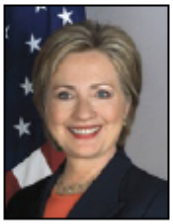
TRAFFICKING IN PERSONS REPORT

JUNE 2009



Dear Reader:

Since President Clinton issued the first U.S. Government policy against human trafficking in 1998, we have seen unprecedented forward movement around the world in the fight to end human trafficking, a form of modern-day slavery. A majority of the world's countries now have criminal legislation prohibiting all forms of trafficking in persons, and global awareness has been immeasurably raised.

Yet much remains to be done, particularly in identifying and addressing the root causes of trafficking, including policies and practices that contribute to the trafficking of vulnerable populations. From girls denied schooling or coerced into under-aged marriages, to ethnic minorities without citizenship or birth registration, to migrant workers forced to work against their will by employers who abuse legal processes – the effectiveness of long-term prevention efforts will require us to look carefully at causal factors and commit to relevant reforms.

The ninth annual Trafficking in Persons Report sheds light on the faces of modern-day slavery and on new facets of this global problem. The human trafficking phenomenon affects virtually every country, including the United States. In acknowledging America's own struggle with modern-day slavery and slavery-related practices, we offer partnership. We call on every government to join us in working to build consensus and leverage resources to eliminate all forms of human trafficking. This year, there is new urgency in this call. As the ongoing financial crisis takes an increasing toll on many of the world's migrants – who often risk everything for the slim hope of a better future for their families – too often they are ensnared by traffickers who exploit their desperation. We recognize their immense suffering, and we commit to aiding their rescue and recovery.

As we move forward to meet the challenges of today, I am committed to sharing the lessons learned from our past efforts, and I offer our collective expertise to collaborate with you in bringing relief to victims, justice to perpetrators, and hope to future generations currently in peril.

Bringing an end to the global trade in people is a priority for the United States in keeping with American values that place a premium on human rights, democracy, and the rule of law. I am confident that together we can make a difference, all over the world, in the lives of people deprived of their freedom.

Sincerely,

Hillary Rodham Clinton

Hillary Rodham Clinton

Dear Reader:

The 2009 Trafficking in Persons Report reflects the commitment of Secretary Clinton and President Obama to address this crime at home and abroad. As President Obama has said:

> Sadly, there are thousands who are trapped in various forms of enslavement, here in our country … oftentimes young women who are caught up in prostitution. So, we've got to give prosecutors the tools to crack down on these human trafficking networks. Internationally, we've got to speak out. It is a debasement of our common humanity, whenever we see something like that taking place.

As a federal prosecutor, I have seen first-hand the impact of human trafficking. I saw the violence and greed of the traffickers, and the suffering and trauma of the victims. I came to understand that the survivors are not statistics – they are people who share not only the painful memories but also the joyful experience of healing. And I learned that when law enforcement authorities work with survivors and the NGOs who assist them, trafficking networks are dismantled and victims are empowered.

The international anti-trafficking movement has come a long way in the last decade. Around the world, new partnerships between police and NGOs have resulted in the prosecution of thousands of trafficking cases, and a new focus on victims' rights has resulted in assistance for many thousands of victims.

But there is still much to do. As documented by this report and a recent United Nations survey, many countries have not brought any cases under their trafficking statutes, and few labor trafficking cases are being prosecuted. NGOs that provide critical protections – including sustainable shelters and reintegration programs – are adversely affected as donor nations and philanthropists feel the strain of the financial crisis.

Not all progress will come through programs or prosecutions, however. Culturally, we need to see through to each individual's humanity and recognize how traffickers exploit their victims' vulnerabilities to hold them in servitude, whether in fields, factories, homes, or brothels. Likewise, we must see past the movement and migration that characterize so many human trafficking situations and focus on the compelled service that the Palermo Protocol and other international instruments place at the core of this phenomenon.

Globally, there are countless persons who labor in bondage and suffer in silence, feeling that they are trapped and alone. For too many, when they think of police, it is with fear, not with the promise of rescue. If they think of escape, it is a jump into the unknown that they dare not take, since so many do not know that NGOs stand ready to help them if they leave. This report is their story. It is the story of governments, organizations, and individuals who give such survivors a chance for freedom. It is on their behalf, and in the spirit of a common humanity, that we seek a global partnership for the abolition of modern slavery.

Sincerely,

Luis CdeBaca

Ambassador Luis CdeBaca

INTRODUCTION

THE 2009 TRAFFICKING IN PERSONS (TIP) REPORT

Purpose

The Department of State is required by law to submit each year to the U.S. Congress a report on foreign governments' efforts to eliminate severe forms of trafficking in persons. This is the ninth annual TIP Report; it seeks to increase global awareness of the human trafficking phenomenon by shedding new light on various facets of the problem and highlighting shared and individual efforts of the international community, and to encourage foreign governments to take effective action against all forms of trafficking in persons.

The United States' Trafficking Victims Protection Act of 2000 (TVPA), as amended, guides efforts to combat human trafficking. The most recent amendments to the TVPA were enacted in December 2008. The purpose of the law is to punish traffickers, protect victims, and prevent trafficking from occurring. Freeing victims from this form of modern-day slavery is the ultimate goal of this report—and of the U.S. Government's anti-human trafficking policy.

Human trafficking is a multi-dimensional issue. It is a crime that deprives people of their human rights and freedoms, increases global health risks, fuels growing networks of organized crime, and can sustain levels of poverty and impede development in certain areas.

The impacts of human trafficking are devastating. Victims may suffer physical and emotional abuse, rape, threats against self and family, and even death. But the devastation also extends beyond individual victims; human trafficking undermines the health, safety, and security of all nations it touches.

A growing community of nations is making significant efforts to eliminate this atrocious crime. The TVPA outlines minimum standards for the elimination of trafficking in persons. Countries that do not make significant efforts to comply with the minimum standards receive a Tier 3 ranking in this report. Such an assessment could prompt the United States to withhold
Nonhumanit arian, non-trade-related foreignassistance.

In assessing foreign governments' efforts, the TIP Report highlights the "three P's"— prosecution, protection, and prevention. But a victim-centered approach to trafficking also requires attention to the "three R's"—rescue, rehabilitation, and reintegration. Sharing the best practices in these areas will encourage governments to go beyond the initial rescue of victims and restore to them dignity and the hope of productive lives.

Human Trafficking Defined

The TVPA defines "severe forms of trafficking"
as:
a. 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
b. 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 in order for the crime to fall within these definitions.

The Scope and Nature of Modern-Day Slavery

The common denominator of trafficking scenarios is the use of force, fraud, or coercion to exploit a person for profit. Traffickers can subject victims to labor exploitation, sexual

exploitation, or both. Trafficking for labor exploitation, the form of trafficking claiming the greatest number of victims, includes traditional chattel slavery, forced labor, and debt bondage.

Trafficking for sexual exploitation typically includes abuse within the commercial sex industry. In other cases, individuals exploit victims in private homes, often demanding both sex and work. The use of force or coercion can be direct and violent or psychological.

A wide range of estimates exists on the scope and magnitude of modern-day slavery. The International Labor Organization (ILO)—the United Nations agency charged with addressing labor standards, employment, and social protection issues—estimates that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time.

Of these victims, the ILO estimates that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries. According to the ILO, 56 percent of all forced labor victims are women and girls. Human traffickers prey on the weak. Targeting vulnerable men, women, and children, they use creative and ruthless ploys designed to trick, coerce, and win the confidence of potential victims. Very often these ruses involve promises of a better life through employment, educational opportunities, or marriage.

The nationalities of trafficked people are as diverse as the world's cultures. Some leave developing countries, seeking to improve their lives through low-skilled jobs in more prosperous countries. Others fall victim to forced or bonded labor in their own countries. Women, eager for a better future, are susceptible to promises of jobs abroad as babysitters, housekeepers, waitresses, or models—jobs that traffickers turn into the nightmare of forced prostitution without exit. Some families give children to adults, often relatives, who promise education and opportunity but instead sell the children into exploitative situations for money. But poverty alone does not explain this tragedy, which is driven by fraudulent recruiters, employers, and corrupt officials who seek to reap profits from others' desperation.

Focus of the 2009 TIP Report

The TIP Report is the most comprehensive worldwide report on governments' efforts to combat severe forms of trafficking in persons. It includes countries of origin, transit, or destination for trafficking victims. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of Government actions to confront and eliminate it. The 2009 TIP Report covers the period of April 2008 through March 2009. During this time and since the passage of the TVPA, the fight against trafficking passed an important milestone, as more than half of the world's countries have enacted criminal legislation prohibiting all forms of trafficking in persons. Over the last year alone, 26 countries enacted new anti-trafficking legislation, some going beyond the minimum standards of the TVPA and the 2000 UN TIP Protocol by offering the victims of trafficking restitution through court proceedings and other protections.

The last year was marked also by the onset of a global financial crisis, which has raised the specter of increased human trafficking around the world. As a result of the crisis, two concurrent trends—a shrinking global demand for labor and a growing supply of workers willing to take ever greater risks for economic opportunities—seem a recipe for increased forced labor cases of migrant workers and women in prostitution.

Because trafficking likely extends to every country in the world, the omission of a country from the report may indicate only a lack of adequate information. The country narratives describe the scope and nature of the trafficking problem, and the government's efforts to combat trafficking. Each narrative also contains an assessment of the government's compliance with
the minimum standards for the elimination of trafficking as laid out in the TVPA and includes suggestions for additional government actions. The remainder of the country narrative describes each government's efforts to enforce laws against trafficking, to protect victims, and to prevent trafficking. Each narrative explains the basis for ranking a country as Tier 1, Tier 2, Tier 2 Watch List, or Tier 3. In particular, if a country has been placed on Tier 2 Watch List, the narrative will contain a statement of explanation, using the special criteria found in the TVPA for the Watch List.

Methodology

The Department of State prepared this report using information from U.S. embassies, foreign government officials, nongovernmental and international organizations, published reports,research trips to every region, and information submitted to **tipreport@state.gov**. This e-mail address allows NGOs and individuals to share information on government progress in addressing trafficking. U.S. diplomatic posts reported on the trafficking situation and governmental action 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.

To compile this year's report, the Department reviewed credible information sources on every country and assessed each government's antitrafficking efforts. In prior years a "significant number" (defined to be 100 or more) of trafficking victims had to be documented
for a country to be ranked in the TIP Report.
The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) eliminated

this requirement, thereby expanding the scope of countries included in this year's report.

Some countries have held conferences and established task forces or national action plans to create goals for anti-trafficking efforts. While such activities are useful and can serve as a catalyst toward concrete law enforcement, protection, and prevention activities in the future, these conferences, plans, and task forces alone are not weighed heavily in assessing country efforts. Rather, the report focuses on governments' concrete actions to fight trafficking, especially prosecutions, convictions, and prison sentences for traffickers as well as victim protection measures and prevention efforts.

Although critical to increasing anti-trafficking efforts, the Report does not give great weight to laws in draft form or laws that have not yet been enacted. In general, the Report does not focus on governmental efforts that have indirect implications for trafficking, such as general efforts to keep children in school or general economic development programs, though the Report is making a stronger effort to identify trafficking vulnerabilities and measures taken by governments to prevent trafficking that may result from such vulnerabilities.

Similarly, this report attempts to identify systemic contributing factors to particular forms of human trafficking. These include particular policies or practices, such as labor recruiters' charging of excessive fees to prospective migrants and governmental policies allowing employers to confiscate passports of foreign workers—factors that have been shown to contribute to forced labor.

Tier Placement

The Department places each country in the 2009 TIP Report onto one of the three tier lists as mandated by the TVPA. This placement is based more on the extent of government action to combat trafficking than on the size of the problem, although that is also an important factor. The Department first evaluates whether the government fully complies with the TVPA's minimum standards for the elimination of trafficking (detailed on page 314 of the full TIP report, http://www.state.gov/documents/organization/123357.pdf). Governments that fully comply are placed on Tier 1. For other governments, the Department considers theextent of efforts to reach compliance.

Governments that are making significantefforts to meet the minimum standards are placed on Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed on Tier 3. Finally, the Department considers the Special Watch List criteria and, when applicable, moves Tier 2 countries to Tier 2 Watch List.

The TVPA lists three factors by which to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3: (1) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking; (2) the extent to which the country's government does not comply with the TVPA's minimum standards including, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking; and (3) the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

Tier 2 Watch List

The TVPA requires that certain countries be placed on a Special Watch List. This includes countries in which:

a. The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

b. 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; or

c. The determination that a country is making significant efforts to bring itself into compliance with the minimum standards was based on commitments by the country to take additional steps over the next year. Countries that meet one of these three criteria are placed onto what the Department of State has termed the "Tier 2 Watch List."

There were 40 countries on Tier 2 Watch List in the June 2008 report. Two additional countries were reassessed as Tier 2 Watch List countries in November 2008. The Department of State included these 42 countries in an "Interim Assessment" released on January 27, 2009. Of these 42 countries on Tier 2 Watch List at the time of the Interim Assessment, 11 moved up to Tier 2 in this report, while four fell to Tier 3 and 27 remain on Tier 2 Watch List. Countries on Tier 2 Watch List in this report will be re-examined in the next Interim Assessment, which will be submitted to the U.S. Congress by February 1, 2010. Amendments made by the TVPRA of 2008 provide that any country that has been ranked Tier 2 Watch List for two consecutive years (beginning with the 2009 Report) will be ranked Tier 3, unless the President waives application of this provision based on a determination that, among other things, the government has a written plan for meeting the TVPA's minimum standards.

How the Report Is Used

The TIP Report is a diplomatic tool for the U.S. Government to use to encourage continued dialogue and to help focus resources on prosecution, protection, and prevention programs and policies. In the narrative of each ranked country, the Report provides specific recommendations to

facilitate future progress. The Department of State will continue to engage governments on the Report's contents in order to strengthen cooperative efforts to eradicate Trafficking. In the coming year, the Report will inform programs that will address all aspects of trafficking, administered not only by the Office to Monitor and Combat Trafficking in Persons, but also tapping the longstanding expertise of others in the U.S. Government, such as the Department of State's Bureau of Democracy, Human Rights, and Labor and the Departments of Labor, Justice, and Health and Human Services. The Department hopes this report will be a catalyst for increased government and nongovernment efforts to combat human trafficking around the world.

MAJOR Forms of Trafficking in Persons Forced Labor

The majority of human trafficking in the world takes the form of forced labor, according to the ILO's estimate on forced labor. Also known as involuntary servitude, forced labor may result when unscrupulous employers take advantage of gaps in law enforcement to exploit vulnerable workers. These workers are made more vulnerable to forced labor practices because of high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, and cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals are also forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

Forced labor is a form of human trafficking that is often harder to identify and estimate than sex trafficking. It may not involve the same criminal networks profiting from transnational sex trafficking. Instead, it may involve individuals who subject workers to involuntary servitude, perhaps through forced or coerced household or factory work.

Bonded Labor

One form of force or coercion is the use of a bond, or debt, to keep a person under subjugation. This is referred to in law and policy as "bonded labor" or "debt bondage." U.S. law prohibits debt bondage, and the UN TIP Protocol includes it as a form of trafficking-related exploitation. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers may also inherit debt in more traditional systems of bonded labor. Traditional bonded labor in South Asia, for example, enslaves huge numbers of people from generation to generation. A January 2009 report by Anti-Slavery International, a London-based NGO, concluded that this form of forced labor, traditionally more prevalent in villages, is expanding into urban areas of the region, rather than diminishing on an aggregate level, as the result of development and modernization.

Debt Bondage Among Migrant Laborers

The vulnerability of migrant laborers to trafficking schemes is especially disturbing because the population is sizeable in some regions. There are three potential contributing factors: (1) abuse of contracts; (2) inadequate local laws governing the recruitment and employment of migrant laborers; and (3) intentional imposition of exploitative and often illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country. Abuses of contracts and hazardous conditions of employment do not in themselves constitute involuntary servitude. But the use or threat of physical force or restraint to keep a person working may convert a situation into one of forced labor. Costs imposed on laborers for the "privilege" of working abroad can make laborers vulnerable to debt bondage. While the costs alone do not constitute debt bondage, when they become excessive and involve exploitation by unscrupulous employers in the destination country, they can lead to involuntary servitude.

Involuntary Domestic Servitude

A unique form of forced labor is that of involuntary domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment is conducive to exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. In some countries, large numbers of local children, often from less developed rural areas of the country, labor in urban households as domestic servants. Some of them may be vulnerable to conditions of involuntary servitude.

Foreign migrants, usually women, are recruited from less developed countries in South Asia, Southeast Asia, Africa, and Latin America to work as domestic servants and caretakers in more developed locations like the Gulf States, the Levant, Malaysia, Singapore, Taiwan, Europe, and the United States. But many of these places do not provide domestic servants the same legal protections that they provide for foreign workers in other sectors.

Without protections, foreign domestic workers may have fewer options for seeking help when faced with their employer's threat of or use of force. If they are confined to a home, either through physical restraint or through the confiscation of identity and travel documents, they may find it very difficult to reach out to NGOs or public authorities for assistance due to lack of awareness and fear of their employers.

This high degree of vulnerability calls for a vigorous law enforcement and victim protection response when domestic servants are found in conditions of involuntary servitude in a home. Those domestic servants who choose to escape from abusive employers are sometimes termed "runaways" and seen as criminals, though they should be considered as possible victims of trafficking.

Forced Child Labor

Most international organizations and national laws recognize that children may legally engage in light work. There is a growing concensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among the worst forms of child labor. Any child who is subject to involuntary servitude, debt bondage, peonage, or slavery through the use of force, fraud, or coercion, is a victim of human trafficking regardless of the location of that exploitation. Indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving.

Child Soldiers

Child soldiering is a unique and severe manifestation of trafficking in persons that involves the unlawful recruitment of children— often through force, fraud, or coercion—for labor or sexual exploitation in conflict areas. Perpetrators may be government forces, paramilitary organizations, or rebel groups.

While the majority of child soldiers are between the ages of 15 and 18, some of whom may have been unlawfully recruited and used in hostilities, others are as young as 7 or 8, which is unlawful under international law. Although it is impossible to accurately calculate the number of children involved in armed forces and groups, the Coalition to Stop the Use of Child Soldiers estimates that there are many tens of thousands of children exploited in conflict. Child soldiers exist in all regions of the world. According to the UN, 57 armed groups and forces were using children in 2007, up from 40 in 2006.

Many children are abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls are forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases. Some children have been forced to commit atrocities against their families and communities. Child soldiers are often killed or wounded, and survivors suffer multiple traumas and psychological scarring. Their personal development is irreparably damaged, and their home communities often reject them when they return.

Child soldiering is a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in conflict areas elsewhere also use children unlawfully. All nations must work together with international organizations and NGOs to take urgent action to disarm, demobilize, and reintegrate unlawful child soldiers.

Sex Trafficking

Sex trafficking comprises a significant portion of overall human trafficking. When a person is coerced, forced, or deceived into prostitution, or maintained in prostitution through coercion, that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur alongside debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful "debt" purportedly incurred through their transportation or recruitment—or their crude "sale"—which exploiters insist they must pay off before they can be free.

Child Sex Trafficking and Related Abuses

Analysis of child trafficking often leads to the consideration of other categories of child exploitation. The following guide attempts to clarify what is addressed in the TIP Report:

Child Sex Trafficking: According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under both U.S. law and the UN TIP Protocol. There can be no exceptions and no cultural or socioeconomic rationalizations that prevent the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.

Commercial Sexual Exploitation of Children (CSEC) is the sexual exploitation of children for the commercial gain of some person(s). CSEC includes all child prostitution as well as child pornography. This is not human trafficking *per se,* as some forms of CSEC such as child pornography are not always a form of human trafficking. Most forms of CSEC, however, are forms of human trafficking, such as child sex trafficking.

Child Sex Tourism (CST) is one form of "demand" for victims of child sex trafficking. It involves people who travel from their own country—often a country where child sexual exploitation is illegal or culturally abhorrent— to another country where they engage in commercial sex acts with

children. CST is a shameful assault on the dignity of children and a form of violent child abuse. It often involves trafficking, as a trafficking crime likely was committed in the provision of the child for the sex tourist's exploitation.

Addressing Child Sex Tourism in the TIP Report: Efforts by a government to prevent its nationals from traveling abroad to engage in child sex tourism—including by prosecuting alleged child sex tourists for conduct they committed overseas—is cited in that country's narrative under the Prevention section. Likewise, efforts by a "destination" government to punish foreign nationals for alleged child sex tourism offenses are cited in the Prevention section of that country's narrative as an effort to "reduce demand for commercial sex acts" in general. Efforts by the same destination government to punish the trafficking of children for commercial sexual exploitation by any persons – foreign sex tourist or local resident – are credited in the Prosecution section of that country's narrative.

THE THREE P'S: PROSECUTION, PROTECTION, PREVENTION

The 2009 TIP Report analyzes foreign governments' anti-trafficking efforts by looking at the punishment of trafficking offenders, the protection of victims, and prevention efforts. The analysis is based on the TVPA standards.

Punishing Trafficking Offenders

The minimum standards in the TVPA call on foreign governments to prohibit all forms of trafficking, to prescribe penalties that are sufficiently stringent to deter the crime and that adequately reflect the heinous nature of the crime, and to vigorously punish offenders convicted of these crimes.

Legally Prescribed Penalties: In assessing foreign governments' anti-trafficking efforts for the TIP Report, the Department of State holds that, consistent with the 2000 UN Convention Against Transnational Organized Crime (which is supplemented by the UN TIP Protocol), criminal penalties to meet this standard should include a maximum of at least four years' deprivation of liberty, or a more severe penalty.

Imposed Penalties: The Department of State holds that imposed sentences should involve significant jail time, with a majority of cases resulting in sentences on the order of one year of imprisonment or more. Sentences should take into account the severity of an individual's involvement in trafficking, imposed sentences for other grave crimes, and the judiciary's right to hand down punishments consistent with that country's laws.

This principle of seeking adequate imposed prison sentences and discouraging suspended sentences for convicted trafficking offenders was explicitly added to the TVPA's minimum standards through the TVPRA of 2008. Convictions obtained under other criminal laws and statutes can be counted as anti-trafficking if the government verifies that the offenses involve human trafficking.

Protecting Victims Adequately

The TVPA minimum standards' criterion on victim protection reads: "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."

Every country narrative of the TIP Report specifically addresses these elements. In addition, the Department of State has decided to implement this criterion with the following guidelines:

In evaluating whether a country fully satisfies this part of the minimum standards on victim protection, the Department of State considers the following to be critical factors:
1) Proactive identification: Victims should not be expected to identify themselves. They typically are afraid of coming forward and fear authorities will consider them criminals, irregular migrants, or disposable people. Formal screening procedures should go beyond checking a person's papers. Some form of systematic procedure should be in place to guide law enforcement and other governmental or government-supported front-line responders in the process of victim identification.
2) Shelter and temporary care: A government should ensure that victims have access to primary health care, counseling, and shelter. Such provisions should allow victims to recount their trafficking experiences to trained social counselors and law enforcement at a pace with minimal pressure. Shelter and assistance can be provided in cooperation with NGOs. Part of the host government's responsibility includes funding and referral to any NGOs that provide shelter and assistance. To the best extent possible, trafficking victims should not be held in immigration detention centers or other detention facilities.

The Department of State gives positive consideration to two additional victim protection factors:
a. Victim/witness protection, rights and confidentiality: Governments should ensure that victims are provided with legal and other assistance and that, consistent with its domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being. Confidentiality and privacy should be respected and protected to the extent

possible under domestic law. Victims should be provided with information in a language they understand.
b. Repatriation: Source and destination countries share responsibility in ensuring the safe, humane, and, to the extent possible, voluntary repatriation/reintegration of victims. At a minimum, destination countries should contact a competent governmental body, NGO, or international organization in the relevant source country to ensure that trafficked persons who return to their country of origin are provided with assistance and support necessary to their well-being. Trafficking victims should not be subjected to deportations or forced returns without safeguards or other measures to reduce the risk of hardship, retribution, or retrafficking.

Prevention: Spotlight on Addressing Demand

Human trafficking is a dehumanizing crime that reduces people to commodities. On the supply side, criminal networks, corruption, lack of education, poverty, and misinformation about employment opportunities and the degrading nature of the promised work make people vulnerable to the lures of trafficking. This is true of both sex trafficking and forced labor.

The movement to end human trafficking includes significant efforts to address these factors that "push" victims into being trafficked, but it also recognizes a "pull" factor as part of the cause. A voracious demand fuels the dark trade in human beings.

Unscrupulous employers create demand for forced labor when they seek to increase profits at the expense of vulnerable workers through force, fraud, or coercion. One key to addressing such demand is raising awareness about the existence of forced labor in the production of goods. Many consumers and businesses would be troubled to know that their purchases— clothes, jewelry, and even food—are produced by individuals, including children, who are forced into slave-like conditions.

In the global marketplace for goods, ensuring that complex supply chains are untainted by forced labor is a challenge for both businesses and consumers. But denying access to foreign markets for products made with forced labor will reduce the incentive to exploit forced labor and encourage ethical business behavior. Increased information on export products and production chains—drawn from a variety of sources, including other governments—makes such efforts more effective.

Any successful effort to combat human trafficking must confront not only the supply of trafficked humans, but also the demand for forced labor and commercial sex that fuels it. Partnerships between governments and private businesses that purchase products made with low-skilled labor are one commendable way to address potential demand for forced labor. Efforts by some governments to arrest, prosecute, and punish adults who seek to exploit children in the commercial sexual trade is one form of addressing demand for commercial sex acts.

FINANCIAL CRISIS AND HUMAN TRAFFICKING

Rising Unemployment Leads to Greater Trafficking Vulnerabilities

Numerous international organizations have warned of the trafficking consequences of the ongoing global financial crisis. In its January 2009 global employment report, the ILO said the economic crisis is causing dramatic increases in the numbers of unemployed, working poor, and those in vulnerable employment. If the crisis continues, more than 200 million workers, mostly in developing economies, could be pushed into extreme poverty, according to the report.

In Asia alone, the ILO predicted a worst-case scenario of 113 million unemployed in 2009. And money sent home from abroad will also drop. Remittances from the region's migrant workers slowed in late 2008, and the World Bank expects the decline to continue throughout 2009. In a March 2009 report, the World Bank revised its previous forecast on declining migrant worker remittance flows to a more negative 5 to 8 percent decline for 2009; this follows an 8.8 percent growth in remittances (to $305 billion) in 2008.

The forced labor implications of the financial crisis are particularly stark for Asia, a region identified with an existing high level of job insecurity. Seventy percent of unemployment in South and Southeast Asia is in the informal sector, according to the Organization for Economic Cooperation and Development (OECD). The region also has a high prevalence of existing forced labor; it is home to 77 percent of the world's forced labor victims, according to the ILO.

The ILO's May 2009 global report on forced labor found that migrant workers around the world lose more than $20 billion through the "cost of coercion" (the Report's title)—and this cost of coercion could likely be exacerbated as the crisis continues and traffickers and exploitative employers prey on an expanding pool of more vulnerable and unprotected workers in this region. Among the causes is the recession in the United States, which accounts for significant sums of workers' money sent to East Asia, the Pacific, and South Asia.

Other regions are also feeling the hit. According to a Gallup report, remittances represented more than 27 percent of Kyrgyz Republic's gross domestic product in 2006. But a sharp drop in those funds resulting from the economic slowdown, combined with a surge in food prices and a

stressed agricultural sector, led the UN World Food Program to provide emergency food aid in November for the first time in recent years.

More Supply for Human Trafficking

This growing poverty is making more people vulnerable to both labor and sex trafficking, boosting the supply side of human trafficking all over the world. For example, the current economic crisis has led to revenue losses in countries like Ьongolia due to crashing copper prices and high inflation and has reduced real incomes significantly, slowing investment, and most probably costing jobs. The resulting pressure on the public is likely to cause more young women to seek work away from home or abroad and a corresponding increase in the risk of trafficking.

In Eastern Europe, international organizations and local authorities have already reported a rise in victims of labor exploitation. The global economic downturn is exacerbating this trend. In Belarus, more than 800,000 citizens are believed to be "missing," presumed to be working—voluntarily or otherwise—in Russia.

Workers earning low wages or losing their jobs are succumbing to offers for illegal work abroad. In Moldova, Europe's poorest country, one-quarter of the population has migrated. In Ukraine, officials reported 53 criminal cases of labor exploitation in 2008, up from 23 cases in 2007 and just three in 2006—while the ILO's May 2009 report on global forced labor trends notes that the number of identified victims of forced labor in Ukraine now surpasses that of sex trafficking victims.

Warning of the dangers of the ongoing economic crisis, the head of the ILO's program against forced labor in May 2009 noted that "vulnerable workers—particularly migrants, including young women and even children—are more exposed to forced labour, because under conditions of hardship they will be taking more risks than before."

While most of the world's labor pool is already feeling the ill effects of the crisis, there are a few notable exceptions in which suppliers of transnational labor are benefiting temporarily from the crisis. Bangladesh and Nepal, both low on the wage and protection scale, appear to have benefited somewhat – at least initially – from the readjustments to the global labor flows brought about by the crisis. In the first two months of 2009, both Nepal and Bangladesh reported significant increases in the flows of workers leaving for work abroad and remittances coming back to bolster their respective economies; remittances in both countries account for more than 15 percent of gross domestic product. The March 2009 World Bank report acknowledged a surge in remittance flows to South Asia in 2008, but estimates a sharp slowdown in 2009.

More Demand for Human Trafficking

The global economic crisis is also boosting the demand side of human trafficking. The UN's Office on Drugs and Crime published its second global trends in trafficking in persons in February 2009. UN officials said the worldwide rise in this form of modern-day slavery is a result of a growing demand for cheap goods and services. They expect the impact of the crisis to push more business underground to avoid taxes and unionized labor. And they anticipate increasing use of forced, cheap, and child labor by multinational companies strapped by financial struggles.

A rise in protests among migrant workers is a sign that the exploitation of workers is already reaching new heights. Employers facing a credit crunch are ceasing payments or coercing workers to accept less agreeable conditions. Chinese workers in some parts of Europe have experienced labor exploitation and may be vulnerable to forced labor as the crisis is prolonged.

This has prompted an unprecedented official warning from the Chinese government in April 2009 that workers should avoid migrating to Europe because of the increasing threat of nonpayment or late payment and the potential for severe exploitation in the economic downturn. And press in the United Arab Emirates reported a 111 percent rise in complaints of nonpayment of wages among foreign workers in late 2008, compared with the same period in 2007.

In these and other countries, foreign workers also fear large-scale layoffs, which could increase the number of illegal foreign workers in the host countries. And loss of legal status makes migrant workers vulnerable to greater exploitation, including forced labor.

Calling such exploitation "the anti-thesis of development," UN Secretary-General Ban Ki-moon stated at a meeting in the Philippines: "Only by safeguarding the rights of migrants, and ensuring that migrants are treated with dignity and respect due any human being, can we create the conditions which migration can contribute to development. In this time of financial hardships, we all need to be especially vigilant."

The crisis is also affecting internal labor markets. In China, approximately 20 million of the 130 million migrant workers in the country had already returned home by February 2009 due to lack of work, according to official statistics based on a survey conducted by the Ministry of Agriculture. In addition, the ILO estimates 9,000 factory closures before spring and thousands more after. In the Philippines, economists and labor officials predict a loss of up to 800,000 jobs in 2009.

A Fraying Net

As more people become vulnerable to trafficking, fewer are likely to find local sources of assistance. Facing thin "safety nets" provided by their governments or the governments of labor-demand countries even in the best of times, workers now seem less likely to find services or legal recourse available to them when they face forced labor.

The tough times are also affecting the work of anti-trafficking NGOs, which often provide crucial services in the absence of adequate government or private-sector programs. Donors are tightening their belts, and organizations are finding it difficult to continue their operations.

GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Reauthorization Act (TVPRA) of 2003 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 be considered in full compliance with 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 data 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	NEW OR AMENDED LEGISLATION
2003	7,992	2,815	24
2004	6,885	3,025	39
2005	6,178	4,379	40
2006	5,808	3,160	21
2007	5,682 (490)	3,427 (326)	28
2008	5,212 (312)	2,983 (104)	26

The numbers in parentheses are those of labor trafficking prosecutions and convictions.

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	2,805	447	0
2004	2,764	1,541	1
2005	1,041	406	0
2006	629	275	0
2007	824 (162)	298 (33)	4
2008	644 (7)	342 (7)	2

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

The numbers in parentheses are those of labor trafficking prosecutions and convictions.

THE TIERS

TIER 1

Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards

TIER 2

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

a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or

b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or

c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year

TIER 3

Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so

TIER PLACEMENTS

Tier 1

AUSTRALIA
AUSTRIA
BELGIUM
CANADA
COLOMBIA
CROATIA
CZECH REPUBLIC
DENMARK
FINLAND
FRANCE
GEORGIA
GERMANY
ITALY
KOREA, REP. OF
LITHUANIA
LUXEMBOURG
MACEDONIA
MAURITIUS
THE NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
POLAND
SLOVENIA
SPAIN
SWEDEN
SWITZERLAND
UNITED KINGDOM

Tier 2

AFGHANISTAN
ALBANIA
ANTIGUA & BARBUDA
ARMENIA
THE BAHAMAS
BARBADOS
BELARUS
BENIN
BOLIVIA
BOSNIA & HERZEGOVINA
BOTSWANA
BRAZIL
BRUNEI
BULGARIA
BURKINA FASO
CHILE
COSTA RICA
CYPRUS
ECUADOR
EL SALVADOR
ESTONIA
ETHIOPIA
THE GAMBIA
GREECE
HONDURAS
HONG KONG
HUNGARY
ICELAND
INDONESIA
IRELAND
ISRAEL
JAMAICA
JAPAN
JORDAN
KAZAKHSTAN
KENYA
KOSOVO
KYRGYZ REPUBLIC
LAOS
LIBERIA
MACAU
MADAGASCAR
MALAWI
THE MALDIVES
MALTA
MEXICO
MONGOLIA
MOROCCO
MOZAMBIQUE
NAMIBIA
NEPAL
OMAN
PALAU
PANAMA
PARAGUAY
PERU
PORTUGAL
ROMANIA
RWANDA
SERBIA
SIERRA LEONE
SINGAPORE
SLOVAK REPUBLIC
SOUTH AFRICA
SURINAME
TAIWAN
TANZANIA
THAILAND
TIMOR-LESTE
TOGO
TRINIDAD & TOBAGO
TURKEY
UGANDA
URUGUAY
VIETNAM
ZAMBIA

Tier 2 Watch List

ALGERIA
ANGOLA
ARGENTINA
AZERBAIJAN
BAHRAIN
BANGLADESH
BELIZE
BURUNDI
CAMBODIA
CAMEROON
CENTRAL AFRICAN REP.
CHINA (PRC)
CONGO (DRC)
CONGO, REP. OF
COTE D'IVOIRE
DJIBOUTI
DOMINICAN REPUBLIC
EGYPT
EQUATORIAL GUINEA
GABON
GHANA
GUATEMALA
GUINEA
GUINEA-BISSAU
GUYANA
INDIA
IRAQ
LATVIA
LEBANON
LESOTHO
LIBYA
MALI
MICRONESIA
MOLDOVA
MONTENEGRO
THE NETH. ANTILLES*
NICARAGUA
PAKISTAN
PHILIPPINES
QATAR
RUSSIA
ST. VINCENT & THE GREN.
SENEGAL
SRI LANKA
TAJIKISTAN
TUNISIA
TURKMENISTAN
UKRAINE
UNITED ARAB EMIRATES
UZBEKISTAN
VENEZUELA
YEMEN

Tier 3

BURMA
CHAD
CUBA
ERITREA
FIJI
IRAN
KUWAIT
MALAYSIA
MAURITANIA
NIGER
NORTH KOREA
PAPUA NEW GUINEA
SAUDI ARABIA
SUDAN
SWAZILAND
SYRIA
ZIMBABWE

KYRGYZ REPUBLIC (TIER 2)

The Kyrgyz Republic is a source, transit, and to a lesser extent, a destination country for men and women trafficked from Uzbekistan, Tajikistan, Turkmenistan, and South Asia for purposes of forced labor and commercial sexual exploitation. Men and women are trafficked to Kazakhstan and Russia for the purpose of forced labor in the agricultural, construction, and textile industries. Kyrgyz and foreign women are trafficked to the U.A.E, Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria for commercial sexual exploitation. The city of Osh is a growing destination for women trafficked from Uzbekistan for the purpose of commercial sexual exploitation.

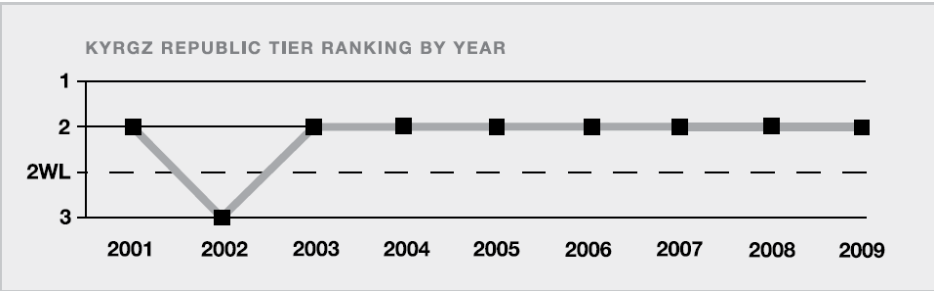
The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Human trafficking complicity of low-level government officials remained a concern. The government maintained good efforts to protect and assist Kyrgyz labor migrants and potential trafficking victims in key destination countries. In September 2008, the government enacted a new anti-trafficking national action plan.

Recommendations for Kyrgyz Republic: Increase efforts to prosecute and convict trafficking offenders and ensure that a majority of convicted trafficking offenders servetime in prison; vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue to improve the collection of trafficking law enforcement data; continue trafficking sensitivity training for police, prosecutors, and judges; continue efforts to repatriate expeditiously Kyrgyz victims found abroad; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked; and encourage greater registration of newborns, thereby reducing the number of undocumented persons vulnerable to trafficking.

Prosecution

The Kyrgyz government improved its collection of trafficking-specific law enforcement data, although it demonstrated weak law enforcement efforts during the reporting period. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes trafficking for both sexual exploitation and forced labor and prescribes penalties ranging from 3 to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as rape. In 2008, the government conducted 92 investigations, according to its definition of trafficking – which appears broader than the U.S. Government's definition – an increase from 33 investigations in 2007.

The government reportedly prosecuted eight defendants and secured the convictions of six trafficking offenders in 2008. Four of the six convicted trafficking offenders in 2008 received suspended sentences. Sentences for the other two convicted traffickers ranged from three to eights years' imprisonment. NGOs contend that some lowlevel law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other lowlevelpolice tolerate trafficking due to a lack of awareness. The government reported no efforts to investigate, prosecute, convict, or punish these complicit government officials.

Protection

The government sustained modest efforts to assist victims during the reporting period. The government and NGOs identified 161 victims of trafficking in 2008, compared to 331 victims identified in 2007. Although the government provided no direct funding for shelter or medical assistance to victims, it continued to provide space for three shelters run by anti-trafficking NGOs. In 2008, 34 of the total 117 victims assisted by NGOs and international organizations were assisted by shelters that received in-kind government assistance. Government officials referred 20 victims to IOM and NGOs for assistance in 2008, a significant increase from four victims so referred in 2007. Victims were encouraged to participate in trafficking investigations and prosecutions. Victims who cooperated with law enforcement investigations were not penalized for crimes committed as a direct result of being trafficked; there were no reports of victims who did not cooperate with law enforcement being penalized during the reporting period. NGOs reported improved efforts by government officials to quickly repatriate Kyrgyz nationals; in previous years, some victims remained in destination countries for several months awaiting the Kyrgyz government's issuance of necessary travel ments.