsequently led to sex or labor trafficking, but the government did not report these details—and three were victims of “illegal adoption,” which falls outside of the international definition of trafficking. The government did not report any further details of the 54 other victims it identified. Of these 67 individuals, authorities referred 25 to social protection centers, 20 to the police, 19 to an NGO, and three to the Vietnam Women’s Union Center for Women’s Development. Additionally, of the 121 identified victims, 84 requested and received support services

provided by both the government and NGOs, including medical and psychological support, legal aid, stay at social protection centers, and vocational training. The government maintained a formal nationwide victim referral process; however, it did not systematically refer victims to protective services due to inadequacies in the referral process, including some local officials’ unfamiliarity with anti-trafficking protocol and policies, insufficient inter-jurisdictional cooperation, and limited social worker capacity. Despite these challenges, throughout the reporting period, Ha Giang authorities—in cooperation with an NGO—created provincial-level victim referral procedures and improved the capacity of and training for social workers to provide long-term comprehensive care to trafficking victims, including healthcare, psycho-social care, vocational training, housing and financial assistance, and legal aid; through these procedures—for the first time—Ha Giang authorities referred or directly provided 35 trafficking victims with various types of short- and long-term care, including financial assistance.

The government’s 2020 budget for victim assistance was 15.44 billion VND (\$669,140), an increase from the 2019 budget of 13.12 billion VND (\$568,700). Anti-trafficking funding to localities increased from 4 billion VND (\$173,390) in 2019 to 9.8 billion VND (\$424,790) in 2020. The government continued to operate 94 social protection or social service centers, some funded by NGOs, to assist vulnerable groups, including trafficking victims, nationwide, but none provided services to male or child victims exclusively. Per a circular that went into effect in January 2020, victims were allowed to stay at support facilities for up to three months with a meal stipend and medical assistance. By law, foreign trafficking victims were entitled to four support services: essential needs and travel expenses, medical support, psychological support, and legal aid. However, NGOs reported the government did not have adequately trained or experienced social workers to provide appropriate support to trafficking victims. The government maintained labor representatives at diplomatic missions in countries that host large numbers of documented Vietnamese migrant workers such as Japan, Malaysia, Saudi Arabia, South Korea, Taiwan, and the United Arab Emirates (UAE). These missions could provide basic provisions, transportation, and health care to Vietnamese citizens subjected to trafficking abroad. Vietnam’s diplomatic missions abroad repatriated nine Vietnamese female victims of sexual exploitation and forced marriage from Burma and China. Vietnamese law guaranteed trafficking victims the right to legal representation; victims were not required to be present at or testify in-person in court. Trafficking victims were entitled to compensation in accordance with the law; the government reported that victims requested compensation in 40 cases during the reporting period. The government did not report offering foreign victims legal alternatives to their removal to countries where they may face retribution or hardship.

Due to a lack of systematic implementation of victim-centered screening procedures during these raids, authorities may have penalized some women and children in commercial sex for unlawful acts traffickers compelled them to commit. Additionally, foreign victims, including children, remained at high risk of deportation without screening or referral to protective services. The government encouraged trafficking victims to assist in judicial proceedings against traffickers; however, NGOs previously reported victims were at times less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation for crossing the border without documentation. Civil society previously reported Vietnamese victims who migrated via irregular means, were involved in unlawful acts as a result of their trafficking, or had criticized the Vietnamese government, feared reprisals from authorities. These victims were less likely to seek support and were vulnerable to re-trafficking. International observers previously reported government officials often blamed Vietnamese citizens for their exploitative conditions abroad or suggested victims inflate abuses to avoid immigration violations.

## PREVENTION

The government increased efforts to prevent trafficking. A steering committee chaired by a deputy prime minister, with the minister and



a vice minister of public security as deputy chairs, continued to direct Vietnam's anti-trafficking efforts. In February 2021, the government approved its national anti-trafficking action plan for 2021-2025. The central government, including provinces and municipalities continued to organize several large-scale public anti-trafficking awareness campaigns, many with financial and technical support from international organizations and foreign governments. Included in these efforts, the Ministry of Information and Communication disseminated an anti-trafficking public awareness text message to all 126 million mobile users in Vietnam—the first such nationwide campaign in Vietnam. The Ministry of Labor, Invalids, and Social Affairs (MOLISA), with donor funding, continued to operate a 24-hour hotline—with operators who spoke Vietnamese, English, and seven ethnic minority languages—for victims of crimes, including trafficking victims. The hotline received reports of 59 potential trafficking cases in 2020, an increase compared to the previous reporting period; it referred these cases to NGO and government services. MOLISA, in coordination with other government ministries, international organizations, and NGOs, organized public awareness campaigns to promote the hotline during the reporting period. The government did not share the full human trafficking assessments with the public. During the reporting period, the MFA organized trainings for 200 diplomatic and consular officials on victim identification and assistance prior to their posting abroad.

In November 2020, the government passed revisions to Law 69 governing contract-based Vietnamese overseas workers, which prohibited charging workers brokerage fees and expanded worker protections including the right for a worker to unilaterally terminate a contract. Labor recruitment firms, most affiliated with state-owned enterprises, and unlicensed brokers reportedly charged workers seeking overseas employment higher fees than the law allows. Many workers incurred high debts and were more at risk for forced labor, including debt-based coercion. In 2020, MOLISA inspected 84 enterprises sending workers abroad, fined 32 enterprises for administrative violations, and revoked six business licenses for violations of the 2006 Law on Guest Workers; MOLISA also resolved 160 out of 180 civil complaints filed by foreign workers related to labor recruitment. This demonstrated an increase in efforts compared to the previous reporting period. In 2019, MOLISA inspected 55 enterprises sending workers abroad, fined 21 of them, revoked two licenses, and resolved 120 civil complaints, all related to labor migration. MOLISA coordinated with seven provinces to conduct 10 training courses for nearly 800 officers at the district- and commune- level to improve counseling and information-sharing for workers migrating abroad; it also conducted three training courses for nearly 250 officers of service enterprises sending workers abroad. MOLISA also raised awareness on labor laws and safe migration practices among more than 470 employment services centers and businesses. In 2020, MOLISA continued negotiations with the governments of Israel and Kuwait to sign labor cooperation agreements. During the reporting period, the government collaborated with the Taiwanese government to form a direct recruitment center in Taiwan to send Vietnamese workers to Taiwan and established a hotline to receive workers' complaints. The government also maintained labor migration agreements—signed during the previous reporting period—with the Government of the UAE for domestic workers and with the Government of Japan for skilled and technical workers and interns. It also maintained a 2017 Memorandum of Cooperation with the Government of Japan to improve protections for Vietnamese participants in Japan's Technical Intern Training Program amid continued reports of severe exploitation of Vietnamese workers. The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism. The government did not take steps to deny entry of known U.S. sex offenders. In June 2020, Vietnam's national assembly ratified ILO Convention 105 on Abolition of Forced Labor.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Vietnam, and traffickers exploit victims from Vietnam abroad. Vietnamese men and women migrate abroad for

work informally or through state-owned or state-regulated labor recruitment enterprises. Some recruitment companies are unresponsive to workers' requests for assistance in situations of exploitation, and some charge excessive fees that trap workers in debt bondage. Traffickers subject victims to forced labor in construction, fishing, agriculture, mining, maritime industries, logging, and manufacturing, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Japan, and to a lesser extent, some parts of Europe and the United Kingdom (UK) (including in nail salons and on cannabis farms). There are increasing reports of Vietnamese labor trafficking victims in continental Europe, the Middle East, and in Pacific maritime industries. Traffickers exploit Vietnamese women and children in sex trafficking abroad; many victims are misled by fraudulent employment opportunities and sold to brothel operators on the borders of China, Cambodia, Laos, and elsewhere in Asia. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—including to China, Japan, South Korea, Malaysia, Saudi Arabia, Singapore, and Taiwan—are subjected to forced labor in domestic service or sex trafficking. Traffickers increasingly use the internet, gaming sites, and particularly social media to lure victims, proliferate trafficking operations, and control victims by restricting their social media access, impersonating them, and spreading disinformation online. Men often entice young women and girls with online dating relationships, persuade them to move abroad, then subject them to forced labor or sex trafficking. There was one report of a trafficker posing as a police officer on social media networks to gain victims' trust. During the migration process, European gangs and traffickers often exploit Vietnamese victims in forced labor and sex trafficking before they reach their final destination. In 2020, Vietnamese government and NGO officials reported an increase in Cambodian female adult and child trafficking victims transiting Vietnam en route to China.

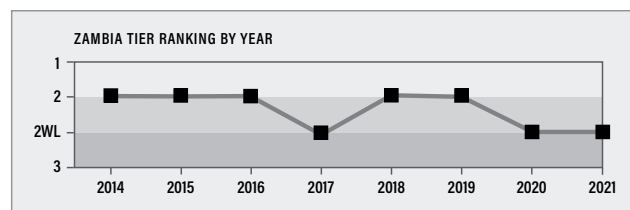
Within the country, traffickers are sometimes parents, family members, or small-scale networks exploiting Vietnamese men, women, and children—including street children and children with disabilities—in forced labor, although little information is available on these cases. One study suggests 5.6 percent of children in Vietnam may experience coercion or exploitation indicative of trafficking or in the context of migration, with children from rural and deprived communities particularly at risk. Traffickers exploit children and adults in forced labor in the garment sector, where workers are coerced to work through threats and intimidation. Traffickers force children into street hawking and begging in major urban centers. Traffickers subject some children to forced or bonded labor in brick factories, urban family homes, and privately run rural gold mines. Sex traffickers target many children from impoverished rural areas and a rising number of women from middle class and urban settings. Traffickers increasingly exploit girls from ethnic minority communities in the northwest highlands, including in sex trafficking and forced labor in domestic service, by channeling their criminal activities through the traditional practice of bride kidnapping. In 2020, pandemic-related issues such as decreased employment opportunities, restrictions on movement, and other socio-economic stressors, increased the vulnerability to trafficking, particularly for women and children in rural areas and ethnic minorities. Child sex tourists, reportedly from elsewhere in Asia, the UK and other countries in Europe, Australia, Canada, and the United States exploit children in Vietnam. The North Korean government may have forced North Koreans to work in Vietnam.

In years past there were reports of some complicit Vietnamese officials, primarily at commune and village levels, who allegedly facilitated trafficking or exploited victims by accepting bribes from traffickers, overlooking trafficking indicators and extorting money in exchange for reuniting victims with their families. In 2019, the government reported it had ceased the practice of subjecting drug users to forced labor in its 105 rehabilitation centers. A 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts detainees' maximum workday to four hours. There were prior reports that prisoners, including political

and religious dissidents, had been forced to work in agriculture, manufacturing, and hazardous industries, such as cashew processing.

## ZAMBIA: TIER 2 WATCH LIST

The Government of Zambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing investigations and prosecutions of trafficking crimes; convening the national coordinating committee, in partnership with international organizations, to implement anti-trafficking prevention efforts; and conducting campaigns to raise awareness of human trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not convict any traffickers and protection services for trafficking victims remained inadequate. The government regularly held potential victims, including children, in jail or other detention facilities for extended periods of time, often alongside traffickers. The government did not consistently screen for trafficking indicators among vulnerable populations, including foreign nationals and individuals involved in commercial sex—an ongoing concern over the past four years. Officials continued to conflate human trafficking and migrant smuggling, hindering the effectiveness of overall anti-trafficking efforts. Therefore Zambia remained on Tier 2 Watch List for the second consecutive year.



### PRIORITIZED RECOMMENDATIONS:

Fully implement the national referral mechanism and train all relevant agencies to proactively identify trafficking victims and refer them to protective services. • Systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including individuals involved in commercial sex, refugees, and foreign nationals, such as Rwandans, Ethiopians, and Chinese workers, and refer all victims to appropriate services. • Amend the anti-trafficking law to define child sex trafficking as not requiring force, fraud, or coercion. • Adopt an updated national action plan for 2022 and beyond, with resources devoted to its implementation. • Consistently investigate and prosecute human trafficking cases and sentence convicted traffickers to adequate penalties. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and protective services to more trafficking victims, including adult males and foreign nationals. • Cease the penalization of trafficking victims for unlawful acts their traffickers compelled them to commit. • Expand training for police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes to ensure increased investigations and prosecutions of alleged traffickers. • Increase protective services for victims participating in the criminal justice process to keep victims' identities confidential and prevent re-traumatization, including the establishment of child-friendly interviewing spaces. • Establish a network of interpreters to ensure provision of interpretation services for foreign victims to deliver comprehensive legal and protective services. • Compile and make public information on trafficking cases and trends.

### PROSECUTION

The government demonstrated mixed anti-trafficking law enforcement

efforts. The Anti Trafficking Act of 2008 criminalized some forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the law required a demonstration of threats, force, intimidation, or other forms of coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The act prescribed penalties ranging from 20 years' to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. For the second consecutive year, the government reported that draft amendments to bring the law in line with international standards were awaiting ratification by parliament.

The government investigated 17 potential trafficking cases, compared with 13 investigations in 2019. Of these 17 cases, two were sex trafficking and eight were forced labor; the government did not report the types of trafficking in the remaining seven cases. The government initiated eight new prosecutions involving 11 defendants, compared with four prosecutions involving eight defendants reported in 2019. Seven of these cases, as well as three prosecutions initiated in 2019, remained ongoing at the end of the reporting period. The government did not convict any traffickers in 2020, compared with four convictions in 2019. Courts acquitted two alleged traffickers in 2020. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes during the reporting period. In 2019, the government investigated one government official for alleged complicity in forced labor of a child in domestic work; however, the government did not provide any updates on this case during the reporting period. In February 2019, a federal court in Maryland entered a final judgment against a former Zambian World Bank employee and her husband, a Zambian diplomat posted in the United States, in a civil lawsuit brought by their former G-5 domestic worker. The court found that the couple had violated federal and state labor law, and that the World Bank employee had breached the employment contract. The court ordered the couple to pay approximately \$114,000 in damages and attorney fees. The World Bank terminated the employment of this employee. The judgment appears to remain unpaid. For the second consecutive year, the government did not report taking any action to hold the diplomat accountable.

The government did not implement its plan to direct trafficking cases to the two fast-track human trafficking courts with trained judges established in Lusaka during the previous reporting period. The government assisted international organizations and local NGOs in facilitating various human trafficking training modules for law enforcement officers, criminal justice practitioners and magistrates, and immigration officials; training topics included recognizing cross-border trafficking crimes, victim identification and referral mechanisms, and voluntary repatriation. During the reporting period, there were limited police officers, prosecutors, and judges trained on trafficking case management, causing national statistics on law enforcement efforts to remain difficult to obtain and verify. Additionally, officials' propensity to conflate trafficking and smuggling made it likely that some reported cases involved individuals seeking to illegally cross international borders via irregular migration (migrant smuggling) and other crimes not involving exploitation through forced labor or sex trafficking.

### PROTECTION

The government maintained inadequate victim protection efforts. Due to officials' continued conflation of trafficking and migrant smuggling, national statistics on trafficking victim identification and protection remained difficult to obtain and verify. The government identified 199 potential victims during the reporting period, compared with 17 victims identified in 2019; however, it was unclear if traffickers had exploited these individuals in sex trafficking or forced labor. Of the 199 potential victims identified, 166 were male and 33 were female; 73 were adults and 126 were children; 22 victims were Zambian nationals, while the other 177 were foreign nationals from

Ethiopia, the Democratic Republic of the Congo (DRC), Burundi, Malawi, Rwanda, Kenya, Somalia, and Zimbabwe. The government identified the majority of potential victims—140 Ethiopians—in two instances after police received reports from the local community. The government repatriated three Zambian victims identified in Algeria, Belgium, and South Africa, compared with two repatriations from South Africa in 2019. Observers reported the Zambia Police Service and Department of Social Welfare jointly conducted raids in brothels where families forced their children to engage in commercial sex; however, the government did not report identifying any victims or initiating any investigations based on such efforts. While use of the national referral mechanism reportedly increased in 2020, some front-line officials still neglected to use these methods to identify and refer victims to care, especially in cases involving foreign nationals or individuals in commercial sex. The government, in partnership with an international organization, continued to disseminate an updated standard victim identification form to better guide front-line officials in proactively identifying trafficking victims; however, law enforcement officers did not use forms currently available.

The government partnered with international organizations to offer routine assistance to potential victims, including basic needs, medical care, and counseling; however, the government did not provide all services across Zambia. The Ministry of Community Development and Social Services operated one 40-person shelter in Luapula Province and other shelters in Central and Western Provinces. Shelters were typically designated for survivors of gender-based violence or child abuse but were made available to trafficking victims; most shelters only assisted women and children, but some accommodated adult male victims of trafficking. Shelters across the country, especially in rural areas outside Lusaka and Copperbelt Provinces, continued to lack available space, training for shelter staff, education opportunities, and integration services due to low capacity and training of victim support officers, scarce resources, and lack of funding. With assistance from an international organization, the government developed standard operating procedures and shelter guidelines; however, the guidelines were awaiting final approval by the Ministry of Home Affairs (MHA) at the end of the reporting period. The government provided 282,846 Zambian kwacha (\$13,380) to support four shelters in 2020, compared with 50,000 kwacha (\$2,370) provided to one shelter in 2019.

Authorities continued to penalize victims for crimes their traffickers compelled them to commit. While the government reportedly increased efforts to screen potential victims of trafficking, it did not do so consistently in cases that appeared to involve smuggling; the government detained, charged, or deported individuals who reportedly consented to being smuggled, including potential trafficking victims, without screening those individuals for trafficking indicators. In some cases involving foreign nationals, the government prosecuted potential victims for immigration violations after they provided evidence against their alleged trafficker; the government also reportedly charged potential sex trafficking victims—adults and children—with prostitution violations, rather than investigating their trafficker. Given the limited sheltering options and lengthy court processes, the government regularly held potential victims in detention facilities for extended periods of time, often alongside traffickers; authorities often did not separate children from the adult population. Of the 199 potential victims the government identified in 2020, the government reported 140 of them were placed in jails, correctional facilities, or detention. The government rarely provided opportunities for victim testimony via video or written statements and made no proactive efforts to keep victims' identities confidential or prevent re-traumatization. The Department of Immigration provided regularization of immigration status and temporary residency for all foreign victims in accordance with the 2008 trafficking law. Regularization of stay was not dependent on the victim's cooperation with law enforcement, and the government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, the government did not report applying this

alternative to foreign victims during the reporting period. The lack of availability of interpreters continued to be a barrier to providing timely and comprehensive care for victims, and victims often paid a fee to obtain interpretation services, despite the government reporting interpretation services were available free of charge.

## PREVENTION

The government maintained efforts to prevent trafficking. The MHA continued to oversee a national inter-ministerial committee (IMC) and its secretariat, which was charged with oversight of national anti-trafficking efforts. With support from international organizations, the IMC met three times in 2020 to discuss a review of anti-trafficking legislation, coordinate anti-trafficking responses in light of the pandemic, and develop trafficking training for law enforcement. The government continued to implement the 2018–2021 national action plan on trafficking and mixed and irregular migration. The government, in coordination with an international organization, launched various awareness campaigns via billboards, radio shows, text alerts, and pamphlets in rural and border areas to educate local communities on human trafficking. The government did not operate a hotline for potential victims of trafficking and did not track trafficking-specific call data from hotlines operated by nongovernmental organizations. NGOs reported receiving 47 calls with trafficking indicators during the reporting period. The Employment Act set forth requirements for the regulation of labor brokers and prohibited labor brokers from charging prospective employees for any services rendered. The Ministry of Labor (MOL) continued to conduct inspections and investigations of labor brokers on a regular basis throughout the country to regulate recruitment practices and prevent fraudulent job offers that may lead to exploitation. The MOL reported conducting 922 inspections in 2020; however, the government did not report identifying any trafficking victims or potential trafficking violations during these inspections. The MOL employed 154 labor inspectors in 2020, compared with 160 employed the previous year. 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 Zambia, and traffickers exploit victims from Zambia abroad. Most trafficking occurs within the country's borders and involves traffickers exploiting women and children from rural areas in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, small businesses, such as bakeries, and forced begging. *Jerabo* gangs may force Zambian children to engage in illegal mining operations, such as loading stolen copper or crushing rocks. Orphans and street children remain vulnerable to trafficking; however, children of village families are also at risk of trafficking because sending children to the city for work is perceived to confer status and may entice families to do so without verifying the environment. During the pandemic, a six-month school closure increased children's vulnerability to exploitation, including sex trafficking and forced labor. Truck drivers exploit Zambian boys and girls in sex trafficking in towns along the Zimbabwean and Tanzanian borders, and miners exploit them in Solwezi. Traffickers exploit Zambian boys in sex trafficking in Zimbabwe and exploit women and girls in sex trafficking in South Africa. Domestically, extended families and trusted family acquaintances facilitate trafficking. Traffickers exploit Zambians from rural areas in the Western Province in forced labor in Namibia.

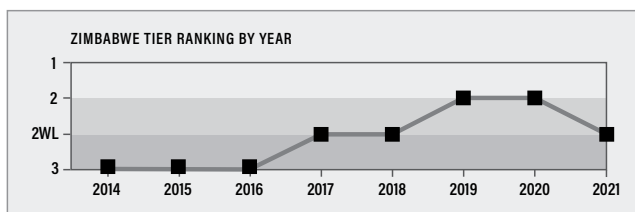
Traffickers exploit women and children from neighboring countries in forced labor and sex trafficking in Zambia, including transiting migrants whose intended destination is South Africa. In recent years, traffickers lure Rwandan women to Zambia with promises of refugee status, coerce them into registering as DRC nationals seeking refugee status in Zambia, and subsequently exploit them in sex trafficking and threaten them with physical abuse and reporting



them to immigration officials for fraudulent refugee claims. Traffickers increasingly exploit victims from Tanzania and Malawi in the Zambian timber industry. Chinese nationals working in Zambia, particularly in the construction, mining, and service sectors, may have been forced to work, including by the People's Republic of China state-owned enterprises that employed them. Chinese traffickers bring Chinese women and girls to Zambia for sexual exploitation in brothels and massage parlors in Lusaka; traffickers use front companies posing as travel agencies to lure Chinese victims and coordinate with Zambian facilitators and middlemen. Indian-Zambian nationals operating in India facilitate illegal adoption of Indian children for the purpose of exploiting them in domestic servitude in Zambia.

## ZIMBABWE: TIER 2 WATCH LIST

The Government of Zimbabwe 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 and sentencing him to imprisonment and formally approving its 2019-2020 antitrafficking national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government significantly decreased investigations and prosecutions and did not identify a single trafficking victim, while NGOs identified and cared for more than 400 trafficking victims. Official complicity in human trafficking remained prevalent and widely reported, particularly near artisanal mines, but the government did not report any investigations into the allegations. For the second year, draft amendments to the 2014 Trafficking in Persons Act, to bring the law in line with international standards, remained pending. The government did not provide any support to its NGO partners that provided all protective services to victims. Authorities imprisoned for several months three alleged trafficking victims identified in a previous reporting period and deported them instead of referring them to services. While it had a new national action plan, the government's antitrafficking taskforce did not meet during the reporting period and the government did not allocate sufficient funding for the plan's implementation. Therefore Zimbabwe was downgraded to Tier 2 Watch List.



### PRIORITIZED RECOMMENDATIONS:

Amend the anti-trafficking law to criminalize all forms of trafficking in line with the 2000 UN TIP Protocol. • Increase law enforcement's funding and capacity to conduct more thorough investigations of alleged trafficking, particularly enhanced evidence collection. • Increase efforts to investigate and prosecute trafficking crimes, including complicit government officials and individuals who purchase commercial sex from children. • Train officials to proactively identify trafficking victims among vulnerable populations, including migrant workers, Cuban medical workers, and foreign nationals from China, and refer them to appropriate services. • Expedite trafficking cases in courts to address the significant backlog of cases. • Implement and allocate sufficient resources to the antitrafficking national action plan. • Increase collaboration with, and provide financial or in-kind support to, NGOs that assist trafficking victims. • Train law enforcement, prosecutors, and judiciary officials on human trafficking investigations and prosecutions, particularly as distinct from labor

law violations, and a victim-centered approach to investigations and prosecutions. • Establish safe houses for trafficking victims in each province and refer identified victims to care. • Develop mutual legal assistance treaties and other agreements to facilitate information gathering and sharing with foreign governments. • Collect data on human trafficking trends within Zimbabwe to better inform government anti-trafficking efforts.

### PROSECUTION

The government maintained mixed anti-trafficking law enforcement efforts. Zimbabwean law criminalized some forms of sex trafficking and labor trafficking. Inconsistent with international law, the 2014 Trafficking in Persons Act defined trafficking in persons as a movement-based crime and did not adequately define "exploitation." The 2014 act criminalized the involuntary transport of a person and the voluntary transport for an unlawful purpose, into, outside, or within Zimbabwe. The focus on transport and the inadequate definition of "exploitation" left Zimbabwe without comprehensive prohibitions of trafficking crimes. The law prescribed penalties of 10 years' to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking crimes, were commensurate with penalties for other serious crimes, such as rape. Zimbabwe's Labor Relations Amendment Act criminalized forced labor and prescribed penalties of up to two years' imprisonment, which were not sufficiently stringent. The Criminal Law (Codification and Reform) Act criminalized procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe, and prescribed penalties of up to two years' imprisonment; these penalties were not sufficiently stringent when applied to cases of sex trafficking. The act also criminalized coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years' imprisonment. For the second consecutive year, the government made no progress passing its 2019 draft Trafficking in Persons Act Amendment Bill. The government did not consult civil society during drafting, which several organizations viewed as an intentional move to avoid addressing deficiencies in farming and mining laws that facilitate forced labor.

The government did not initiate any new trafficking investigations or prosecutions. It continued one prosecution from the previous reporting period and convicted one trafficker. This was an overall decrease from initiating seven potential trafficking investigations, six prosecutions, and no convictions in the previous reporting period and a continued decrease from prior years. A Harare court convicted one individual on six counts of trafficking for luring victims to Kuwait and exploiting them in forced labor and sex trafficking; he received a sentence of 10 years' imprisonment. The government initially arrested the suspect in this case in 2017; although he later absconded, officials brought the suspect back into custody in January 2020. The government did not report whether the five prosecutions reported in the previous reporting period remained pending. Despite the continued urging from victims to take action in the 17 alleged trafficking cases of Zimbabwean women exploited in trafficking in Kuwait in 2016, and their stated willingness to participate in the trials, the government did not do so for the fourth consecutive year. Moreover, in May 2020, the president granted amnesty, reportedly due to the pandemic, to a trafficker who had exploited numerous Zimbabweans in Kuwait; she served approximately two years of her 50-year sentence.

While official corruption and complicity in human trafficking remained prevalent, the government did not report any investigations, prosecutions, or convictions of government officials for trafficking or related crimes. Observers reported the government did not have a system to investigate and prosecute complicit officials. Four potential labor trafficking victims on a member of Parliament's farm sought assistance when they did not receive the agreed upon pay and were threatened for requesting it; an NGO removed the potential victims from the farm, but the government did not investigate the allegations. During the reporting period, some police solicited bribes

from NGOs to provide information on trafficking and denied them access to locations necessary to conduct the NGOs' anti-trafficking research. Media reported violent gangs controlled some artisanal gold mines, including by kidnapping workers and forcing them into labor, and enjoyed impunity due to their connections to police and local politicians. Police that manned checkpoints at defunct gold mines allegedly accepted bribes to allow individuals to enter and work without oversight, including with forced laborers. For the third consecutive year, the government did not investigate serious, credible claims that complicit magistrates, judges, and senior government officials undermined judicial independence including by bribing judges with farms and homes. In past years, civil society reported officials at the Beitbridge border crossing into South Africa accepted bribes to allow organized criminal groups to cross the border, at times likely with trafficking victims. There was no report this practice had changed. Officials accepted bribes to not inspect farms and businesses that used exploitative labor practices. Trafficking victims reported law enforcement threatened and intimidated them when they tried to report their cases.

Because law enforcement and prosecutors lacked training in the trafficking law and trafficking cases required long and challenging investigations, officials routinely prosecuted trafficking cases for subsidiary violations, such as wage infractions. Due to the pandemic, the government did not conduct anti-trafficking trainings for law enforcement or judiciary officers. The Zimbabwe Republic Police had a module on the anti-trafficking law in its police recruit training. Observers continued to report the government lacked a systematic procedure to investigate cases, and immigration officials lacked capacity to detect and investigate trafficking. In addition, many investigations lacked sufficient evidence to build strong cases. Courts typically expedited sexual offense cases but did not treat trafficking cases with the same urgency, so the cases often languished on the docket for years.

## PROTECTION

The government decreased victim identification and protection efforts. The government did not identify any trafficking victims, compared with identifying 32 trafficking victims in the previous reporting period. The government stated no organization identified any trafficking victims, but two NGOs and one international organization identified 91 suspected trafficking victims and reported them to the Ministry of Public Service, Labor, and Social Welfare's (MPSLSW) Department of Social Welfare. The 91 victims included 17 Zimbabwean adult females subjected to a mix of labor and sex trafficking, including in Uganda, Iraq, Kenya, and domestically; and 67 children, including 57 exploited in sex trafficking. In addition, media and NGOs reported identifying 350 child sex trafficking victims near the Mazowe mines. Furthermore, an environmental group that gathered data and observations of child labor and exploitation at diamond and gold mines in Manicaland identified more than 38 children as young as 14 forced to sell drugs. NGOs provided all trafficking victim care, including shelter, food, medical treatment, family reunification and reintegration, counseling, and income-generating assistance. The shelters and services for trafficking, domestic violence, and gender-based violence (GBV) victims were available to both males and females, nationals and foreigners, and irrespective of the victim's participation in legal proceedings. For at least the third consecutive year, the government relied on NGOs and foreign donors to fund trafficking victim services; the organizations struggled to operate without adequate and consistent financial support, and some could only provide short-term care. While the government had one operational shelter that could accommodate 30 GBV and trafficking victims and 24 vulnerable children's homes, these shelters did not care for any trafficking victims during the reporting period. The 2014 anti-trafficking act required the government to establish service centers in each of Zimbabwe's 10 provinces and provide counseling, rehabilitation, and reintegration; the government had not established these centers by the end of the reporting period.

In partnership with an international organization, the government conducted training on its National Referral Mechanism (NRM) for 128 government and civil society representatives from seven districts. Adopted in the previous reporting period, the NRM outlined standard operating procedures in the identification, referral, and assistance of trafficking victims. For the second consecutive year, the technical steering committee for trafficking victim protection, led by the MPSLSW, did not meet. The MPSLSW had a system whereby an NGO and a Department of Social Welfare caseworker jointly handled each reported potential trafficking case, but it did not use the system in practice. The government had policies to encourage victims to cooperate in the investigation and prosecution of trafficking cases, but lack of understanding of trafficking by police often caused re-victimization of trafficking victims during the legal process. Some law enforcement and judicial officials, however, had training to treat victims sensitively, handle cases quickly, and refer victims to post-trial support services. Some health service providers had training to collect evidence for criminal investigations, prepare medical affidavits, and offer immediate and long-term psycho-social support and health care. Courts had a separate room for victims to testify separately from their alleged perpetrators, and victims could choose to testify via video; however, observers reported not every court had access to the necessary equipment, especially in rural areas, and the government did not report whether any victims utilized these services during the reporting period. While the trafficking act required judges to order compensation from convicted traffickers to their victims, no judge did so. The government did not have legal alternatives to repatriation for foreign trafficking victims, even if they would face retribution or hardship in their countries of origin. Zimbabwean authorities identified three Pakistani individuals as human trafficking victims in a previous reporting period and imprisoned them for several months and deported them during this reporting period.

## PREVENTION

The government decreased efforts to prevent trafficking. The Anti-Trafficking Inter-Ministerial Committee (ATIMC) served as the national coordinating body for all anti-trafficking activities, and its secretariat led the government's anti-trafficking efforts, including overseeing awareness-raising events and implementation of the national action plan. The government launched its 2019-2021 anti-trafficking national action plan during the reporting period. It did not, however, allocate sufficient funding for its implementation. Despite a mandate to meet quarterly, neither the ATIMC nor its provincial taskforces met during the reporting period, a continued decrease from prior reporting periods. While the pandemic imposed restrictions on gatherings, international organizations reported the continued lack of political will, resources, and staff were also reasons for the ATIMC's lack of action. In part due to the pandemic, the government did not conduct any public awareness events on human trafficking, compared with several educational campaigns conducted by police and other ministries in the previous reporting period.

The government continued to lack the political will to address child and forced labor, particularly in agriculture. While a tripartite committee of government, labor unions, and business representatives determined the MPSLSW would lead efforts to raise awareness of child and forced labor among the tobacco industry and conduct regular inspections, the ministry took no steps to do so during the reporting period. Due to a lack of capacity and resources, inspectors rarely conducted inspections of tobacco farms, despite repeated claims of child and forced labor in that sector. When inspectors did, observers alleged they underreported negative findings, including the presence of child labor. The government reported it conducted 1,860 labor inspections but did not identify any cases of forced or child labor; it did not report the sectors or regions of inspection, and most observers were unaware the reported inspections had occurred. Inspectors had the authority to monitor private farms and homes for underage or forced child domestic labor but did not report doing so. With support from an international organization, the government contributed information to a centralized anti-trafficking database that

collected national data on criminal cases and victims identified and shared it with countries in the region. The government did not provide anti-trafficking training to its diplomatic personnel. 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 Zimbabwe, and traffickers exploit victims from Zimbabwe abroad. Internal trafficking is prevalent and underreported. Traffickers exploit Zimbabwean adults and children in sex trafficking and forced labor, including in cattle herding, domestic service, and mining (gold and diamonds). More than 71 percent of child labor occurs in the agriculture (tobacco, sugarcane, and cotton), forestry, and fishing sectors, where children weed, spray, harvest, and pack goods. Some of these children are victims of forced labor, including some who work on small, unregulated farms. Due to pandemic-induced school closures and worsening economic conditions, observers reported child sex trafficking and child labor likely increased, particularly in agriculture, domestic service, informal trading, begging, and artisanal mining. Children ages 9 to 14 work as nannies, housemaids, and gardeners in urban areas and mining communities; some employers force the children to work by withholding wages, denying them access to school, and subjecting them to gender-based violence. Several traditional practices rendered young girls vulnerable to forced labor and sex trafficking, including the practice of trading daughters for food or money; as “replacement” brides for a deceased family member; and to avenge the spirits of a murdered relative. Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the border.

Traffickers exploit child laborers working as gold-panners and ore couriers by providing inadequate compensation, stealing their income, exacerbating food insecurity, and forcing them to take drugs to perform strenuous tasks; these practices are indicative of forced labor. Near gold and diamond mines, traffickers increasingly force children to sell illicit drugs. Illegal mining syndicates exploit Zimbabweans in trafficking. Experts estimate thousands of children have joined illegal diamond mining syndicates in the Marange fields in Chiadzwa since March 2020; some syndicates target illiterate people and transport them to the mines at night so they do not know their location. Armed gangs known as “Mashurugwi” lure young men to abandoned gold mines on the promise of self-employment but force them to work the artisanal gold mines with threats of violence and death. Child vendors, some of whom walk more than 25 kilometers per day to sell goods, are exploited by sex traffickers in illegal mining areas. Adult women increasingly exploit girls as young as 12 in sex trafficking in gold mining communities in Mashonaland East, Mazowe, and Shurugwi. During the pandemic, organizations and media identified hundreds of children in sex trafficking near the Mazowe mines. Miners force girls to enter into coercive “relationships” where they have sex in exchange for money and food and sometimes assist with mining operations. In Chiredzi, sex traffickers recruit girls as young as 11 from surrounding areas.

Traffickers use false promises of legitimate employment opportunities, including through social media and messaging applications, to lure Zimbabwean adults and children into sex trafficking and forced labor in neighboring countries, particularly South Africa. In South Africa, traffickers exploit Zimbabweans for months of labor without pay in agriculture, construction, factories, mines, information technology, and hospitality businesses. South African gangs fraudulently recruit undocumented Zimbabwean migrants with promises of legitimate employment in mining and force them into labor in the illegal mining industry. Due to the pandemic, Zimbabwean women and children increasingly travel illegally to South Africa for employment, where their lack of legal status increases their vulnerability to traffickers. International criminal organizations have intercepted

some Zimbabwean migrants in South Africa and subjected them to sex trafficking, including in Musina, Pretoria, Johannesburg, and Durban. Traffickers have exploited Zimbabwean women in domestic servitude, forced labor, and sex trafficking in Iraq, Kenya, Kuwait, Saudi Arabia, and Uganda. In previous years, traffickers lured Zimbabwean women to China and the Middle East for forced labor. Traffickers have used fraudulent scholarship schemes to lure Zimbabwean students to Cyprus ostensibly for educational purposes and exploited them in forced labor and sex trafficking. Media has reported Zimbabweans living abroad, particularly in the United Kingdom and Ireland, trick Zimbabweans to travel abroad under the pretenses of tourism or legitimate employment and force them into domestic work. Traffickers have recruited Zimbabwean girls into neighboring countries with promises of marriage and, during marriage, forced them into domestic work.

Zimbabwe is a transit country for Somalis, Ethiopians, Malawians, and Zambians en route to trafficking in South Africa. Zimbabwe is a destination for forced labor and sex trafficking. Traffickers subject Mozambican children to forced labor in street vending, including in Mbare. Mozambican children who work on relatives’ farms in Zimbabwe are often undocumented and cannot enroll in school, which increases their vulnerability to traffickers. In prior years, there were reports refugees from Somalia and Democratic Republic of the Congo traveled from Zimbabwe’s Tongogara Refugee Camp to Harare, where traffickers exploited them and, in some cases, coerced them into commercial sex. Traffickers force some Chinese nationals to work in restaurants in Zimbabwe. Chinese construction and mining companies in Zimbabwe reportedly employ practices indicative of forced labor, including verbal, physical, and sexual abuse, as well as coercion to induce work in unsafe or otherwise undesirable conditions. Cuban nationals working as doctors in Zimbabwe may have been forced to work by the Cuban government.

### SPECIAL CASE: LIBYA

Libya is a Special Case for the sixth consecutive year. The Libyan Government of National Accord (GNA) struggled to govern large swaths of Libyan territory, as it did not exercise control in several parts of the country. The judicial system was not fully functioning, as courts in major cities throughout the country have not been operational since 2014. Violence continued during the reporting period due to the conflict between the Tripoli-based GNA and the self-styled Libyan National Army (LNA), which has sought to establish a rival government in eastern Libya. Financial or military contributions from other states in the region further enabled the conflict, with Turkey supporting the GNA and Russia, the United Arab Emirates, and Egypt supporting the LNA, although some military support abated following a nationwide ceasefire signed on October 23, 2020. Extra-legal armed groups continued to fill a security vacuum across the country; such groups varied widely in their make-up and the extent to which they were under the direction of state authorities. These disparate groups committed various human rights abuses, including unlawful killings, forcible recruitment, forced labor, and sex trafficking. Impunity for those committing abuses against civilians was a pervasive problem. During the reporting period, an international organization verified the GNA and GNA-aligned armed groups recruited and used child soldiers; the international organization also verified the LNA and LNA-aligned armed groups recruited and used child soldiers. There were continued reports that criminal networks, militia groups, government officials, and private employers exploited migrants, refugees, and asylum-seekers in sex and labor trafficking. Endemic corruption and militias’ influence over government ministries contributed to the GNA’s inability to effectively address human trafficking. On March 15, 2021, the GNA ceded power to a new interim Government of National Unity (GNU)



through a UN-led process; the LNA ceded power to the GNU on March 23, 2021.

## GOVERNMENT EFFORTS

Lack of institutional capacity, as well as lack of Libyan law enforcement, customs, and military personnel, especially along its borders, hindered authorities' efforts to combat human trafficking crimes. Libyan law criminalized some forms of sex trafficking but did not criminalize labor trafficking. Articles 418, 419, and 420 of the penal code criminalized some forms of sex trafficking involving women and prescribed penalties of up to 10 years' imprisonment and a fine between 100 and 500 Libyan dinars (\$75-\$375), which were sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, inconsistent with international law, the definition of trafficking within these provisions required transnational movement of the victim and did not criminalize sex trafficking acts that were induced through fraudulent or coercive means. The law did not criminalize sex trafficking involving adult male victims. Article 425 criminalized slavery and prescribed penalties of five to 15 years' imprisonment. Article 426 criminalized the buying and selling of slaves and prescribed penalties of up to 10 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes.

Libya's criminal judicial system was not fully functioning in 2020, nor were there administrative units and courts specifically dedicated to overseeing human trafficking cases. Law enforcement and judicial authorities often lacked the knowledge and understanding of the crime of human trafficking. The Ministry of Interior (MOI), which was nominally responsible for anti-trafficking law enforcement efforts, was limited in its ability to carry out anti-trafficking operations during the reporting period. Although entities such as the Ministry of Justice (MOJ) and Office of the Attorney General issued arrest warrants for alleged perpetrators of various crimes including trafficking during the reporting period, limited policing capacity hindered the government's ability to pursue these trafficking cases. Law enforcement functions sometimes fell to disparate armed groups, which received salaries from the government and performed their activities without formal training and with varying degrees of accountability. The MOI and MOJ's human rights directorates, which continued to function throughout the reporting period, were mandated to raise awareness of human rights violations including human trafficking crimes; however, international NGOs reported the directorates lacked the capacity to carry out their mandates. Perpetrators committing human rights abuses, including human trafficking crimes, generally operated with impunity. The government did not publicly report statistics on prosecutions or convictions of trafficking offenders, including government officials and government-aligned militias that were allegedly complicit in trafficking crimes. The government did not report if it prosecuted or convicted any individuals involved in the investigation of 205 suspected traffickers that the attorney general's office initiated in 2018, nor did it report if any of the 35 arrest warrants that it issued in January 2019 resulted in trafficking prosecutions or convictions during the reporting period. GNA security forces conducted several raids during the reporting period on known trafficker and smuggler hideouts, including in Bani Walid; the government did not report whether any criminal trafficking investigations or prosecutions were initiated following these raids or whether victims found in these raids were referred to any services. In January 2021, the MOI announced the launch of "Operation Snake Hunt" against human traffickers, migrant smugglers, gangs, drug traffickers, and other criminals; preparations for the operation were ongoing at the end of the reporting period. As in previous years, international organizations and foreign governments facilitated anti-trafficking training for some MOI and MOJ officials during the reporting period.

International observers continued to report complicity of government officials involved in human trafficking, including Libyan Coast Guard (LCG) officials, immigration officers, security officials, Ministry

of Defense (MOD) officials, members of armed groups formally integrated into state institutions, and officials from the MOI and MOJ's Department to Combat Illegal Migration (DCIM). Various armed groups, militias, and criminal networks infiltrated the administrative ranks of the government and abused their positions to engage in illicit activities, including human trafficking and alleged child soldier recruitment and use. Several credible sources continued to report that DCIM detention center guards and administrative staff forced detained migrants to work at these detention centers and at third locations, such as farms and construction sites. There were anecdotal reports that DCIM staff at detention centers contracted armed groups and militias—some of whom likely had ties to human trafficking networks—to provide security services at individual detention centers. Reports also suggested staff in some GNA-affiliated migrant detention centers in western Libya sold detainees to local armed groups or otherwise coerced detainees to transport and clean weapons. During the reporting period, an international organization verified GNA forces used a 15-year-old boy abducted from Syria by Syrian opposition groups in hostilities; reports indicated the boy was still associated with a GNA-affiliated brigade at the end of the reporting period. There were also anecdotal reports that children in GNA-affiliated migrant detention centers in western Libya were coerced to work in support roles for GNA-affiliated armed groups. In western Libya, numerous armed groups, including some GNA-aligned units, continued to engage in the trafficking of detained migrants. In addition, some LCG units, which were under the authority of the MOD, allegedly were composed of former human traffickers and smugglers or coordinated with groups involved in human trafficking, migrant smuggling, and other crimes. Militia members operating the Zawiya detention center reportedly physically abused detained migrants and sold some female migrants into sexual slavery; in late 2019, the center was transformed into an army barracks for militias, further endangering detained migrants and trafficking victims. In 2018, the UN sanctioned a commander of the Zawiya LCG for perpetrating violence against migrants and the GNA subsequently suspended him from his duties as the LCG commander. Credible sources reported he continued to work on LCG missions in Zawiya port through September 2020. However, in October 2020, authorities arrested the former LCG commander, and he remained in detention at the end of the reporting period.

The government arrested, detained, or otherwise punished victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations and alleged affiliation to armed groups. As of April 2021, DCIM managed 15 operational detention facilities throughout Libya where it arbitrarily and indefinitely detained adult and child migrants and refugees—many of whom were unidentified trafficking victims. During the reporting period, the DCIM announced it would begin closing coastal detention centers and transferring the remaining detainees to two large inland facilities; DCIM did not report whether it would screen detainees for trafficking indicators as part of this process. DCIM-run detention facilities suffered from massive overcrowding, lack of basic infrastructure, dire sanitation problems, and food shortages. Detainees, including trafficking victims, had limited access to medical care, legal aid, and other forms of protective services. However, during the reporting period, the MOI allowed international organizations and NGOs to conduct limited protection monitoring and medical visits to DCIM detention centers. Detainees did not have access to immigration courts or other forms of due process. DCIM staff continued to subject detainees to severe abuse, forced labor, unlawful killings, and rape and other forms of sexual violence. No DCIM detention centers employed female guards, except for the Tariq al-Sekka detention center; the lack of female personnel at the majority of detention centers and climate of impunity for sexual violence contributed to the increased vulnerability of female detainees to abuse and exploitation. There were reports that GNA armed forces used some detention centers as recruitment or training grounds and to store weapons and equipment, further endangering detainees and trafficking victims.

The government did not have any policy structures, institutional capacity, widespread political will, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants, refugees, and asylum-seekers; women in commercial sex; and children recruited and used by government-aligned militias or other armed groups. The government did not report identifying any victims or provide foreign trafficking victims with legal alternatives to their removal to countries where they could face hardship or retribution. Libyan authorities continued to cooperate with international organizations to repatriate, resettle, or evacuate some migrants, which likely included unidentified trafficking victims; however, COVID-19 pandemic-related travel restrictions temporarily suspended the program during the reporting period. The government allowed an international organization to be present at some of the official disembarkation points along the western coastline where migrants arrived after the LCG intercepted or rescued them at sea; however, the government's procedures for disembarked migrants remained unclear and put migrants further at risk of exploitation. During the reporting period, the government continued to cooperate with international organizations, international NGOs, and diplomatic missions to facilitate the provision of humanitarian assistance to refugees and migrants, a population highly vulnerable to trafficking, in DCIM-run detention centers. The government continued to operate a limited number of social rehabilitation centers for women in commercial sex and victims of sex trafficking and other forms of sexual abuse; however, these centers reportedly operated as de facto prisons, and international observers continued to document incidents of abuse in these centers.

Libya is a party to the 2000 UN TIP Protocol, but the government lacked the institutional capacity and resources to prevent human trafficking. The GNA's lack of acknowledgement of the scope of human trafficking concerns in Libya contributed to an environment of impunity that further enabled trafficking; MOI and DCIM officials acknowledged that migrant smuggling occurred in Libya but continued to insist trafficking was not a widespread phenomenon. The GNA did not have a national coordinating body responsible for combating human trafficking. The government did not conduct any public anti-trafficking awareness campaigns, nor did it take actions to reduce the demand for commercial sex acts or child sex tourism. The government did not report steps to prevent the recruitment and use of children by militia groups, armed groups affiliated or aligned with the government, or other armed groups operating throughout the country. During the reporting period, the GNA continued to partner with some European countries to disrupt human trafficking and migrant smuggling operations, substantially reducing the flow of irregular migrants crossing the Mediterranean over previous years. However, some European and international NGOs criticized this cooperation, citing severe security and human rights conditions and an increased risk of trafficking for migrants forced to remain in Libya. 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 Libya. Instability, conflict, and lack of government oversight and capacity in Libya continued to allow for human trafficking crimes to persist and be highly profitable for traffickers. Trafficking victims—including adults and children—are highly vulnerable to extreme violence and human rights abuses in Libya by governmental and non-state armed groups, including physical, sexual, and verbal assault; abduction for ransom; extortion; arbitrary killings; inhumane detention; and child soldiering. Credible reports since 2013 indicate numerous armed groups and militias, some of which are used as combat forces or security enforcement by the government, recruit and use children. During the reporting period, an international organization verified the GNA, LNA, GNA-affiliated armed groups, and LNA-affiliated armed groups all recruited and used child soldiers. In 2018, an international organization documented incidents in which local armed groups forcibly recruited boys 13-15

years old. Uncorroborated media reports in 2018 also claimed that ISIS trained and used children in suicide attacks, to fire weapons, and to make improvised explosive devices. Children associated with armed groups in Libya are also reportedly exposed to sexual violence. IDPs, including both Libyans and foreigners, are vulnerable to both labor and sex trafficking. There were an estimated 278,177 IDPs in Libya at the end of 2020, of whom 94 percent were displaced due to the deterioration of security conditions in the country.

Migrants in Libya are extremely vulnerable to sex and labor trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. Migrants living in Libya are vulnerable to exploitation by state and non-state actors, including employers who refuse to pay laborers' wages. As of the end of 2020, international organizations estimated there were at least 574,000 migrants and 43,000 refugees and asylum-seekers in Libya. Labor migrants in Libya typically come from sub-Saharan and Sahel states. An international organization estimated 80,000 migrants left Libya for neighboring countries since the start of the pandemic. The country continued to serve as a departure point for migrants, including unaccompanied children, crossing the Mediterranean to Europe from North Africa; the numbers of sea departures from Libya to Europe increased in 2020 nearly threefold, in part due to pandemic-related decreased economic opportunities in Libya and the region. Elements of the LCG reportedly work with armed groups and other criminals, including traffickers, to exploit migrants for profit. There are financial incentives for smugglers and traffickers to prevent the disembarkation of migrants transiting the Mediterranean and to re-transit migrants back to Libya for detention and further exploitation. Throughout 2019 and 2020, due to violence and localized clashes, as well as pandemic-related border closures and movement restrictions, traditional smuggling and trafficking routes became more clandestine, creating greater risks and dangers for migrants.

Various armed groups, criminal gangs and networks, tribal groups, smugglers, and traffickers, have cooperated and competed in the smuggling and trafficking of migrants to and through Libya, while carrying out serious human rights abuses and violations against migrants, including torture, sexual abuse and exploitation, rape, extortion, ransom, theft, and forced labor. International organizations report smugglers and traffickers trade migrants and refugees within illicit networks, while holding them in inhumane conditions. Highly organized trafficking networks subject migrants to forced labor and sex trafficking through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, debt-based coercion, and verbal, physical, and sexual abuse. In some cases, migrants reportedly pay smuggling fees to reach Tripoli, but once they cross the Libyan border they are sometimes abandoned in southern cities or the desert where they are susceptible to severe forms of abuse, including human trafficking.

Several credible sources continue to report that migrants held in detention centers controlled by both the DCIM and non-state armed groups and militias were subjected to severe abuse, rampant sexual violence, and forced labor. As of February 2021, international organizations estimated there were more than 1,550 migrants and refugees in detention centers affiliated with either the GNA or rival LNA. There are an unknown number of migrants and refugees detained in informal detention facilities across the country affiliated with various non-state armed groups. An unknown number of migrants are also held in criminal prisons affiliated with the MOI, MOI, and MOD. Private employers and DCIM officials use detained migrants for forced labor in domestic work, garbage collection, construction, road paving, and agriculture. According to international observers, detention center operators also force migrants to provide ancillary services to armed groups, such as offloading and transporting weapons, cooking food, cleaning, and clearing unexploded ordnance; armed groups also forcibly recruit detained migrants. Once the work is completed, employers and detention center officials return the migrants to detention. In some cases, detained migrants are forced to work in exchange for their release from prison. In November

2017, an international media outlet released a video depicting unidentified individuals selling African migrants reportedly for labor in an undisclosed location in Libya. Furthermore, an international organization reported in 2017 that many militias in Libya fill their ranks with migrants from Niger, Nigeria, and Chad to perform labor or to serve in other non-combat roles. In November 2020, an NGO reported a UAE-based private security firm fraudulently recruited more than 390 Sudanese nationals to fight in Libya for the LNA and guard oil facilities in Ras Lanuf; the Sudanese recruits believed they would be working as security guards in the UAE.

There is reportedly a high prevalence of sexual assault and other forms of sexual violence and exploitation of female migrants along the migration routes to Libya and in DCIM-run and militia-run detention facilities in Libya; perpetrators of sexual violence against female migrants include various armed groups, smugglers, traffickers, and MOI officials. International NGOs also report that migrant men and boys are increasingly vulnerable to rape and other forms of sexual abuse. Prostitution rings reportedly subject sub-Saharan women and girls to sex trafficking in brothels, particularly in the towns of Ubari, Sebha, and Murzuq in southern Libya; Nigerian women and girls are at increased risk of sex trafficking in Libya. According to a European NGO, Nigerian gangs recruit Nigerian girls from rural regions of the country and facilitate the transportation of the girls through Libya for sex trafficking in Italy and other European countries.

## SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the 19th consecutive year. The country continued to face protracted conflict, insecurity, and ongoing humanitarian crises during the reporting period, while the COVID-19 pandemic exacerbated the crises and further hampered government and NGO operations. The Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and Federal Member State (FMS) governments retained control over local capitals across the country. The self-declared independent region of Somaliland and the Puntland FMS retained control of security and law enforcement in their respective regions. The FGS had limited influence outside Mogadishu. The al-Shabaab terrorist group continued to occupy and control many rural areas and maintained freedom of movement in many other areas, including south-central Somalia. The group exploited the local population by collecting illegal taxes, conducting indiscriminate attacks against civilians and civilian infrastructure across the country, and perpetrating human trafficking. The sustained insurgency by al-Shabaab continued to be a significant obstacle to the government's ability to address human trafficking. The government continued nascent improvements to civilian judicial systems and criminal investigation programs to address most crimes; however, it also conflated human trafficking and migrant smuggling, hindering the effectiveness of its anti-trafficking efforts. Overall, the government continued to demonstrate minimal efforts in all regions on prosecution, protection, and prevention of human trafficking during the reporting year.

### GOVERNMENT EFFORTS

The FGS, Somaliland, and Puntland authorities sustained minimal efforts to combat trafficking during the reporting period. Law enforcement, prosecutorial personnel, and judicial offices remained understaffed and undertrained and lacked capacity to effectively enforce antitrafficking laws. The FGS continued to lack a comprehensive legal framework to address human trafficking. The pre-1991 penal code—applicable at the federal and regional levels—criminalized labor trafficking and some forms of sex trafficking. Article 455 criminalized slavery, prescribing penalties of five to 20 years' imprisonment. Article 464 criminalized forced labor, prescribing penalties of six months to five years' imprisonment. Article 457 criminalized the transferring, disposing, taking possession,

or holding of a person and prescribed penalties of three to 12 years' imprisonment. All these penalties were sufficiently stringent. Article 408(1) criminalized compelled prostitution of a person through violence or threats, prescribing penalties of two to six years' imprisonment, which were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The provisional constitution prohibited slavery, servitude, trafficking, and forced labor under Article 14. Article 29(6) under the provisional constitution prohibited the use of children in armed conflict. In September 2017, Somaliland endorsed a draft human trafficking law designed in consultation with an international organization; however, the Somaliland Parliament did not pass it for the fourth consecutive reporting period and relied predominantly on immigration legislation to prosecute trafficking crimes. In November 2017, Puntland ratified a human trafficking legislative framework after three years of consultations with an international organization. The legal framework was composed of new penal and criminal procedure codes and a law that specifically prohibited trafficking; however, international organizations continued to report authorities had not yet implemented the anti-trafficking law.

Similar to previous years, neither the federal nor the regional governments within Somalia gathered or shared comprehensive statistics on investigations, prosecutions, or convictions related to trafficking. During the reporting year, the FGS Office of the Attorney General (AGO) reported 479 arrests related to immigration violations, which may have included potential trafficking crimes or penalized potential unidentified victims, compared with 17 arrests in 2019. The AGO reported that 129 of these arrests involved individuals attempting to travel to Turkey with suspicious passports; the government did not provide further information to indicate if these were trafficking cases or implicated potential unidentified victims. Authorities in Somaliland did not report any anti-trafficking law enforcement actions during the reporting period, compared with the arrest of six individuals in connection with an alleged dual trafficking and smuggling case in 2019. In July 2020, local officials in Garowe—the capital of Puntland—investigated an alleged case of forced labor among Bangladeshi workers at a construction company after workers reported a wage dispute to the local police; the government did not report any further case details or the outcome of the investigation. Puntland authorities reported prosecuting two trafficking-related cases during the reporting period, compared with an international organization reporting two trafficking cases involving six suspects in 2019. Authorities did not report if the cases reported in 2020 and 2019 were related. The FGS, Somaliland officials, and Puntland authorities did not report any information regarding ongoing cases from prior reporting periods. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, including military officials for the unlawful recruitment and use of children; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The Somali Police Force (SPF) Criminal Investigations Department maintained a specialized anti-trafficking and migrant smuggling unit, supported by an international organization, and mandated to investigate potential cases of trafficking, which employed an unspecified number of police officers. The unit did not report investigating any potential trafficking cases for the second consecutive year, compared with 43 investigations in 2018. Observers previously reported that the SPF regularly tasked the anti-trafficking unit to undertake other assignments unrelated to human trafficking. During the reporting period, an international organization provided training to civil society organizations operating in the region, as well as five Somali officials, on the identification of and assistance to vulnerable migrants, including potential trafficking victims. Foreign donors supported training for police officers on investigating and prosecuting cases of human trafficking and training for police recruits and NGOs on migration and trafficking issues.

Similar to previous years, the government did not systematically gather or report statistics for trafficking victims, and reporting remained



largely anecdotal. The government did not have standardized procedures to identify or refer trafficking victims to protective services at any level and all levels of government relied fully on international organizations and NGOs to provide victim assistance and reintegration services. The FGS did not possess sufficient financial resources to provide direct services or auxiliary support to organizations assisting victims and vulnerable populations. The SPF Airport Police Task Force reported identifying five potential victims of child trafficking—four girls were en route to Kenya and one girl, who was accompanied by her parents, was en route to the United Arab Emirates (UAE); it was unclear if suspected traffickers exploited any of the children in forced labor or sex trafficking or intended to do so. In Puntland, officials reported identifying 324 potential trafficking victims in 2020; according to media reports, the government identified 150 of these victims in Bosasso and all 324 victims were children. International NGOs provided the Somaliland Immigration and Border Control Agency with two buses to transport migrants and potential trafficking victims from remote to more populated areas where they could be provided with services. Potential trafficking victims in Somaliland received assistance at an international organization-run Migration Response Center (MRC) in Hargeisa until the MRC could reunite them with their respective families; the same international organization operated another MRC in Bosasso in Puntland. In December 2020, the FGS, with support from an international organization, established an MRC in Mogadishu. The MRCs were not dedicated solely to trafficking victims and provided services broadly for the vulnerable transiting migrant population. The government and international organizations did not report the number of potential trafficking victims who received assistance at MRCs during the reporting period; however, the government reported that referrals to them were minimal due to decreased resources at MRCs, such as staffing and service availability, because of pandemic-related funding cuts. Puntland authorities maintained a regional referral mechanism for trafficking victims with support from an international organization; however, officials did not report the extent of its use during the reporting period. Victim support varied significantly across the country and specialized care was sporadic due to limited practitioners in country; victims in areas not serviced by the MRCs had irregular access to protective provisions. Authorities routinely detained potential victims for immigration violations, including possession of fraudulent visas; however, the government reportedly screened some detained individuals for trafficking indicators at ports of entry, particularly in Mogadishu. The government did not have a legal alternative to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution.

Authorities across Somalia demonstrated decreased efforts to prevent trafficking during the year. The government's lead anti-trafficking official remained the special envoy for children and migrants' rights, who previously directed a staff of five under the office of the prime minister and was responsible for coordinating efforts on migration, trafficking, and reintegration across federal and regional governmental jurisdictions. Observers noted that the special envoy's role was possibly reduced during the reporting period. While the Office of the Special Envoy served as the secretariat, the FGS Ministry of Women and Human Rights and representatives from Galmudug previously served as the co-chairs of a technical task force on trafficking. The task force was inactive during the reporting period, whereas it had conducted monthly meetings and training in 2019. A lack of technical expertise and limited capacity continued to hinder the secretariat's efforts to develop and coordinate effective anti-trafficking policy. In Somaliland, the Ministry of Justice, in partnership with international organizations, maintained a mixed migration task force that could oversee trafficking-related issues; however, officials did not report the task force undertaking anti-trafficking efforts during the reporting period. In Puntland, the state government maintained an inter-ministerial mixed migration task force and the Puntland Counter Trafficking Board; however, officials did not report these entities undertaking antitrafficking efforts during the reporting period. In 2019, the Office of the Special Envoy developed a strategic, quasi-

national action plan (NAP) that outlined three priorities: policy, coordination, and outreach; however, the government did not report implementing the NAP following the removal of the prime minister in July 2020. The FGS did not report conducting anti-trafficking awareness campaigns during the reporting period, compared with multiple campaigns targeting first responders in 2019. The government did not operate a hotline to report human trafficking during the reporting period. Authorities across Somalia did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia was not a party to the 2000 UN TIP Protocol.

The dire security situation and restrictions on movement of humanitarian actors continued to hamper comprehensive efforts to address the recruitment and use of child soldiers during the year. Al-Shabaab continued to commit the vast majority of violations, although there were reports of the Somali federal defense and police forces—which included the Somali National Army (SNA) and SPF—Puntland forces and police, Jubaland forces, Galmudug forces and police, federal and state gendarmes, and clan militias unlawfully recruiting and using both male and female child soldiers (between 10 and 17 years old). An international organization verified the recruitment and use of 213 children (including 12 girls) by all actors between April and June 2020; 532 children (including 12 girls) between June and September 2020; and 426 children (including 15 girls) between October and December 2020. During the previous reporting period, an international organization documented the recruitment and use of at least 710 children. According to an international organization, the state and non-state actors implicated in reporting had used 67 percent of children for unknown purposes in the conflict; 22 percent of children as combatants in hostilities; and 11 percent of children in support roles such as security escorts, checkpoint guards, messengers, and cleaners. During the reporting period, observers also reported three instances in which security forces had recruited and armed children (two boys and one girl) to guard public buildings and government officials in Mogadishu.

The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA; however, the FGS exercised inconsistent command and control of SNA forces. The Ministry of Defense's Child Protection Unit (CPU), in partnership with international organizations and foreign donors, reported screening 4,899 SNA personnel in Galmudug, South West State, Jubaland, and Mogadishu. The CPU did not report identifying child soldiers among those ranks, but it did identify 11 child soldiers recovered from al-Shabaab and referred an unspecified number of these children for further assistance. In collaboration with an international NGO and foreign donors, the CPU continued to conduct training and awareness campaigns targeted toward hundreds of military and community leaders to prevent recruitment and use of child soldiers during the reporting period. International organizations continued to report some government forces had detained children for their actual or alleged association with al-Shabaab and did not apply juvenile justice standards or adhere to international obligations. Specifically, from April to September 2020, an international organization reported Somali federal and regional security authorities (primarily the police) arrested and detained 108 children (including one girl) aged 11 to 17 years for their alleged association with armed groups. Purportedly, officials eventually released 61 of the children, while 46 children remained in detention; the status of one boy was unknown.

In early 2019, an international organization supported a consultative meeting on the Somalia strategy and operational framework on the prevention of and response to child recruitment, release, and reintegration; the strategy was awaiting parliamentary approval for the second consecutive reporting period. Most Somalis lacked birth certificates, and in the absence of established birth registration systems or standardized methods for recruitment, verifying claims of child soldiering remained difficult. In 2018, the FGS undertook a process of biometric registration of SNA soldiers to validate their identities, force numbers, locales, electronic payment accounts, and

registered weapons to increase transparency and accountability in the security sector and curb the recruitment and use of child soldiers in the SNA. The government did not report implementing this biometric registration mechanism for the second consecutive reporting period, though some SNA units have reportedly enrolled in the system.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Somalia and traffickers exploit victims from Somalia abroad. Information regarding trafficking trends and victims in Somalia remains challenging to obtain or authenticate. Traffickers most commonly use four cross-border routes, mirroring migration flows: a northern route to Europe via Libya; an eastern route to Europe via Turkey; a direct southern path to Kenya, Tanzania, or South Africa; and a path from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. In previous reporting periods, in Somaliland some women acted as recruiters and intermediaries who transported victims to Puntland, Djibouti, and Ethiopia for the purposes of forced labor in domestic service or sex trafficking. In prior years, the FGS anecdotally reported fewer Somalis arrived in their intended destination countries but rather became stranded in transit countries. Anecdotal evidence indicates al-Shabaab continues to facilitate human trafficking crimes, using deception, infiltration of *madrassas* and mosques, coercion or harassment of clan elders or family members, school raids, and abductions to recruit and subsequently force victims—including children hailing mostly from south-central Somalia and Kenya—into sexual slavery, military support roles, direct combat, and marriages to al-Shabaab militants. In 2018, al-Shabaab reportedly conducted numerous “handing-over” ceremonies in the presence of village and clan elders, during which the terrorists forced communities to “volunteer” hundreds of their children to fight among its ranks. Al-Shabaab continued to enslave an indeterminate number of young girls and exploited them in forced marriage and sexual servitude during the reporting period.

IDPs, certain marginalized ethnic minorities, people residing in al-Shabaab territory, and youth remain the most vulnerable to sex trafficking and forced labor. During the reporting period, authorities noted the age of vulnerable migrants appeared to be much lower than previous years, to include children as young as 15 years old. Somali children working in the informal sector are vulnerable to trafficking, as they often are driven by familial or economic pressure to seek employment opportunities abroad. These economic migrants sometimes incur debts under the trafficking scheme dubbed “go now, pay later” or through economic exploitation. According to an international organization, traffickers extort payments from families left behind or exert threats if they refuse or are unable to pay. In general, the predominant factors that compel migrants to leave Somalia are poverty, insecurity, and natural disasters. As of February 2021, an international organization registered more than 900,000 refugees and 2.6 million IDPs from Somalia. Some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages and who may subsequently exploit some of these children in forced labor or sex trafficking. While many children work within their own households or family businesses, some traffickers may force children into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or the construction industry. Although there is a lack of reliable statistics, in prior years Somaliland and Puntland continued to receive an influx of economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia, in addition to returnees primarily from Yemen and Saudi Arabia.

Most trafficking networks continue to be organized by a combination of Somali, Djiboutian, Eritrean, and North African traffickers. Typically, traffickers employ deception as the predominant recruitment method, although al-Shabaab often uses coercion and force. Traffickers increasingly recruit individuals through social media platforms and travel agencies, with a growing level of network sophistication. Traffickers also target and recruit children, without their parents’

awareness or support, using false promises that no payment will be demanded until they reach their targeted destinations. Traffickers and smugglers reportedly take advantage of the vulnerability of IDP women and children, mostly from southern and central Somalia, at times using false promises of lucrative jobs in Europe and North America. Traffickers transport Somali women, sometimes via Djibouti, to the Middle East, where they frequently endure forced labor, including in domestic service, or sex trafficking. Traffickers subject Somali men to forced labor in farming and construction in the Gulf States. Traffickers transport children to Djibouti, Saudi Arabia, and the UAE and force them to beg on the streets. Dubious employment agencies facilitate human trafficking by targeting individuals desiring to migrate to the Gulf States or Europe for employment.

## SPECIAL CASE: YEMEN

Yemen remains a Special Case for the sixth consecutive year. The civil conflict and humanitarian crisis continued during the reporting period, while the COVID-19 pandemic exacerbated the crisis and further hampered both government and NGO functioning. Information on human trafficking in the country has been increasingly difficult to obtain since March 2015, when much of the Republic of Yemen Government (ROYG) took refuge in Riyadh following the takeover of Sana’a by Iranian-backed Houthi rebels and lost control of significant portions of the country. Although a ROYG and Southern Transitional Council (STC) powersharing agreement returned the ROYG to its temporary capital of Aden in December 2020, it remained unable to adequately combat trafficking or collect data on trafficking during the reporting period. NGOs reported vulnerable populations were at an increased risk of human trafficking due to the protracted armed conflict, civil unrest and lawlessness, and worsening economic conditions. Migrant workers from the Horn of Africa who remained or arrived in the country during the reporting period may have endured intensified violence. Due to pandemic-related border closures and movement restrictions, many migrants traveling through the country to Gulf countries remained trapped in Yemen, heightening their risk to trafficking. The international organizations and NGOs remaining in the country focused primarily on providing humanitarian assistance to the local population and lacked adequate resources and capacity to gather reliable data on human trafficking. The vast majority of Yemenis required all types of assistance and basic social services, as the national infrastructure had collapsed.

### GOVERNMENT EFFORTS

Due to the protracted conflict and tenuous political situation, the government faced serious challenges to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, economic deprivation, food insecurity, social disintegration, limited territorial control, and poor law enforcement capabilities. The ROYG exercised only nominal control over government-controlled areas; ROYG authorities that oversaw migrant flows, provided services and protection to migrants, and assisted vulnerable groups – which may have interacted with victims – did not function. The government did not report efforts to address trafficking in persons during the reporting period. The absence of a law criminalizing all forms of trafficking and the government’s conflation of human trafficking and migrant smuggling hindered government efforts to investigate and prosecute trafficking offenders. Article 248 of the penal code criminalized slavery and prescribed penalties of up to 10 years’ imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. However, Article 248 narrowly focused on transactions and movement and therefore did not criminalize many forms of labor and sex trafficking, as defined under international law. Article 279 criminalized child sex trafficking under its prostitution provision and prescribed penalties of up to seven years’ imprisonment, which could be increased to up to 15 years’

imprisonment under aggravating circumstances; these penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2014, the government adopted a bill that it subsequently referred to the Parliament, which aimed to combat all forms of trafficking, protect and assist victims, generate societal awareness of the risks of trafficking to reduce the incidence of the crime, and promote national cooperation. However, the bill had not been taken up by parliament by the close of the reporting period.

The ROYG did not have full oversight of the courts and therefore did not report efforts to prosecute, convict, or punish trafficking offenses during the year. In addition, the government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, including the alleged recruitment and use of child soldiers by the ROYG Armed Forces, inhibiting law enforcement action during the year. The government did not report efforts to conduct training on trafficking for any government officials or provide support to NGOs or international organizations that may have conducted anti-trafficking training.

The government did not have the access or capacity to identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in commercial sex and migrant laborers, some of whom were in transit to the Gulf States. To mitigate its inability to ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts traffickers compelled them to commit, such as commercial sex or immigration violations, the government initiated measures to protect migrants, including potential trafficking victims, during the previous reporting period; this included creation of a committee led by the Ministry of Interior's Immigration, Passport, and Naturalization Authority (IPNA) to assure the security and protection of the legal and human rights of migrants. However, the government did not report on the committee's actions during the reporting period to screen vulnerable migrant populations for potential trafficking victims and so was unable to ensure it did not wrongfully penalize victims. Although formal standard operating procedures for proactive identification of trafficking victims existed, efforts to implement or train law enforcement on these procedures were suspended due to the prolonged unrest. Furthermore, the government was not able to encourage victims to assist in investigations or prosecutions of their traffickers and was financially unable to provide assistance to its nationals repatriated after enduring trafficking abroad. During the reporting period, both government-aligned forces and militia forces continued to unlawfully recruit and use child soldiers.

Due to its broad lack of access and capacity limitations, the government did not make sufficient efforts to prevent trafficking during the reporting period. The government maintained the National Committee to Combat Human Trafficking pursuant to Council of Ministers Decision No.46 of 2012; its members included governmental and nongovernmental interlocutors. A draft national strategy to combat trafficking initiated by the ministry of human rights in a previous reporting period, in coordination with an international organization, remained pending. The draft included plans for raising awareness, increasing cooperation between Yemen and neighboring countries, training officials in victim identification, and instituting procedures to protect victims. The government did not provide anti-trafficking training to its diplomatic personnel and did not make efforts to reduce the demand for commercial sex acts.

Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases remained challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restrictive humanitarian access and pandemic-related movement restrictions. As a result of its limited capacity and the ongoing conflict, the ROYG has not implemented

a 2014 UN action plan to end the recruitment and use of child soldiers, although it continued to express interest in revitalizing the discussion on implementation. During the previous reporting period, the government entered into an agreement with the UN on a roadmap for implementation of the existing action plan to prevent the recruitment and use of child soldiers; however, no progress was made on its implementation during the reporting period, due to intensified conflict and ongoing tensions between the ROYG and the STC. Due to continued military activity by government and Houthi forces, tribal elements and other foreign-backed militias during the year, the recruitment, training, and mobilization of children as participants in the conflict by nongovernmental forces and by affiliated governmental forces continued. An international organization reported armed groups used boys mostly in combatant roles or to guard checkpoints and forced other children to carry out support duties such as cooking, washing clothes, and gathering intelligence during the reporting period. During the reporting period, international organizations noted the increased recruitment by the Houthis of girls between the ages of 13-17, used mostly as recruiters, guards, and spies, and in more formal roles as educators and medics. Reportedly, some girls were recruited to a specific all-female force and some survived sexual violence and/or forced early marriage linked to their recruitment. During the reporting period, verified cases of the unlawful recruitment and use of child soldiers occurred with some familial knowledge or consent; monetary and material support was utilized as an incentive for joining the Yemeni Armed Forces and to a lesser extent forced enrollment via abductions. Recruiters continued to target schools across the country. An international organization also reported that recruitment from both male and female detention centers, used as a condition for release particularly by the Houthis, increased during the reporting period. According to an international organization, between April and September 2020, armed groups unlawfully recruited and used at least 65 children between the ages of 12-17, compared with 23 from the previous reporting period. Despite challenges in documenting and verifying information due to continued persistent security threats and pandemic-related movement restrictions, the number of children recruited and used increased during the reporting period, indicating the deeply concerning effect of the ongoing conflict on children in the country. Recruitment and use of child soldiers were reportedly attributed to Houthis and affiliated factions, the government's Yemeni Armed Forces, and Security Belt Forces. In 2020, officials did not report demobilizing any child soldiers; however, the government operated a Saudi-funded interim care center in Marib to assist former child soldiers during the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Yemen, and traffickers exploit victims from Yemen who reside abroad. The ongoing conflict, lack of rule of law, economic degradation, pervasive corruption, and fractional territorial control have disrupted some trafficking patterns and exacerbated others. Prior to the conflict, Yemen was a transit point and destination for women and children, primarily from the Horn of Africa, who were exploited in sex trafficking and forced labor. Many Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in Gulf countries; traffickers exploited some of these migrants in forced labor and sex trafficking in transit countries, reportedly most often in Yemen. Prior to the conflict's escalation and the government's departure from Sana'a in March 2015, Saudi Arabia allegedly deported Yemeni migrant workers and returned them to Yemen through the al-Tuwal and al-Buq border crossings. Most deportees reportedly returned to the impoverished Tihamah region located on the west coast of Yemen, many of whom remained displaced and highly vulnerable to exploitation, including trafficking. During the reporting period, pandemic-related movement restrictions and border closures led to a very low rate of migrant arrivals in Yemen; a total of 37,535 people arrived in 2020, mostly from Ethiopia and Somalia, as in previous years. However, as Yemen is generally a transit point for migrants traveling to the Gulf for economic opportunity, restrictions, border closures, and bans on international flights stranded thousands of



migrants for several months in dire living conditions and with minimal access to assistance and support. With limited options for survival and decreased support from local communities in Yemen, migrants were forced to look elsewhere to meet basic needs, which traffickers exploit. Moreover, during the reporting period there was an increase in reports of migrants subjected to sex trafficking, forced labor, physical and sexual abuse, and abduction for ransom. Additionally, due to a significant decrease in migrants transiting through Yemen, an international organization reported that traffickers were increasingly forcing migrant women to work off debts on farms or moving them to cities to work as domestic laborers, subjecting them to debt bondage. During the reporting period, both the pandemic and the country's civil war continued to generate a substantial flow of reverse migration for migrants who originated in the Horn of Africa, as well as Yemenis fleeing the country to Djibouti. An international organization reported that since May 2020, 7,652 migrants made their way from Yemen to Djibouti, traveling on smuggling boats

or by foot, although the number could be higher as some arrivals may have not been officially captured due to arrivals at coastal locations. The Government of Djibouti, in coordination with an international organization and the Ethiopian Embassy in Djibouti, reported facilitating the voluntary return of 537 migrants in 2020, the large majority of whom were Ethiopian. Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases remained challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restrictive humanitarian access. Civil society organizations and media outlets assessed in the previous reporting period that trafficking of Yemeni children gradually increased since the civil war commenced, and children were disproportionately affected by its protracted escalation.



# RELEVANT INTERNATIONAL CONVENTIONS

The chart below shows the Ratification, Accession (a), or Acceptance (A) of relevant international conventions for those countries that have ratified, acceded to, or accepted any such conventions between April 2020 and March 2021. A complete list that includes all of the countries covered by the 2021 Trafficking in Persons Report is available at: <https://www.state.gov/j/tip/conventions/index.htm>

Country	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000)	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict (2000)	ILO Convention 29 Forced Labour (1930)	ILO Protocol of 1947 to the Forced Labour Convention	ILO Convention 105, Abolition of Forced Labour (1957)	ILO Convention 182, Elimination of Worst Forms of Child Labor, (1999)	ILO Convention 189, Domestic Workers (2011)
Chile	2004	2003	2003	1933	2020 (will enter into force on 16 November 2021)	1999	2000	2015
Comoros	2020 (23 June)	2007	—	1978	—	1978	2004	—
Costa Rica	2003	2002	2003	1960	2020 (will enter into force on 16 November 2021)	1959	2001	2014
Kyrgyzstan	2003	2003	2003	1992	2020 (will enter into force on 16 November 2021)	1999	2004	—
Mexico	2003	2002	2002	1934	—	1959	2000	2020 (will enter into force on 3 July 2021)
Namibia	2002	2002	2002	2000	2017	2000	2000	2020 (will enter into force on 9 December 2021)
Nepal	2020 (16 June)	2006	2007	2002	—	2007	2002	—
Portugal	2004	2003	2003	1956	2020 (will enter into force on 23 December 2021)	1959	2000	2015
Sudan	2014	2004	2005	1957	2021 (will enter into force on 17 March 2022)	1970	2003	—
Tonga	—	—	—	—	—	—	2020 (will enter into force on 4 August 2021)	—
Vietnam	2012	2001	2001	2007	—	2020 (will enter into force on 14 July 2021)	2000	—

# STOPPING HUMAN TRAFFICKING AND SEXUAL EXPLOITATION AND ABUSE BY INTERNATIONAL PEACEKEEPERS AND CIVILIAN PERSONNEL

As required by law, this section summarizes actions taken by the UN, the North Atlantic Treaty Organization (NATO), and the OSCE to prevent trafficking in persons or the exploitation of victims of trafficking.

	UN	OSCE	NATO
Total Number of Peacekeeping and Support Personnel	81,932 (including 5,763 women)	3,795	15,621
Total Number of Missions	13	16	3
Prevention Policy	"Special Measures for Protection from Sexual Exploitation and Sexual Abuse" (SEA) (2003)	"Code of Conduct for Staff and Mission Members"	"NATO Policy on Combating Trafficking in Human Beings" (2004 and 2007) "NATO Policy on Combatting Sexual Exploitation and Abuse" (2019)
Lead Office Responsible for Implementation	Department of Management Strategy, Policy and Compliance	Office of Human Resources	Human Security Unit
Prevention Training	Pre-deployment and at mission, including a new e-learning program	Pre-deployment	Pre-deployment and at mission "NATO Guidance for the development of training and educational programmes to support the policy on combating the trafficking in human beings" (2004)
Number of Allegations in 2020	65 allegations were made against military, police, and civilian personnel. The majority of the allegations were in the Central African Republic, Democratic Republic of Congo, and South Sudan. 13 of the allegations affected children.	No reported allegations	No reported "allegations." NATO relies on contributing countries to report allegations as early as third quarter 2021



	UN	OSCE	NATO
NEW INITIATIVES	<p>The Secretary-General has institutionalized mechanisms to continue engagement and cohesion across the United Nations system, and prioritized leadership accountability relating to sexual exploitation and abuse through mandated action plans and personal certifications.</p> <p>To maintain momentum and coordination in implementation, the Secretary-General extended the mandate of the Special Coordinator on improving the UN response to sexual exploitation and abuse until 31 December 2021.</p> <p>The United Nations Population Fund (UNFPA) and the World Food Programme (WFP) conducted consultations with staff in high-risk duty stations on the prevention of sexual exploitation and abuse during COVID-19.</p> <p>The integration of a victim-centered approach into system-wide efforts on sexual exploitation and abuse, including risks to beneficiaries and others associated with the COVID-19 pandemic, was strengthened in 2020.</p>	<p>The OSCE provides workshops and training to participating States on preventing trafficking in the organization's supply chains, and identifying and protecting trafficking victims.</p> <p>Internally, the Office of the Special Representative and Co-Ordinator for Combating Trafficking in Human Beings (OSR/CTHB) helped develop and adopt contract and tender provisions for OSCE procurement; conducted a pilot assessment of TIP risk in procurement of the OSCE field operation in Serbia, results from which were published in an analysis report; developed guidance for OSCE procurement to prevent TIP, and developed training for OSCE procurement and program staff and launched implementation.</p> <p>Leading by example, the OSR/CTHB's collaboration with the Secretariat's Procurement and Contracting Unit provided for the development of internal measures and capacities to prevent TIP in the OSCE's procurement. As tasked by MC Decision 6/17, the OSR/CTHB contributed to the development of Guidance for OSCE Procurement on Combating Human Trafficking and Labour Exploitation in Supply Chains as well as to the OSCE Procurement and Contracting Workshop and a pilot training. It also organized a workshop on managing and mitigating TIP risks in procurement for ODHR.</p> <p>In line with MC Decision 6/17, in 2020 the OSR/CTHB, in co-operation with anti-trafficking Focal Points and DHR, finalized the development of a learning module on combating TIP for the OSCE executive structures as part of the new All OnBoard programme. In 2021, the roll out of the module in Field Operations has started.</p> <p>Finally, as co-chair of the Task Force mandated by the UN High-Level Committee on Management to develop a common approach to combat TIP and forced labor in supply chains, the OSCE has closely worked with the UN system to coordinate these efforts among all major IOs.</p>	<p>NATO Sexual Exploitation and Abuse Action Plan to be adopted by October 2020.</p> <p>NATO Human Trafficking Policy (2004) to be up-dated in 2021.</p>
Links for Additional Information	<a href="https://conduct.unmissions.org/">https://conduct.unmissions.org/</a>	<a href="http://www.osce.org/what/trafficking">http://www.osce.org/what/trafficking</a>	<a href="http://www.nato.int/cps/en/natolive/topics_50315.htm">http://www.nato.int/cps/en/natolive/topics_50315.htm</a>

# INTERNATIONAL, REGIONAL, AND SUB-REGIONAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<p>United Nations (UN) www.un.org</p> <p>United Nations Office on Drugs and Crime (UNODC) – Trafficking in Persons <a href="https://www.unodc.org/unodc/en/human-trafficking/index.html">https://www.unodc.org/unodc/en/human-trafficking/index.html</a></p> <p><b>United Nations Office of the High Commissioner on Human Rights</b> www.ohchr.org</p> <p><b>High-level Political Forum on SDGs</b> <a href="https://sustainabledevelopment.un.org/hlpf">https://sustainabledevelopment.un.org/hlpf</a></p> <p><b>The Inter-agency Coordination Group against Trafficking in Persons (ICAT):</b> www.icat.un.org</p> <p>International Labour Organization (ILO) www.ilo.org</p>	<p><b>UN Convention and Protocol:</b> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (A/RES/55/25) (2000)</p> <p><b>United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293) (2010)</b></p> <p>Political Declaration on the Implementation of the Global Plan of Action to Combat Trafficking in Persons (2017) (A/RES/72/1)</p> <p><b>UNSC Resolutions:</b> UNSC Resolutions on Trafficking in Persons in Conflict Situations 2331 (2016) , 2388 (2017) and 2493 (2019 S/RES/2493 ) UNODC Global Report on Trafficking in Persons (2020) Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2020) Model Legislative Provisions against Trafficking in Persons (2020) Female Victims of Trafficking for Sexual Exploitation as Defendants (2021) UNODC Toolkit for Mainstreaming Human Rights and Gender Equality into Criminal Justice Intervention to Address Trafficking in Persons and Smuggling of Migrants (2021) UN Sustainable Development Goal targets 5.2, 8.7, and 16.2 (SDGs)</p> <p><b>ILO Conventions:</b> <a href="http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm">http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm</a> <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0</a> -C29 Forced Labour Convention (1930) -P029 Protocol of 2014 and Recommendation R203, supplementing the Forced Labour Convention (1930) -C105 Abolition of Forced Labour Convention (1957) -C182 Worst Forms of Child Labour Convention (1999) -C189 Domestic Workers Convention, and its Recommendation R201 (2011) ILO training package on inspection of labour conditions on board fishing vessels (2020)</p>	<p>UN Special Rapporteur on Trafficking in Persons, Especially Women and Children</p> <p>UN Special Rapporteur on Contemporary Forms of Slavery</p> <p>UN Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography</p>
<p><b>African Union (AU)</b> www.africa-union.org/</p>	<p>Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006)</p> <p>AU Commission Initiative against Trafficking Campaign (AU.COMMIT)</p> <p>October 1, 2020, Virtual Event, 2nd Virtual Technical Meeting on Data Collection on Irregular Migration and Associated Protection Risks towards the Production of a Statistical Report on Human Trafficking and Migrant Smuggling in the Horn of Africa and Surrounding Region</p> <p>January 23-24, 2020, Bishoftu, Ethiopia, National Stakeholder Workshop on the AU-Horn of Africa Mainstreaming Initiative for Countering Human Trafficking and Migrant Smuggling</p>	<p>N/A</p>

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<b>Khartoum Process</b> (EU/Horn of Africa Migration Route Initiative)	Khartoum Process Factsheet  Khartoum Declaration on AU-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants (2014)  Valletta Summit Action Plan (2015)  Valletta Summit Political Declaration (2015)  EU-Africa Action Plan on Migration and Mobility (2014-2017)	
<b>Association of Southeast Asian Nations (ASEAN)</b> <a href="http://www.asean.org">www.asean.org</a>	ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children (2004)  ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015)  ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (2015)	ASEAN Senior Officials Meeting on Transnational Crime
<b>Bali Regional Ministerial Conference On People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process)</b> <a href="http://www.baliprocess.net">www.baliprocess.net</a>	Co Chairs' Statements of the first (2002), second (2003), third (2009), fourth (2011), fifth (2013), sixth (2016) and seventh (2018) Declaration of the Seventh Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (2018) Policy Guides & Handbooks:  The Bali Process Guidelines for Information Sharing to Address People Smuggling, Trafficking in Persons and Related Transnational Crime  The Bali Process Handbook on Addressing Irregular Migration through Effective Information Campaigns  The Bali Process Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Persons  The Bali Process Policy Guides on Identification and Protection of Victims of Trafficking  The Bali Process Policy Guide on Following the Money in Trafficking in Persons Cases  The Bali Process Policy Guide on Returns and Reintegration  Protecting Migrants at Sea: Practical Guide to Fulfilling International Obligations  Corruption as a facilitator of smuggling of migrants and trafficking in persons (2021)	Bali Process Working Group on Trafficking in Persons
<b>Commonwealth of Independent States (CIS)</b> <a href="http://www.cis.minsk.by/">www.cis.minsk.by/</a> (in Russian only)	Agreement on the Cooperation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues (2005)  Program of Cooperation between the CIS Member States against Trafficking in Persons for 2014–2018	N/A
<b>Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)</b> <a href="http://un-act.org/">http://un-act.org/</a>	COMMIT Memorandum of Understanding on Cooperation Against Trafficking in Greater Mekong Sub-Region (2004)  COMMIT 4th Sub-Regional Plan of Action (COMMIT SPA IV 2015-2018) Victim Identification and Referral Mechanisms: Common Guidelines for the Greater Mekong Sub-region  Supporting the Reintegration of Trafficked Persons: A Guidebook for the Greater Mekong Sub-Region:	United Nations Action for Cooperation against Trafficking in Persons  Regional COMMIT Task Force (TF)
<b>Council of the Baltic Sea States (CBSS)</b> <a href="https://cbss.org/our-work/safe-secure-region/anti-trafficking/">https://cbss.org/our-work/safe-secure-region/anti-trafficking/</a>	A Vision for the Baltic Sea region by 2020, CBSS Summit 2010  Task Force against Trafficking in Human Beings Strategic Plan 2020-2025  Human Trafficking 2020 – Baltic Sea Round-up Report  Guidelines for journalists reporting on cases of human trafficking: Media and Trafficking in Human Beings (2019)	Task Force against Trafficking in Human Beings (TF-THB)  Expert Group on Children at Risk  Task Force Against Trafficking in Human Beings



ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<b>Council of Europe (COE)</b> <a href="http://www.coe.int">www.coe.int</a>  <a href="http://www.coe.int/t/dghl/monitoring/trafficking/">http://www.coe.int/t/dghl/monitoring/trafficking/</a>  <a href="https://hudoc.greta.coe.int/eng">https://hudoc.greta.coe.int/eng</a>	<b>COE Convention on Action Against Trafficking in Human Beings (2005)</b>  Reports: <a href="https://www.coe.int/en/web/anti-human-trafficking/general-reports">https://www.coe.int/en/web/anti-human-trafficking/general-reports</a>  <b>HELP Online Training Course:</b>  9th General Report on GRETA's Activities (2019) <a href="https://www.coe.int/en/web/anti-human-trafficking/general-reports">https://www.coe.int/en/web/anti-human-trafficking/general-reports</a>  HUDOC-GRETA Database  Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection  GRETA meetings	
<b>Economic Community of West African States (ECOWAS)</b> <a href="http://www.ecowas.int">www.ecowas.int</a>  <b>Economic Community of Central African States (ECCAS)</b> <a href="http://www.ceeac-eccas.org/">www.ceeac-eccas.org/</a>	ECOWAS Initial Plan of Action against Trafficking in Persons  ECOWAS Declaration on the Fight against Trafficking in Persons (2001)  Joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children (2006-2008)	Anti-Trafficking Unit
<b>EU</b> <a href="http://ec.europa.eu/anti-trafficking/index.action">http://ec.europa.eu/anti-trafficking/index.action</a>	Directive 2011/36/EU on Combating and Preventing Trafficking in Human Beings and Protecting its Victims EU Anti-Trafficking Action 2017-2019  Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims	European Union Anti-Trafficking Coordinator
<b>Financial Action Task Force (FATF)</b> <a href="http://www.fatf-gafi.org/">http://www.fatf-gafi.org/</a>	<b>FATF REPORT Financial Flows from Human Trafficking (2018)</b> <a href="https://www.fatf-gafi.org/media/fatf/content/images/Human-Trafficking-2018.pdf">https://www.fatf-gafi.org/media/fatf/content/images/Human-Trafficking-2018.pdf</a>	
<b>League of Arab States (LAS)</b> <a href="http://arableague-us.org/wp/">http://arableague-us.org/wp/</a>	Arab Framework Act on Combating Trafficking in Persons (2008)  Arab Initiative to Combat Trafficking in Persons, 2010  Comprehensive Arab Strategy for Combating  Trafficking in Human Beings (CASCTHB), Council of Arab Ministers of Justice Resolution 15/2/2012	N/A
<b>Organization of American States (OAS)</b> <a href="http://www.oas.org/dsp/english/cpo_trata_dia_mundial.asp">http://www.oas.org/dsp/english/cpo_trata_dia_mundial.asp</a>	Work Plan to Combat Trafficking in Persons in the Western Hemisphere 2010-2012 (AG/RES. 2551 (XL-O/10))  Second Work Plan against Trafficking in Persons in the Western Hemisphere 2015-2018 (extended to 2020)  Hemispheric Efforts against Trafficking in Persons "Declaration of Mexico" (2018)  Advancing Hemispheric Security: A Multidimensional Approach (AG/RES. 2950 (L-O/20))  Progress Report: II Work Plan Against Trafficking in Persons In The Western Hemisphere 2015-2018  Recommendations of the Sixth Meeting of National Authorities on Trafficking in Persons "Challenges in the Fight against Trafficking in Times of Pandemic" (2021)	Department of Public Security and Department against Transnational Organized Crime

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<b>Organization for Economic Cooperation and Development (OECD)</b>	<p>The OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector(2017)</p> <p>OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas(2016)</p> <p>Trafficking in Persons and Corruption Report (2016)</p>	<p>OECD Task Force on Countering Illicit Trade</p>
<b>Organization for Security and Cooperation in Europe (OSCE)</b> <a href="http://www.osce.org/secretariat/trafficking">http://www.osce.org/secretariat/trafficking</a>  <b>OSCE Alliance against Trafficking in Persons:</b> <a href="http://www.osce.org/secretariat/107221">http://www.osce.org/secretariat/107221</a>	<p>OSCE Action Plan to Combat Trafficking in Human Beings (2003)</p> <p>Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, Decision No. 1107, 6 December (2013)</p> <p>Handbook - How to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers (2014):</p> <p>Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region</p> <p>Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains (2018)</p> <p>The Critical Role of Civil Society in Combating Trafficking in Human Beings (2018)</p> <p>From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows (2018)</p> <p>Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking (2018)</p> <p>2020 Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings</p> <p>OSCE Compendium Database, an easy way to access information on prevention of labour exploitation in supply chains, now accessible online (2021)</p> <p>OSCE: International Survivors of Trafficking Advisory Council (2021)</p>	<p>Special Representative and Co-ordinator for Trafficking in Human Beings</p>
<b>Regional Conference on Migration (RCM) (Puebla Group)</b> <a href="http://www.rcmvs.org">www.rcmvs.org</a>	<p>Regional Conference on Migration Plan of Action (updated in 2009)</p>	<p>The Liaison Officers Network to Combat Migrant Smuggling and Trafficking in Persons</p>
<b>Southern African Development Community (SADC)</b> <a href="http://www.sadc.int/">www.sadc.int/</a>	<p>SADC Strategic Plan of Action on Combating Trafficking in Persons, especially women and Children (2009-2019)</p> <p>Trafficking in Persons in the SADC Region: A Baseline Report (2016)</p> <p>Trafficking in Persons in the SADC Region: Policy Brief (2016)</p> <p>Preventing and Combating Trafficking in Persons: Lessons from the SADC Region Booklet (2017)</p>	<p>N/A</p>





# SECTIONS 405(c) AND (d) OF THE CHILD SOLDIERS PREVENTION ACT (CSPA) OF 2008 (22 U.S.C. 2370C-2(c) AND (d))

This report is submitted in accordance with section 405(c) and (d) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c-2(c) and (d)) (CSPA). Section 1 lists the countries identified as being in violation of the standards under the CSPA in 2020. Section 2 provides a description and the amounts of assistance withheld pursuant to section 404(a) of the CSPA. Section 3 provides a list of waivers or exceptions exercised under the CSPA. Section 4 contains the justifications for such waivers. Section 5 provides a description and the amounts of assistance provided to countries pursuant to such waivers.

## SECTION 1. COUNTRIES IN VIOLATION OF THE STANDARDS UNDER THE CSPA IN 2020.

The Secretary of State identified the following countries as having governmental armed forces, police, or other security forces or government-supported armed groups that recruited or used child soldiers within the meaning of section 404(a) of the CSPA during the reporting period of April 1, 2019 – March 31, 2020: Afghanistan, Burma, Cameroon, Democratic Republic of the Congo (DRC), Iran, Iraq, Libya, Mali, Nigeria, Somalia, South Sudan, Sudan, Syria, and Yemen.

## SECTION 2. DESCRIPTION AND AMOUNT OF ASSISTANCE WITHHELD PURSUANT TO SECTION 404(a).

State withheld \$850,000 in FY 2021 International Military Education and Training (IMET) funds for Mali pursuant to section 404(a) and other applicable restrictions.

## SECTION 3. LIST OF WAIVERS OR EXCEPTIONS EXERCISED UNDER SECTION 404(a).

On October 14, 2020, the President determined that it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Afghanistan, Cameroon, Iraq, Libya, and Nigeria; and to waive the application of the prohibition in section 404(a) of the CSPA with respect to the DRC to allow for the provision of IMET and Peacekeeping Operations (PKO) assistance, to the extent that the CSPA would restrict such assistance or support; to waive the application of the prohibition in section 404(a) of the CSPA with respect to Somalia to allow for the provision of IMET and PKO assistance and DoD support provided pursuant to 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for the provision of PKO assistance, to the extent that the CSPA would restrict such assistance or support; and, to waive the application of the prohibition in section 404(a) of the CSPA with respect to Yemen to allow for the provision of PKO and IMET assistance and DoD support provided pursuant to 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support. The President further certified that the governments of the above countries are taking effective and continuing steps to address the problem of child soldiers.

## SECTION 4. JUSTIFICATIONS FOR WAIVERS AND EXCEPTIONS.

Pursuant to section 404 of the Child Soldiers Prevention Act of 2008 (CSPA) (22 U.S.C. 2370c-1), the President has determined that it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Afghanistan, Cameroon, Iraq, Libya, and Nigeria; and to waive, in part, the application of the prohibition with respect to the Democratic Republic of the Congo, Somalia, South Sudan, and Yemen. The President has further certified that the governments of the above countries are taking effective and continuing steps to address the problem of child soldiers. The justification for this determination and certification with respect to each country is set forth in this Memorandum.

### Afghanistan

The President has determined it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to the Government of Afghanistan (GOA) and has certified that the GOA is taking effective and continuing steps to address the problem of child soldiers.

Security assistance to Afghanistan subject to the CSPA restriction fulfills critical U.S. counterterrorism objectives and fosters conditions that enable an end to the conflict in Afghanistan. For example, the International Military Education and Training (IMET) program funds professional military education and training for the Afghanistan National Defense and Security Forces (ANDSF) that improves their capabilities, promotes respect for human rights,

improves defense resource management, civil-military cooperation, and education on gender-based violence and women's health, and enhances interoperability for U.S.-Afghan joint operations.

This sustained assistance to the ANDSF through IMET plays an important role in preserving Afghanistan's security, political, and economic gains, including by enhancing awareness of and respect for human rights across the ANDSF. Continuing to bolster Afghan military capability and professionalization through military education and training of Afghan security forces will contribute to a climate that is more favorable for achieving a political settlement and implementing its outcomes.

The GOA is taking effective and continuing steps to address the problem of child soldiers. In 2019, the Afghan Ministry of Interior expanded child protection units (CPUs) to all 34 provinces, an increase from the 27 CPUs in 2018, to prevent the recruitment of children into the Afghan National Police. According to international organizations, the CPUs prevented the recruitment of 439 children in 2019. The Ministries of Interior and Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANDSF.

The United States will continue engaging with Afghan security forces to encourage implementation of the policies and legal frameworks in place, such as the Ministry of Defense's Protection of Children in Armed Conflict Policy.

## Cameroon

The President has determined it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Cameroon and has certified that the Government of Cameroon is taking effective and continuing steps to address the problem of child soldiers.

The U.S. government's current military assistance goals with Cameroon are to increase: 1) military professionalization, 2) maritime security capabilities, and 3) counterterrorism capabilities. The limited U.S. military assistance to Cameroon plays a role in its ability to support regional stability and security, including in the strategically important Gulf of Guinea, and to address the threat in the Lake Chad region from Boko Haram and ISIS-West Africa. Current military assistance to Cameroon includes IMET and Peacekeeping Operations (PKO) funding. IMET funding for Cameroon increases the professionalization of the military through professional military education (PME) training in the United States. Along with overall PME training, IMET funding for Cameroon also strengthens military justice and civil-military relations, helping make Cameroon's armed forces more transparent and accountable. PKO funded counter-terrorism assistance to Cameroon helps improve its capabilities to combat Boko Haram and ISIS-West Africa, which increases stability and protects civilians in the Lake Chad region. PKO funding may also support Cameroon's maritime security capabilities to combat piracy, a growing regional economic threat. This waiver will allow the U.S. government to provide security assistance to make Cameroon's military more professional through an appreciation of the importance of human rights and rule of law. It will promote peace and security in the region through maritime security and counterterrorism capacity building.

The Government of Cameroon is taking effective and continuing steps to address the problem of child soldiers. In November 2018, President Biya announced the creation of a National Disarmament, Demobilization, and Reintegration (DDR) Committee. Although the DDR Committee is not specifically dedicated to removing child soldiers from the field of battle, its mission is to facilitate the disarmament and reintegration of ex-fighters of Boko Haram and ISIS-West Africa and armed separatist groups in the Southwest and Northwest Regions, irrespective of their ages. In 2018, the president created regional disarmament centers in Bamenda, Northwest Region, Buea in the Southwest Region, and Mora in the Far North Region. The DDR Committee works to equip former child soldiers with resources for income-generating activities and reintegrate them into their communities. During an early July 2019 evaluation meeting in Yaoundé, the Head of the DDR Committee, Francis Fai Yengo, stated that at least 56 armed separatist fighters in the Northwest and Southwest Regions were reported to have laid down their arms and joined DDR centers, while 109 Boko Haram fighters had laid down their weapons in the Far North Region and were being housed at the DDR center in Mora. The Government of Cameroon also acknowledges that recruitment and use of child soldiers by armed Anglophone separatists and Boko Haram is a problem.

Cameroon has laws and regulations that prohibit the recruitment and use of child soldiers and the government generally enforces these provisions. We are engaging with the government of Cameroon to encourage an investigation of the single case of Cameroon's security forces using a child for the gathering of intelligence that resulted in their inclusion on the 2020 CSPA list and to prevent similar situations from occurring again.

## The Democratic Republic of the Congo (DRC)

The President has determined it is in the national interest of the United States to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to DRC to allow for the provision of IMET and PKO assistance and has certified that the Government of the DRC is taking effective and continuing steps to address the problem of child soldiers.

The DRC plays a critical role in regional stability and security as malign influences continue to expand their influence in the region. President Felix Tshisekedi has demonstrated that he is a willing partner committed to addressing

instability and conflict in DRC, but needs U.S. security assistance to succeed in defeating armed groups threatening local populations, including the ISIS-affiliated Allied Democratic Forces (ADF). Unlike during the years under former President Kabila, senior Congolese Armed Forces (FARDC) leadership now welcomes increased military cooperation with the United States. The country faces numerous longstanding challenges, including: inadequate infrastructure and human resources; the government's inability to project authority across the sizable country; corruption; a limited capacity to raise and manage revenues; outbreaks of infectious disease; as well as the destabilizing activity of numerous armed groups. PKO and IMET funding for DRC would enable the United States to continue to work to increase professionalization of the military, allowing it to provide security within its territory without resorting to violations or abuses of human rights or violations of international humanitarian law (IHL). In addition, PKO and IMET funding has supported areas such as military justice, civil-military relations, human rights training, IHL training, English language training, military engineering, and resource management and logistics, which not only enhances security provision, but also helps make the FARDC a more transparent, accountable institution. President Tshisekedi has stated that he believes that improved security will enable health workers to counter COVID and other global health threats stem illicit mineral smuggling, other illicit trafficking of natural resources and transnational criminal organizations, catalyze regional economic integration, and provide a much-needed boost to DRC's development.

A secure DRC is essential to attracting the foreign investment and business necessary to leverage the country's estimated \$24 trillion in mineral wealth and improve the welfare and livelihood of millions of Congolese people. Greater stability and self-reliance is one of our top strategic objectives in the DRC, such that our more than half a billion dollars in annual bilateral assistance can be wound down, and our focus turned more fully toward trade and investment. U.S. security assistance supports a more stable, democratically-governed nation through improving the capacity and governance of core national-level security institutions, creating an environment conducive to economic opportunities, responding to urgent humanitarian needs, and addressing the root causes of conflict. As the DRC's principal partner in ending its devastating almost 2-year Ebola outbreak in the East and a major contributor to humanitarian assistance overall, the United States can leverage existing relationships to multiply and synergize the impact of PKO assistance. This waiver will allow the United States to provide security assistance that will support improving governance and the rule of law, promoting peace and security, combating corruption, advancing human rights, and creating conditions for greater U.S. investment and economic growth. It also offers an opportunity to improve civil-military relations and influence the next generation of FARDC leadership at a time when the government is undertaking initiatives to transform that historically strained relationship.

The Government of the DRC is taking effective and continuing steps to address the problem of child soldiers and these efforts have accelerated since President Tshisekedi took office in January. The number of prosecutions of both state and armed group actors for human rights violations and abuses, including unlawful recruitment and use of children, is at an all-time high, as are the number of separations of children from armed groups. For the fifth consecutive year, there were no cases of unlawful recruitment or use by FARDC. Reports of human rights violations attributable to state security forces is on a downward trend. 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 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, and conducting age verification screening of recruits. The government convicted a former colonel in the FARDC and the leader of an armed group for trafficking crimes, among others; sentenced them to penalties, including significant prison terms; and ordered the leader of an armed group and two accomplices to pay restitution to over 300 victims of sexual enslavement and other crimes. When the FARDC justice system received credible reports that soldiers in the 2105th regiment had abducted underage girls, they quickly opened an investigation and detained suspected abusers. While COVID-19 restrictions have slowed the investigation, two soldiers have been charged and are in prison awaiting trial, while the local prosecutor is pursuing charges against another eight soldiers.

## **Iraq**

The President has determined it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Iraq and has certified that the Government of Iraq (GOI) is taking effective and continuing steps to address the problem of child soldiers.

U.S. strategy in Iraq is focused on working with the GOI to achieve a unified, democratic, peaceful, and inclusive Iraq by: defeating the terrorist entity known as the Islamic State of Iraq and Syria (ISIS); promoting good governance and reform; supporting the increased capacity and professionalization of Iraq's security forces to bring them more in line with international best practices; promoting human rights; and promoting the protection of Iraq's diverse and often marginalized communities, regardless of their ethnicity, religion, or gender. This waiver will allow the United States to continue to provide the assistance, support, and human rights training necessary to achieve these goals, and to help Iraq build its capacity to conduct effective, sustained counterterrorism operations against ISIS.

The GOI is taking effective and continuing steps to address the problem of child soldiers. Iraqi law requires all soldiers, including volunteers in Popular Mobilization Forces (PMF) militias, to be of 18 years of age or older,



and Iraq is a party to the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC). The number of incidents of child soldier recruitment and use continue to decline, according to data from an international organization in 2019. In December 2019, Iraq presented a proposal to prepare a comprehensive plan to reduce unlawful child recruitment operations in armed and terrorist conflicts to an intragovernmental committee headed by the Ministry of Labor and Social Affairs. This proposal was approved by the committee with funding. According to an international organization, in December 2019, the GOI discharged 40 boys who had been recruited by Tribal Mobilization Forces (TMF) and provided them with rehabilitation and integration program in coordination with the international organization. A UN body also reported that the GOI provided training to security forces against child soldiering during the reporting period. In addition, the GOI has made progress centralizing payment systems, including for the PMF, which helps to prevent government salaries from being paid to children.

As part of this effort, the United States government will continue working to encourage the GOI to monitor progress and take additional actions to prevent the unlawful recruitment and use of child soldiers, and to identify, demobilize, rehabilitate, and reintegrate children serving in militias associated with the PMF. The United States government urges the GOI to continue its ongoing attempts to assert command and control over all elements of the PMF.

## Libya

The President has determined it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to the Government of National Accord (GNA) in Libya and has certified the GNA is taking effective and continuing steps to address the issue of child soldiers.

The Department of State assesses that immense social and economic insecurity caused by the current conflict is the primary driver for the ongoing unlawful recruitment and use of child soldiers in Libya. In addition to GNA-aligned units, others, including the self-styled Libyan National Army, have engaged in the recruitment and use of child soldiers. The Department of State further assesses that the most durable solution to the unlawful recruitment and use of child soldiers will be a negotiated political settlement that ends Libya's current conflict. As the UN-recognized government of Libya, the GNA and its military leaders are critical interlocutors in these discussions. Withdrawing security sector assistance at a pivotal stage of negotiations could undermine the U.S. government's ability to achieve a durable cessation of hostilities in Libya. In the absence of a political settlement, the war in Libya will continue to destabilize the broader region, creating space for violent extremists to regroup.

The United States provides targeted assistance to strengthen key Libyan institutions and build security capacity, promote political reconciliation, and increase Libya's capacity to stand on its own through more effective governance.

Security sector assistance to Libya, while nascent, is used exclusively to tackle the underlying causes of the Libyan conflict and shape Libya's security institutions in a positive direction. Our current PKO-funded programming supports planning and capacity building for electoral security as well as planning for an eventual security sector reform (SSR) in the country. These initiatives, as well as any near-term security sector programming, will be used to support the security sector reform/disarmament, demobilization, and reintegration (SSR/DDR) and governance needed to end the conflict and the recruitment and use of child soldiers.

The Department of Defense intends to re-engage with and build the capacity of the Libyan armed forces under 10 U.S.C. 333 in support of U.S. national interests in fighting terrorism, countering violent extremist organizations and illicit smuggling. This support would be intended to provide carefully calibrated capacity-building for units not directly engaged in the current conflict.

The GNA is taking effective and continuing steps to address the problem of child soldiers, including by working closely with the U.S. government in the context of our recurring bilateral Security Dialogue to disarm and demobilize the militias, which engage in their recruitment and use. GNA security sector leaders are also closely engaged in UN-led efforts to negotiate the terms of a ceasefire agreement, which could remove the impetus for the unlawful recruitment and use of child soldiers. The U.S. government will continue to engage with the Libyan government to urge militias to cease the unlawful recruitment of children and to make proper referrals for such children. The GNA has also committed to providing unhindered access to an international fact-finding mission created under the auspices of the UN Human Rights Council in June 2020 to document human rights abuses in Libya. The fact-finding mission has a mandate to document abuses by GNA and non-state militias, including child soldier recruitment or use.

## Nigeria

The President has determined it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to the Government of Nigeria (GON) and has certified that the GON is taking effective and continuing steps to address the problem of child soldiers.

The U.S. government's current security assistance goals with Nigeria are to: 1) increase the professionalism of the Nigerian armed forces, including respect for human rights and mitigating civilian harm; 2) reduce the threats violent extremist organizations pose to Nigeria and the Lake Chad region; and 3) increase security in the Gulf of

Guinea. These goals are directly aligned with the National Security Strategy, Africa Strategy, Africa Bureau, and Mission Nigeria goals for security assistance. Accordingly, it is in the United States' national interest to continue to pursue these lines of effort.

Security assistance subject to the CSPA restriction that is currently provided to Nigeria includes IMET, Foreign Military Financing (FMF), PKO, Excess Defense Articles (EDA) and Department of Defense support provided pursuant to 10 U.S.C. 333. IMET funding supports the training and education to increase the professionalization of the military through professional military education (PME) training in the United States. FMF has supported Nigeria's ability to participate in peacekeeping, counterterrorism and maritime security operations. Funds typically support training and equipment sustainment, including spare parts for Nigeria's C-130 fleet. We also expect that FMF may support elements of the Foreign Military Sales (FMS) program for the Super Tucanos. Section 333 is used to support the Air-to-Ground Integration (AGI) program, which integrates intelligence, surveillance and reconnaissance (ISR), precision strike, and military intelligence to increase the effectiveness of the Nigerian Air Force while reducing the potential for civilian harm through human rights and IHL training in support of the nationally-funded FMS Super Tucano A-29 lines of effort. Section 333 is used to support a related ISR effort to provide tactical Unmanned Aerospace Systems (UAS). Lastly, section 333 is used to support counter-improvised explosive devices (C-IED) or route clearance programming which enables the Nigerian military to escort humanitarian assistance convoys in the volatile Northeast where the violence wrought by ISIS-West Africa and Boko Haram has displaced 1.8 million civilians and rendered 9.8 million in the Lake Chad region in need of humanitarian assistance. Nigeria may receive EDA for maritime security improvements in the form of former U.S. Coast Guard vessels, which have been used to improve maritime navigation and counter-piracy efforts in the Gulf of Guinea and Niger Delta. PKO-funded assistance to Nigeria includes AGI advisory support to increase Nigerian Air Force effectiveness and reduce civilian harm; advisory support for Nigerian military intelligence institutions; development of a Fast-Rope Insertion and Extraction System; and Civil-Military Operations training. In FY 2020, support is expected to expand to include efforts to strengthen Nigerian cadre and training facilities at their basic and advanced infantry schools. A full waiver the application of the prohibition in section 404(a) of the CSPA with respect to Nigeria allows the U.S. government to continue to provide security assistance in delivery of the above lines of efforts.

The Government of Nigeria is taking continuing and effective steps to address the problem of child soldiers. The steps include continuing to support during the reporting period the UN - Civilian Joint Task Force (CJTF) Action Plan to end use and recruitment of child soldiers. Recruitment and use of child soldiers by the CJTF, a non-governmental self-defense force that receives limited support from the Borno State government, contributed to Nigeria's listing under the CSPA from 2015-2018 due to its past use of children. In September 2017, the Borno State government witnessed the signature of, and provided administrative support to help implement, an action plan between the CJTF and the UN to end the CJTF's recruitment and use of children. The UN and the CJTF, with the support of the government, have since identified and formally separated over 1,700 children, including 894 in May 2019. Since the signing of the action plan in 2017, the UN has not reported any further use of children by the CJTF. The Nigerian military has also responded to end the unlawful recruitment and use of child soldiers when isolated incidents are brought to their attention. In October 2019, at least two children (under the age of 15) were recruited and used in supporting roles at a remote checkpoint in Northeast Nigeria. Following community-level engagement by UNICEF, the use ended. Some military personnel are participating in training programs on children's rights. There were no other reports of child soldier use in 2019.

The Government of Nigeria should continue to make progress in combating the unlawful recruitment and use of child soldiers. In compliance with the Action Plan signed with the UN, the Borno State government should continue to support the CJTF to release any remaining child soldiers and cease to recruit any new ones. The Embassy will press the Nigerian government to improve the education of its armed forces on the laws and policy against the unlawful recruitment and use of child soldiers and to pay particular attention to remote outposts where such incidents are more likely to occur. The Embassy will continue to collaborate with UNICEF and other NGOs and encourage the government to view them as a resource in the joint effort to eliminate the unlawful recruitment and use of child soldiers.

## **Somalia**

The President has determined it is in the national interest of the United States to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to Somalia to allow for the provision of IMET, PKO, and support provided pursuant to 10 U.S.C. 333 and has certified that the Government of Somalia is taking effective and continuing steps to address the problem of child soldiers.

The U.S. strategy in Somalia focuses on achieving a unified, peaceful, and democratic Somalia, with a stable and representative government able to defeat the foreign terrorist organization al-Shabaab; prevent terrorists and pirates from using its territory as a safe haven; provide for its own internal defense; and facilitate and foster development, growth, and political inclusion, while progressing towards long-term stability and prosperity. The waiver for IMET assistance will support the professionalization of the Somali military. This assistance enables

the U.S. government to continue to fulfill its goal of assisting the Federal Government of Somalia (FGS) to build effective and rights-respecting security forces, which are indispensable to achieving greater military effectiveness. The waiver for PKO assistance, used in assisting efforts to form broad-based, multi-clan Somali security forces, will also support this goal. Further, a waiver for support provided by the Department of Defense pursuant to 10 U.S.C. 333 will allow for U.S. government assistance to build the Somali military's capacity to conduct effective, sustained counterterrorism operations against al-Shabaab and, through cooperation, help reinforce U.S. values including those related to preventing and responding to the unlawful recruitment and use of child soldiers.

The FGS is taking effective and continuing steps to address the problem of child soldiers. The FGS agreed on an action plan with the United Nations in 2012 to end the recruitment and use of children by the Somali National Army (SNA). While implementation of the action plan at the subnational level was limited until 2016, the SNA's Child Protection Unit (CPU), which is partially funded by the United States, put particular emphasis on screening, training and an aggressive media campaign. With U.S. support, the CPU carried out six screening missions that examined over 1,500 SNA troops in 2019, and identified four minors within the SNA, according to the 2019 CPU annual report. They also trained 176 officials in the identification of child soldiers and have training focal points in each SNA sector regarding the prohibition against children in armed conflict. The CPU raised awareness of child protection activities, through inter-ministerial meetings with the Ministry of Women and Human Rights, Internal Security, Justice, Health and Education, and developed and disseminated radio and print media content regarding the prevention of child recruitment and conscription in armed conflict.

In June 2019, the Minister of Justice and Judiciary launched Somalia's version of a UN advocacy and action campaign called "ACT to Protect," aimed at protecting children affected by armed conflict, and the CPU established a "Children Affected by Armed Conflict" working group.

The United States continues to work with the FGS, including through the CPU, and the UN to monitor progress on the 2012 action plan and urge additional actions to prevent the unlawful recruitment and use of child soldiers and to demobilize, rehabilitate, and reintegrate children identified in the SNA or associated groups, or children previously associated with al-Shabaab.

## South Sudan

The President has determined that it is in the U.S. national interest to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for provision of PKO assistance and has certified that the Government of South Sudan is taking effective and continuing steps to address the problem of child soldiers.

PKO funds will be used to continue to support the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), which includes regional and international personnel that monitor, identify, and report on parties responsible for violations of the December 2017 Agreement on the Cessation of Hostilities (COH) and the ceasefire provisions of the September 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). PKO funds will also be used to continue support to the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), which oversees overall implementation of the R-ARCSS. Notably, the R-ARCSS requires the Government of South Sudan to refrain from the recruitment and/or use of child soldiers. PKO funds have been used to support UNICEF child soldier prevention efforts in South Sudan. They may also be used to support the Community of Sant'Egidio's facilitation of South Sudan peace talks. PKO funds may also support International Code of Conduct Association efforts to improve oversight of private security contractors at the United Nations Mission in South Sudan (UNMISS) to ensure that UNMISS is able to fulfill its mandate of protection of civilians to help enable the peace process to succeed. Given the essential role that these monitoring mechanisms or efforts play as the parties to the R-ARCSS continue to work to implement the peace agreement and form a transitional government, waiving restrictions to PKO assistance is in the U.S. national interest.

The Government of South Sudan is taking effective and continuing steps to address the problem of child soldiers. By signing the R-ARCSS it has affirmed its intent to end the recruitment and use of child soldiers. The government's efforts to address child soldiers are continually discussed at regular RJMEC and CTSAMVM meetings. South Sudan is party to the OPAC, and in 2019, armed groups released an additional 259 child soldiers, and established a process for identifying others to UNICEF through the Disarmament, Demobilization, and Reintegration (DDR) commission, established under the R-ARCSS. The Government of South Sudan has engaged with the UN on creating an action plan to address "six grave violations against children," including unlawful recruitment and use. Despite commitments from South Sudan armed groups in February 2019 to prevent and end the "six grave violations" against children, the UN continues to verify reports of such "grave violations" against children committed by all parties to the conflict. Significant work needs to be done to address this practice in South Sudan, and the U.S. government will continue to urge the government to take additional steps to prevent the unlawful recruitment or use of child soldiers. Multiple NGO reports indicate the continued unlawful recruitment and use of child soldiers by governmental armed forces and that the collection and verification of information pertaining to child soldier recruitment and use was often hindered by access constraints. A waiver to allow the continuation of PKO assistance



to support CTSAMVM and RJMEC will help maintain accountability regarding the Government of South Sudan's unlawful recruitment and use of child soldiers by allowing critical funding for the continued operation of these key oversight and monitoring mechanisms.

## Yemen

The President has determined that it is in the national interest of the United States to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to Yemen to allow for provision of PKO, IMET, and support provided pursuant to 10 U.S.C. 333 and has certified that the government of Yemen is taking effective and continuing steps to address the problem of child soldiers.

It is in the U.S. national interest to support efforts to bring about a negotiated political settlement led by the United Nations Office of the Special Envoy of the Secretary-General for Yemen. This waiver will allow assistance that directly contributes to efforts to advance the UN-led political process. Additionally, a critical element of ending the conflict in Yemen is our counterterrorism campaign and efforts to counter Iranian arms smuggling to the Houthis. Building the capacity of the Republic of Yemen Government to meet these goals furthers important U.S. government security interests to include enhancing homeland security, while simultaneously moving toward the goal of ending the war in Yemen. An end to the conflict will be critical in ending the further deterioration of socio-economic and security conditions, ensuring long-term stability, and securing the space for restoring effective governance institutions that are capable of partnering with the United States and the international community in combatting terrorism. The Department of State assesses that the social and economic disruption caused by the conflict are the primary drivers for the ongoing unlawful recruitment and use of child soldiers in Yemen by all parties to the conflict.

To that end, PKO funding may be used to support UN Special Envoy efforts, including the participation of Yemen's military leadership, to reach an agreement to end the Yemeni conflict and allow for the resumption of a peaceful, inclusive, and Yemeni-led political transition.

IMET funding will be used to build capacity within the Republic of Yemen Government (ROYG) military by sending selected military officers for the United States for non-technical training. These PME courses would focus on the professionalization of military forces, and would bolster the rule of law within the Yemeni Armed Forces. In turn, this training would support our efforts to prevent recruitment of child soldiers.

The Department of Defense intends to use its authority under 10 U.S.C. 333 to re-engage with and build the capacity of the Yemeni Armed Forces – the military of the recognized government of Yemen – in support of U.S. national interests in fighting terrorism, countering violent extremist organizations and illicit smuggling, and ensuring freedom of navigation through the Bab Al-Mandeb Strait. Critically, this focused support would increase Yemeni capacity to counter malign Iranian activity, including the smuggling of lethal weapons that are contributing to the continuation of the conflict. This carefully calibrated support would be provided to the Yemen Border Guard, Yemen Coast Guard, and Yemen Special Operations Forces units not directly engaged in the current conflict, but rather involved in efforts against malign third party influences contributing to the on-going conflict and crisis.

The ROYG is taking effective and continuing steps to address the problem of child soldiers. In 2019, the Yemeni government took concrete steps to raise awareness of risk factors for child soldier recruitment and use, to rehabilitate child soldiers, and to amplify activists' calls for the Houthis to stop recruiting and using children. A February 2020 seminar in the government-controlled city of Ma'rib, held by ROYG ministries and NGOs with support from Saudi Arabia's King Salman Humanitarian Aid and Relief Center (KSRelief) addressed strategies to reduce unlawful recruitment and use of child soldiers, taking into account the social and political contexts of the practice. In March 2020, the government launched a rehabilitation program for Houthi-recruited child soldiers in Ma'rib, in collaboration with NGOs and funding support from KSRelief. In November 2019, the government used official media platforms to amplify calls by Yemeni human rights activists at the UN Human Rights Council for the Houthis to end child recruitment and use, and radicalization to violence.

Public statements by government officials against the unlawful recruitment and use of child soldiers and improvements in reporting, prevention, and protection mechanisms demonstrate that even with its limited capacity the Government of Yemen continues to address the issue. Significant additional work remains to eradicate this practice across Yemen. The most durable solution to the unlawful recruitment and use of child soldiers will be a political solution that ends the conflict.

## SECTION 5. DESCRIPTION AND AMOUNT OF ASSISTANCE PROVIDED PURSUANT TO A WAIVER.

The information provided below only includes assistance obligated as of April 5, 2021. Additional assistance will be obligated during FY 2021.

### Afghanistan

*International Military Education and Training* \$540,950

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

*Excess Defense Articles (EDA)* \$3,821,000

As of April 5, \$3,821,000 worth of EDA equipment was transferred to Afghanistan.

### Cameroon

*International Military Education and Training* \$205,775

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

*Peacekeeping Operations (PKO)*

As of April 5, no PKO funding was obligated in FY 2021.

### Democratic Republic of the Congo

*International Military Education and Training* \$76,098

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

*Peacekeeping Operations*

As of April 5, no PKO funding was obligated in FY 2021.

### Iraq

*International Military Education and Training* \$197,433

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

### Libya

As of April 5, no funds subject to CSPA have been obligated.

### Nigeria

*International Military Education and Training* \$394,066

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

*Peacekeeping Operations*

As of April 5, no PKO funding was obligated in FY 2021.

*10 U.S.C.333* \$3,705,772

As of April 5, DoD section 333 funding was obligated for the following activities: training and equipment.

### Somalia

*International Military Education and Training* \$155,282

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

*Peacekeeping Operations* \$12,692,025

As of April 5, PKO funding was obligated for the Somali National Army and Somali Ministry of Defense for the following activities: logistical support; stipends; advisory support; training; equipment; and program oversight.

*10 U.S.C. 333* \$2,957,240

During FY 2021, DoD section 333 funding was obligated for the following activities: training and equipment.

### South Sudan

*Peacekeeping Operations*

As of April 5, no PKO funds have been obligated in FY 2021.

### Yemen

*International Military Education and Training* \$154,921

As of April 5, IMET funding was obligated for the following activity: military professionalization training.

## GLOSSARY OF ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
ECOWAS	Economic Community of West African States
EU	European Union
EUROPOL	European Union Agency for Law Enforcement Cooperation
FARC	Revolutionary Armed Forces of Colombia
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
IDP	Internally displaced person
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
ISIS	Islamic State of Iraq and Syria
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex
NGO	Nongovernmental organization
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UN TIP Protocol (Palermo Protocol))	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

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**NOTES:** Local currencies have been converted to U.S. dollars (\$) using the currency exchange rates reported by the U.S. Department of the Treasury on December 31, 2020. The rates can be found here:

<https://fiscal.treasury.gov/files/reports-statements/treasury-reporting-rates-exchange/treasury-reporting-rates-of-exchange-as-of-december-31-2020-with-amendments.xlsx>



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Table of Contents: Picture Alliance

Page 2: Katie Orlinsky

Page 5: Picture Alliance

Page 6: Picture Alliance

Page 9: Picture Alliance

Page 11: Picture Alliance

Page 13: Smita Sharma

Page 14: Panos Pictures/Adam Dean

Page 15: Picture Alliance

Page 17: Sara Hylton

Page 18-19: Mushfiqul Alam

Page 20: Seivan Salim

Page 23: Picture Alliance

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Page 38: Panos/Williams Daniels

Page 40: Picture Alliance

Page 41: Getty/Munir Uz Zaman

Page 42: Picture Alliance

Page 44: Elisabetta Zavoli

Page 45: Adria Malcolm

Page 46: Getty/Greg Baker

Page 49: Matilde Simas

Page 50: Ernst Coppejans

Page 53: Picture Alliance

Page 55: Picture Alliance

Page 57: Getty/Tuul & Bruno Morandi

Page 59: Picture Alliance

Page 61: Picture Alliance

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