



Title	Activities to Combat Human Trafficking in Myanmar (1995-2010)
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Abstract**

As human trafficking is a transnational crime and on the increase, no country in the world is immune to this problem. Accordingly, Myanmar has been taking preventive measures, policies and cooperation at various levels since 1995 - 1996. At national level, Myanmar has as policy designated the combating of human trafficking as a national duty in 1997 and has since been relentlessly implementing the relevant activities. At international level, Myanmar has strongly cooperated with other countries at bilateral, regional and multilateral levels. This paper explains how Myanmar government has tried to combat human trafficking through preventive measures, policies and cooperation at national level. In doing so, it also points out the necessary measures for anti-human trafficking activities to be effective.

Key words: human trafficking, transnational crime, prevention, protection, prosecution, rehabilitation

Purpose of the Study

The purpose of the study is to explain how Myanmar Government has tried to combat human trafficking through preventive measures, policies and cooperation at national level.

Introduction

Human Trafficking is regarded as a modern form of slavery that persisted into the world in late 20th century. It is a crime based upon supply and demand for cheap labour, and trade of human beings in community without sympathy. Moreover, the act of trading and exploiting human beings is a serious human rights violation. It takes place both within and across national boundaries, and it is on the increase. Nowadays, it is one of the top priority issues challenging to the civilized community. So, in response to that challenge, every country of the world needs to work together to combat human trafficking. But, countries employ different definitions of human trafficking. Therefore, the development of activities to

combat human trafficking has been hindered by lacking a common understanding and agreement of what trafficking is.

Defining Human Trafficking

What is Trafficking?

According to the *Myanmar Anti Trafficking in Persons Law 2005*:

"Trafficking in Persons" means recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of persons after committing any of the following acts for the purpose of exploitation of a person with or without his or her consent: threat, use of force or other forms of coercion; abduction; fraud; deception; abuse of power or of position taking advantage of the vulnerability of a person; and giving or receiving of money or benefit to obtain the consent of the person having control over another person. (Article. 3(a), *The Anti Trafficking in Persons Law, 2005*, P. 1.2)

Who is trafficked?

People at risk are trafficked. As being vulnerable persons, women and children are mostly trafficked (*The Yadanapon*, Vol. XX, No. 057, P. 4). In Myanmar, men women, youth and children are trafficked into a broad range of industries and situations. But an obvious example is Thailand's exclusion of men from its trafficking related laws (soon to be amended) (*Trafficking and Related labour Exploitation in ASEAN*, 2007 P. 160), while Myanmar allows for the inclusion of men, women, youth and child in its *Anti Trafficking in Persons Law, 2005*. This fact affected the Memorandum of Understanding between the two countries. Therefore, more work needs to be done to develop a more compatible definition of human trafficking for application by countries.

Human Trafficking Problem and Myanmar

Myanmar shares borders with Bangladesh, India, Laos PDR, Thailand and China. Of its fourteen states and divisions, seven states and two divisions border on neighbouring countries. Among those, China and Thailand are the main destination countries for Myanmar (*2008 Annual Progress Report*, P. 28). Myanmar is a source country of men, women and children trafficked for the purpose of forced labour, forced adoption and commercial sexual exploitation. Myanmar women and children are trafficked to Thailand, China, Bangladesh, Malaysia, South Korea, Pakistan, and Macao (*Trafficking and Related Labour Exploitation in ASEAN*, 2007, P. 101). Thailand is the major destination for Myanmar migrants due to its proximity, the relative ease of border crossing and

potential for employment opportunities due to its economic growth (2006 *Annual Report, ATU*, P.23). In 2005, the Kachin Women's Association of Thailand reported that Kachin women and girls trafficked to China were forced into prostitution or to become brides to Chinese men (*ASEAN Signs Declaration*, P.2). According to the study, the forms of human trafficking offences are mostly to marry Chinese men.

Myanmar is also a transit country for victims trafficked from China to Thailand, Malaysia, and Singapore. Chinese girls trafficked into northern Thailand are often transited through Myanmar (*Human Trafficking and Modern day Slavery*, 2000 - 2009). In addition, some trafficking of Bangladeshi persons to Malaysia through Myanmar has been reported. And Myanmar has internal trafficking. Myanmar nationals are trafficked from rural areas to border areas with China and Thailand, particularly areas with trucking routes, mining areas, fishing villages and border towns (*ASEAN Signs Declaration*, P.2). Children are trafficked internally for forced labor in agriculture and small scale industries (<http://www.mwaf.org.mm/News/Details.asp?id=311>). Women and girls are also trafficked internally for sexual exploitation (*Trafficking and Related labour Exploitation in ASEAN*, 2007, P. 100). Most occurs from rural to urban areas.

There are many causes of human trafficking in Myanmar. The social, economic and other factors cause people to migrate and make them vulnerable to human trafficking. Poverty and ignorance are the top causal factors for human trafficking in Myanmar (2006 *Proceeding of the National Seminar*, P. 141). The official ban on overland emigration of most young women drives some seeking to leave the country into the hands of travel facilitators, who may have ties with traffickers (Tun, Win Naing, 2011, P. 108). The lack of job opportunities and higher incomes and need to support the family have also pushed Myanmar people to migrate into one of its five neighbouring countries. This situation has created an opportunity for traffickers to lure the victims to other countries with false premises.

Myanmar's Activities to Combat Human Trafficking

Myanmar gives a high priority to combat trafficking issue through preventive measures, polices, and cooperation efforts. Myanmar has been taking preventive measures to combat human trafficking problem in the year 1995. During 1995, Myanmar government attended the fourth World Women Conference held in Beijing which issued the "Beijing Declaration" comprising future work programmes such as prevention and protection of women and children from trafficking in person (Si, Khin Maung, 2006, P.

63). In accord with the stipulations contained in the Beijing Declaration, the Myanmar National Committee for Women Affairs (MNCWA) was formed on 3 July 1996 to systematically carry out activities for the advancement of women (*2006 Proceedings of National Seminar*, P.141). Also, the Myanmar National Working Committee for Women's Affairs (MNCWA) was subsequently formed on 7 October 1996 followed by the formation of State/Division, District and Township Level Working Committees for Women's Affairs (*2009 Annual Progress Report*, P.31). From that period, Myanmar government continuously implemented the tasks on prevention and suppression of human trafficking.

As policy, Myanmar having the conviction that trafficking in persons has an aversive and detrimental effect on the national dignity of protection the lineage, has designated the combating and elimination of trafficking in persons as a national duty in 1997 and has since been relentlessly implementing the relevant tasks. Thus, to implement the tasks, a National Plan of Action (NPA) was adopted in the same year 1997.

With regard to the National Plan of Action, there are four components. These are prevention, prosecution, protection and rehabilitation. Under this Action Plan, the Myanmar National Working Committee for Women Affairs has implemented the activities concerning prevention of trafficking under the area of violence against women. As trafficking from Myanmar into neighboring countries identified as through illegal migration, the Central Supervision Committee for Prevention Illegal Migration and Subsequent sub-committees led by Chief of Police of the Myanmar Police Force was also formed on 23 September 2001 (*The Central Police Training Institute*, 2006, P. 6). The committee has driven continuous efforts in education, prevention, and law enforcement. Another working committee of MNCWA is the Working Committee for the Prevention of Trafficking in Persons, which was formed on 17 July 2002, and measures for the related issues were undertaken by the Ministry of Social Welfare, Relief and Resettlement and the Ministry of Home Affairs (*Role of NGOs*, 2006, P. 141). This Working Committee has identified and punished traffickers, and has protected trafficking victims according to international norms and standards (*The 2009 Annual Progress Report*, P. 32). The Myanmar Women's Affairs Federation (MWAF), which was formed as a non-governmental organization on 20 December 2003, also continues to implement ardently the activities related to the issues of prevention of human trafficking (<http://www.mwaf.org.mm/News/Details.asp?id=311>). Measures have been taken by the working groups regarding protection,

prevention of trafficking, rehabilitation and reintegration of the victims involved in the chain process of anti-trafficking.

With the aim to punish traffickers and to protect and assist victims of trafficking effectively, the Government enacted *the Anti-Trafficking in Persons Law* on 13 September 2005 as the follow-up activity. The said law includes men and criminalizes sex and labour trafficking in Myanmar. The penalty for trafficking women, children, and youth is 10 years to life; the penalty for trafficking men is 5 to 10 years; the penalty for fraud used to traffic is 3 to 7 years; the penalty for trafficking victims for pornography is 5 to 10 years; the penalty for trafficking with an organized criminal group is 10 years to life; the penalty for serious crime involving trafficking is 10 years to life or death; and the penalty for public officials who accept money related to an investigation of trafficking is 3 to 7 years (*The 2005 Anti-Trafficking in Persons Law*, P. 18-19). All penalties also include the option of a fine. Thus, the enactment of the law provides a strong legal tool to combat human trafficking.

Under this law, the Central Body for Suppression of Trafficking in Persons (CBTIP) was formed on 11 February 2006. The Central Body comprises the Minister for the Ministry of Home Affairs as the Chairman, the Deputy Minister for the Ministry of Home Affairs, the Deputy Minister for the Ministry of Social Welfare, Relief and Resettlement and the Deputy Attorney General as Deputy Chairman, Director General of Myanmar Police Force as Secretary and suitable persons (*The 2005 Anti-Trafficking in Persons Law*, P.6). It also formed the working groups namely; (a) Working group on prevention of trafficking in persons and protection of trafficked victims, (b) Working group on legal framework and prosecuting measures, and (c) Working group on repatriation, reintegration and rehabilitation of trafficked victims, at various levels (*The 2005 Anti Trafficking in Persons Law*, P.8). Many provisions of the law apply to internal cases of trafficking. Victims' dignity and security is also to be preserved.

As another follow-up activity, the Myanmar Government revised and updated the 1997 National Plan of Action to incorporate recent commitments. Accordingly, the Five Year National Plan of Action to Combat Human Trafficking was adopted on 26 December 2007 (*The Five Year National Plan of Action*, 2007). According to the 2007 National Plan of Action, The specific activities are distributed by five areas as follows:

- (a) Activities under the area of the Policy and Cooperation,
- (b) Activities under the area of Prevention,
- (c) Activities under the area of Prosecution,

(d) Activities under the area of Protection, and

(e) Activities under the area of Capacity Building (*The Action Plan (2007- 2011)*, P. 4). Moreover, the Annual Work Plan has also been drafted and carried out with a primary focus on the successful implementation of such activities since 2007. In doing so, the Work Plan has been implemented by different government departments in collaboration with local NGOs, UN agencies and international organizations.

Then, for the purpose of close supervision and monitoring of the implementation of the Action Plan, the National Task Force was established on 28 March 2008. The Task Force was headed by the Secretary of the Central Body for Suppression of Trafficking in Persons cum the Chief of police of the Myanmar Police Force, with 23 personnel from related departments as its members (*The Annual Progress Report, 2008*, P.28). Thus, the establishment of the National Task Force plays an important role in successful fighting against human trafficking.

Moreover, National Guidelines on Repatriation and Reintegration of Trafficked Victims were also adopted. The initial drafting of the Guidelines was spearheaded by the Central Body for Suppression of Trafficking in Persons and the Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims in 2008. And, the draft Guidelines were finalized during the workshop held on 22 August 2010 (*2010 Annual Progress Report*, P.8). Later, the draft was approved by the Central Body for Suppression of Trafficking in Persons on 30 November 2010 and includes directives on measures to be taken before repatriation, on reception and during the reintegration processes (*2010 Annual Progress Report*, P. 9). At present, Relevant Government Departments, Anti - Trafficking Task Forces (ATTFs), UN Agencies and International Organizations are adhering strictly to the guidelines in implementing measures to protect trafficked victims. So, adoption of national guidelines is one of the important activities in combating human trafficking in Myanmar.

Prevention

Myanmar has a variety of prevention programmes. Myanmar has collaborated with UN agencies, NGOs and INGOs to offer educational programmes, poverty alleviation, vocational skill trainings, and micro-credit loans. Information regarding awareness-raising has been disseminated through various media such as publishing, production, and broadcasting. A hand book on human trafficking was published in 2002, in collaborations with UNIAP (*2006 Proceedings of the National Seminar*, P. 142). Two wall

posters, ten TV skits have been allocated to UNIAP and UNICEF to increase awareness of trafficking. The government also distributed pamphlets and newsletters by an international organization, published press articles, and aired television and radio plays on trafficking (<http://www.mwaf.org.mm/News/Details.asp?id=311>). Moreover, the Ministry of Education, the Ministry of Hotel and Tourism, the Ministry of Labor, the Department of Social Welfare, the Myanmar Police Force and Myanmar Federation of Women Affairs coordinated with UN agencies and international organizations in disseminating awareness on trafficking throughout the country (*2008 Annual Progress Report*, P. 28). However, it is necessary to launch public awareness raising campaign especially in the hotspot areas of human trafficking such as Shan (North) State, Yangon Division, Mandalay Division, Kachin State and in other remaining states and divisions.

Poverty and ignorance are the main causes which are challenging human trafficking. To eradicate poverty, the various NGOs such as MWAF, Myanmar Maternal and Child Welfare Association (MMCWA) and Myanmar Women Entrepreneur Association (MWEA) have provided financial assistance with regards to Micro-credit scheme to disadvantaged women engaged in micro-enterprises to promote their economic capacity (*2006 Proceedings of National Seminar*, P. 141). The Ministry of Social Welfare, Relief and Resettlement, the Ministry of labor, the Ministry of Progress of Border Areas and National Races and Development Affairs, and the Myanmar Women's Affairs Federation provided vocational skill trainings and job opportunities to vulnerable women and spent the expenditure in implementing of such activities (*2009 Annual Progress Report*, P.11) Yet, this still needs to be enhanced.

Protection

Myanmar gives necessary assistance to protect trafficking victims. Regarding the repatriation, reintegration and rehabilitation, the Department of Social Welfare (DSW) has been carrying out these tasks since 1992, in collaboration with Ministries of foreign Affairs, Home Affairs, Health, Education, Progress of Border Areas and National Races and Development Affairs, MWAF, UNIAP, Save the Children (SCM), IOM (International Organization for Migration), World Vision Myanmar (WVM) (*2006 Proceedings of the National Seminar*, P. 130). The DSW provides a 14 - day programme of rehabilitation for trafficking victims in its vocational training centers before return to the family <D: /2011/ Trafficking Meeting.

Doc/ p. 4>). DSW states that this programme is seemed as a problem by returnees who do not want to receive 14 days of training before going home but available for returnees who do not wish to return to their family or for whom the family assessment is negative *<D:/ 2011/ Trafficking Meeting.doc/ P.4>*. They may remain in the DSW training centre, stay at a faith based institution or receive support from an INGO to stay in another home or for independent living. The relevant Government departments have suggested the need for more shelters to provide better assistance and services for returnees, more staff members with specialized training, and increased funding to operate income generation projects *<D/ 2011/ Trafficking Meeting.doc/>*. During 2009, of 431 repatriated trafficked victims, only a few of them received the reintegration support necessary to rebuild their lives (*The 2009 Annual Progress Report, P.23*). So, successful reintegration is a challenge because many families live in poverty so often returnees want to migrate again and are vulnerable for being re- trafficked. Thus, there is a need to improve in areas related to rehabilitation, provision of job opportunities and better livelihood opportunities for trafficking victims.

Prosecution

Myanmar has taken steps to increase its arrests, prosecution, convictions for trafficking. In order to strengthen suppression measures, ATU (Anti Trafficking Unit) was established in 2004 and 9 ATTFs were established in 2006, 9 ATTFs in 2007, 1 ATTF in 2008, 3 ATTFs in 2009, and 1 ATTF in 2010 were established with the contribution of UNICEF, WVM, and ARTIP (*2010 Annual Report, ATU, P.1*). Therefore, in 2010, a total of 23 ATTFs were established. In 2010, 502 criminals were also convicted and 381 victims were rescued. It shows that Myanmar has achieved a certain extent of success, yet it is still need to strengthen measures to address internal human trafficking issue. Shan (North) State, Yangon Division and Mandalay Division were identified as hotspot areas with high prevalence of human trafficking. Therefore, effective measures to combat human trafficking are needed in those areas.

Capacity Building

Myanmar Government has been implementing the activities under the area of capacity building. Ministry of Social Welfare, Relief and Resettlement, Ministry of Home Affairs, and other related Government Departments, in collaboration with local NGOs, UN Agencies and INGOs,

conducted relevant specialized trainings for victim support agencies. In combating human trafficking, one of the major activities is to have an effective criminal prosecution response. In this regard, the judges, prosecutors and law enforcement officers are playing key roles in combating human trafficking. Officers from Immigration and National Registration Department are being assigned in border areas and border check points are responsible for monitoring and checking entry and exit of citizens, and the nationality confirmation process of trafficking victims (*2008 Annual Progress Report*, P.30). So, those officials need to be trained on their role in combating human trafficking. Furthermore, the responsible personnel from the DSW (Department of Social Welfare) are also necessary to be trained on the victim protection as they are playing a leading role in the area of the victim protection. During 2010, various expertise trainings were conducted for judges, law officers, and officers from Immigration and National Registration Department and from General Administration Department assigned to border areas (*2010 Annual Progress Report*, P.54). Moreover, Myanmar officials participated in the various national and international seminars and workshops during 2010 (*2010 Annual Progress Report*, P. 49). Therefore, this has increased their capacities in combating human trafficking. But, as human trafficking is ever changing and is quite different from cases, the specialist trainings and follow-up trainings need to be conducted for the related officers. Thus activities implemented demonstrate Myanmar's high level commitment in combating human trafficking issue.

Myanmar, apart from strengthening preventive measures, law enforcement and policy, at national level, has been taking part in bilateral, regional and international cooperation. Some of these are:

- * Cooperation with UNIAP (UN Inter-Agency Project) in 2001;
- * Cooperation with Asia - Pacific Countries (Bali Process) in 2002;
- * Cooperation with ARCPPT Project (Asia Regional Cooperation to Prevent People Trafficking) in 2003;
- * Cooperation by signing ARTIP MOU (Asia Regional Trafficking in Persons) in 2003,
- * Cooperation with ASEAN countries in 2004,
- * Cooperation with BIMSTEC countries (Bay of Bengal Initiative Multi-Sectoral Technical and Economic Cooperation) in 2004;
- * Cooperation with other five GMS countries by signing COMMIT MOU (Coordinated Mekong Ministerial Initiative against Trafficking) (Sub Regional plan of Action) in 2004;

- * Cooperation by acceding International Conventions and Protocols (*The 2000 UN Convention against Transnational Organized Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children and Protocol against the Smuggling of Migrants by lands, Air and Sea*) in 2004;
- * Cooperation by signing the *ASEAN Mutual Assistance in Criminal Matters Agreement* in 2006;
- * Cooperation by signing the *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters* in 2006; and
- * Cooperation by signing the bilateral Memoranda of Understanding (MOUs) on Human Trafficking with China in 2009, and Thailand in 2009 (*2009 Annual Progress Report*)
- * Cooperation by signing the bilateral agreement to extend mutual legal assistance between Myanmar and India (*2010 Annual Progress Report*, P. 8).

Since this paper mainly focuses on the government's activities at national level, it will not go into detail on the government's bilateral, regional and international cooperation.

Research Findings

By analyzing these evidences, the social, economic and other factors such as poverty, ignorance, lack of job opportunities and higher incomes, and need to support the family became a causal link pin for human trafficking issue in Myanmar. In addressing such issue, Myanmar has achieved significant progress year by year. However, in order to maintain current achievements effectively, there is a need to create and strengthen such activities as poverty alleviation, awareness raising, vocational trainings, provisions of job opportunities and micro-credit loans, promotions of economic capacity so that the risk of victimization and re-victimization will be reduced. Furthermore, in doing so, it is significant to enhance cooperation and coordination not only with government departments, organizations, social organizations within the country, but also with UN agencies, international organizations and private organizations in implementing anti-human trafficking activities in Myanmar.

Conclusion

Upon reviewing the achievements made from 1995 to 2010, it can be said that in implementing anti-human trafficking activities, the progress

has been made year by year in the areas of Policy and Cooperation, Prevention, Protection, Prosecution and Capacity Building. But, there is a need to improve in areas related to rehabilitation, provision of job opportunities and better livelihood opportunities for victims of human trafficking. Therefore, current achievements are necessary to maintain with increased emphasis given to victim protection, rehabilitation and the creation of job opportunities by relevant government departments, local NGOs, private organizations and international organizations.

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မြို့နယ်ရဲတပ်ဖွဲ့မှူးသင်တန်း၊ နိုင်ငံပြတ်ကျော်မှုခင်းများသင်ခန်းစာမှတ်စု၊ မြန်မာနိုင်ငံရဲတပ်ဖွဲ့၊ ဗဟိုလေ့ကျင့်ရေးဌာန၊ ၂၀၀၆။

မြန်မာနိုင်ငံ၏လူကုန်ကူးမှု တိုက်ဖျက်ရေးဆိုင်ရာ (၅) နှစ်စီမံကိန်း (၂၀၀၇ - ၂၀၁၁)၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတော်၊ ပြည်ထဲရေးဝန်ကြီးဌာန၊ လူကုန်ကူးမှု တားဆီးကာကွယ်ရေးဗဟိုအဖွဲ့၊ ၂၀၀၇။

မြန်မာနိုင်ငံလူကုန်ကူးမှုတိုက်ဖျက်ရေးဆိုင်ရာ (၅) နှစ်စီမံကိန်း ၂၀၁၀ ခုနှစ်လုပ်ငန်းစီမံချက်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတော်အစိုးရ၊ ပြည်ထဲရေးဝန်ကြီးဌာန၊ လူကုန်ကူးမှု တားဆီးကာကွယ်ရေး ဗဟိုအဖွဲ့၊ ၂၀၁၀။

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ဝင်းနိုင်ထွန်း : နည်းပညာအင်တာနက်နှင့် လူကုန်ကူးမှုနုတ်ဆိုး၊ ၂၀၀၉။

ဟန်မြင့်(ဝါးစယ်မ) : လူကုန်ကူးမှုတားဆီးကာကွယ်ရေးဥပဒေ၏ သိကောင်းစရာများ၊ ၂၀၁၀။

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