

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	123
Land:	Burma
Kilde:	US Department of State
Titel:	Trafficking in Persons Report 2015 - Country Narratives - Burma
Udgivet:	27. juli 2015
Optaget på baggrundsmaterialet:	16. november 2015

[EN](#) | [DE](#)

- **Source:**
USDOS - US Department of State
- **Title:**
Trafficking in Persons Report 2015 - Country Narratives - Burma
- **Publication date:**
27 July 2015
- **ecoi.net summary:** Annual report on trafficking in persons (covering April 2014 to March 2015) [ID 308706]
- **Countries:**
Myanmar
- **Original link** <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243406.htm>

Recommended citation:

USDOS - US Department of State: Trafficking in Persons Report 2015 - Country Narratives - Burma, 27 July 2015 (available at ecoi.net)
http://www.ecoi.net/local_link/308706/432503_en.html (accessed 31 August 2015)



Trafficking in Persons Report 2015 - Country Narratives - Burma

BURMA: Tier 2 Watch List

Burma is a source country for men, women, and children subjected to forced labor and for women and children subjected to sex trafficking. 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—are subjected to forced labor or sex trafficking. Men are subjected to forced labor in the fishing, manufacturing, forestry, and construction industries abroad, while women and girls are primarily subjected to sex trafficking, domestic servitude, or forced labor in garment manufacturing. NGOs report an increase in the number of Burmese males transiting Thailand *en route* to Indonesia and Malaysia, where they are subsequently subjected to forced labor, primarily in the fishing industry. Some Burmese men in the Thai fishing industry are subjected to debt bondage, passport confiscation, or fraudulent recruitment; some are also subjected to physical abuse and forced to remain aboard vessels in international waters for years. Reports indicate some Rohingya asylum seekers transiting Thailand *en route* to Malaysia are sold into forced labor on Thai fishing boats, reportedly with the assistance of Thai civilian and military officials. Burmese women are transported to China and subjected to sex trafficking and domestic servitude through forced marriages to Chinese men; Burmese government officials are reportedly occasionally complicit in this form of trafficking.

Government officials are complicit in trafficking within Burma. Men, women, and children from ethnic areas, including the estimated 98,000 persons displaced by conflict in Kachin and northern Shan States and the estimated 146,000 displaced persons in Rakhine State, are particularly vulnerable to trafficking. Reports indicate some Rohingya women are subjected to sex trafficking in Rakhine State. Local traffickers use deceptive tactics to recruit men into forced labor on palm oil and rubber plantations or in jade and precious stone mines. Children are subjected to sex trafficking or to forced labor in teashops, the agricultural sector, and in begging. Children and adults are subjected to domestic servitude. A small number of foreign child sex tourists exploit Burmese children.

Some military personnel and ethnic armed groups continue to be involved in the recruitment and use of child soldiers, particularly in conflict-prone ethnic areas. Although monitoring groups, including ILO and UNICEF, report the incidence of forced conscription is decreasing, men and boys continue to be forced to serve in the Burmese army and in ethnic armed groups through intimidation, coercion, threats, and violence. Children of the urban poor are at particular risk of conscription. Reports from the UN and former child soldiers indicate army recruiters, including civilian brokers, target orphans and children alone on streets and in railway stations; sometimes recruiters trick children into joining the army and or threaten them with jail or physical abuse if they do not agree to join.

The Burmese military, and to a lesser extent, civilian officials, and some ethnic armed groups use various forms of coercion, including threats of financial and physical harm, to compel victims to provide forced labor. In areas with active conflict, local populations—mostly men, but also women and children—remain at risk for forced labor. International organizations report this practice remains common in conflict regions, particularly in Rakhine State.

The Government of Burma does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to investigate and prosecute cross-border sex trafficking offenses and cooperate with international partners to identify and demobilize children forcibly recruited into the military's ranks. During the reporting period, the government released 376 child soldiers from its armed forces and provided some assistance to civil society groups in their reintegration. The government continued to support a nationwide awareness raising campaign to prevent the recruitment of child soldiers. To better coordinate on combating human trafficking offenses committed by members of the Burmese military, the government designated the deputy minister of defense as a permanent member of its anti-trafficking coordinating body. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Burma is placed on Tier 2 Watch List for a fourth consecutive year. Burma was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and it has committed to devoting sufficient resources to implement that plan. Authorities did not make progress in investigating and prosecuting cases of internal trafficking. Victim identification and protection remained inadequate, and the majority of victims continued to be identified through international repatriations. The government took disciplinary action against an unknown number of military officials for the recruitment and use of child soldiers, but did not prosecute or convict any government officials for forced labor of civilians or forced recruitment of child soldiers. The military did not grant complete, unfettered access for monitors to military bases to inspect for the presence of children.

RECOMMENDATIONS FOR BURMA:

Proactively initiate investigations of both sex and labor trafficking offenses, including trafficking occurring within Burma, and prosecute and convict offenders; increase coordination between specialized anti-trafficking police units, general police units, and prosecutors and provide more resources to prosecutors for trafficking cases; increase efforts to investigate and sanction—including through criminal prosecution—government and military perpetrators of internal trafficking offenses—including forced labor and child soldier recruitment—and make data about these efforts public; cease all recruitment of children into the armed forces and actively identify and demobilize all children currently serving in the military's ranks; develop and implement formal procedures for the proactive identification of victims among vulnerable groups and their referral to service providers; continue to bolster training and resources for consular officials and labor attachés in countries with significant populations of Burmese migrant workers; through partnerships with local and international civil society organizations, prioritize and significantly increase proactive victim protection efforts, including victim shelters, provision of services for male victims, and reintegration support for former child soldiers; do not punish victims for acts committed while being subjected to trafficking or those fleeing forced labor, including children attempting to leave the army; strengthen age verification procedures for new military recruits; take necessary action to clarify roles and responsibilities of law enforcement and authorize the anti-trafficking taskforce (ATTF) police to proactively initiate, investigate, and support prosecution of trafficking cases; reform military policies—including high recruitment targets and the practice of civilian portering—that drive the demand for forced labor and child soldier conscription; grant international monitors unhindered access to inspect any and all recruitment centers, training centers, and military bases for the presence of children; and appoint a case manager to facilitate victims' involvement in criminal proceedings and to maintain a victim-centered approach to investigations and prosecutions.

PROSECUTION

The government continued law enforcement efforts to address cross-border sex trafficking, but did not make progress in holding significant numbers of traffickers, including public officials, criminally accountable for trafficking within the country. Burma prohibits sex and labor trafficking through its 2005 Anti-Trafficking in Persons Law, which prescribes criminal penalties that are sufficiently stringent and commensurate with those prescribed for rape. Forced labor, including the recruitment of children into the army, is a criminal offense under both the Wards and Village Tracts Administration Act, passed in March 2012, and penal code Section 374; violations can result in imprisonment for up to one year, a fine, or both. In addition, forced labor is prohibited under Section 359 of Burma's 2008 constitution. During the reporting period, the government initiated a legal review to develop recommendations to strengthen the 2005 law.

The government reported investigating 98 cases involving 291 suspects, and prosecuting and convicting 143 traffickers in 2014, compared with 100 cases investigated and 183 traffickers prosecuted and convicted in 2013. As in previous years, the government's law enforcement efforts focused primarily on the sex trafficking or forced service of Burmese women through forced marriages to Chinese men, with the majority of cases pursued by

the ATTF in Muse. The government reported investigating 26 suspected cases of internal trafficking and 18 cases of labor trafficking, though it did not provide additional information about the nature of these cases or whether they resulted in any prosecutions or convictions. There were no prosecutions or convictions of civilians for child soldier recruitment. Authorities have never used the 2012 Wards and Village Tracts Administration Act to prosecute a forced labor offense committed by a public official or private entity. Lack of transparency in the justice system, coupled with police and justice officials' limited understanding of trafficking offenses and poor police-prosecutor cooperation in prosecuting complex crimes, made it difficult to verify court statistics provided by the government. Local experts reported general (non-ATTF) police perceived they did not have the authority to pursue investigations proactively and primarily opened investigations only in response to complaints. The Anti-Trafficking in Persons Division (ATIPD) provided both basic introductory and on-the-job training for police, and international organizations funded additional anti-trafficking training for Burmese officials. The ATIPD maintained dedicated ATTF police throughout the country, but a lack of clarity between the roles and responsibilities of ATTF officers and general police investigators, as well as a lack of established channels of communication among law enforcement officials in Burma, continued to hamper the success of investigations and prosecutions. In addition to poor coordination among police units, an acute lack of basic policing equipment and resources was a major obstacle for police to undertake proactive investigations into trafficking crimes.

Corruption and impunity remained pervasive in Burma and hindered the enforcement of human trafficking laws. Police limited investigations in cases with alleged involvement of well-connected individuals. The power and influence of the Burmese military limited the ability of civilian police and courts to address cases of forced labor and the forced recruitment of child soldiers by the armed forces; there was no evidence any soldiers accused of trafficking crimes have ever been prosecuted in civilian courts. The government cooperated with ILO, which received and investigated more than 100 complaints of forced labor and child soldier conscription committed by members of the military or civilian administrators. The Ministry of Defense undertook efforts to investigate and punish military personnel for child soldier recruitment as a result of these complaints, but the government did not provide additional data on the number and type of punishments during the reporting period. There were no other investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

PROTECTION

The government's victim protection efforts, including modest efforts to provide temporary shelter to Burmese victims repatriated from abroad, remained inadequate. The majority of victims were identified through international repatriations, including 65 male and female victims identified and returned by officials in Thailand, 108 female victims returned from China, and 144 male victims returned from Indonesia; the latter were assisted by an international organization after escaping forced labor on Thai fishing vessels. Police and border officials identified an additional 45 cases, involving 68 victims at border crossings, compared with 47 such cases in 2013. During the reporting period, the government identified and released 322 children from the military through implementation of its UN-backed action plan on child soldiers, an increase from 206 children the previous year. While law enforcement officials in northern Burma continued to identify suspected victims *en route* to China for forced marriages likely to result in sex or labor exploitation, front-line officers throughout the country generally lacked adequate training to identify potential victims in Burma. The government did not make efforts to screen for indicators of trafficking among vulnerable groups, such as individuals deported from neighboring countries, returning migrant workers filing complaints regarding employment abroad, or individuals in prostitution. Military officials were often cooperative in cases of child soldiering brought to their attention by civil society organizations, but were unlikely to proactively identify or investigate such cases. The government often granted UN monitors access to battalion-level military installations to inspect for the presence of children, but occasionally refused to grant access despite a formal commitment to provide unhindered access. The Ministry of Education issued a rule requiring schools to expedite reacceptance for former child soldiers and 200 children received modest reintegration support from the Department of Social Welfare (DSW) and civil society partners, but overall government support to demobilized children remained minimal, with most service provided by civil society organizations.

Police and border officials consistently referred repatriated victims to DSW to receive protective services, but there were no referral mechanisms in place for victims of other forms of trafficking. Local experts reported modest improvement in working-level cooperation between DSW and the police during the year. The government continued to operate five centers for women and children, including trafficking victims, and one dedicated to female victims of trafficking. During 2014, it opened two facilities funded by a foreign donor that could serve both men and women. The government did not report the total number of victims receiving services in these facilities, or whether shelters housed any men. NGOs and foreign donors largely funded and facilitated delivery of the rudimentary services available to victims. DSW lacked the capacity to provide individualized services. Longer-term support was limited to vocational training for women in major city centers and in border areas; the lack of adequate protective measures for victims—particularly males—left them vulnerable to re-trafficking.

Authorities encouraged victims to assist in investigations and prosecutions, but the lack of victim protection or compensation programs, exacerbated by a lengthy trial process and victims' mistrust of the legal system, caused many victims to decline cooperation. A cumbersome investigation process required victims to give

statements multiple times to different officials, increasing the possibility of re-victimization. The government made efforts to include victims' perspectives in training sessions with police and during government meetings. Inadequate efforts to screen for indicators of trafficking in thousands of anti-prostitution interventions may have led to the treatment of sex trafficking victims as criminals. Children who fled military service or were demobilized by civil society organizations continued to face arrest and imprisonment on charges of desertion. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

PREVENTION

The government sustained efforts to prevent trafficking. The Central Body for the Suppression of Trafficking in Persons coordinated anti-trafficking programs and policies in line with the five-year national action plan. In December 2014, the deputy minister of defense joined the committee as a permanent member. In August 2014, the military issued a proclamation to all regional commands banning the recruitment and use of child soldiers and establishing a centralized recruiting structure to enable greater oversight; local experts observed this policy was not fully adopted by field commanders. The government did not sufficiently strengthen age verification procedures for military recruits or change military policies—including high recruitment goals, which could not be met through voluntary enlistments, and a requirement that early retirees bring in a new recruit to fill their place—that continued to make children vulnerable to recruitment, including through deception and force. The government continued to deny citizenship to an estimated 800,000 men, women, and children in Burma—the majority of whom were ethnic Rohingya living in Rakhine State. The lack of legal status and access to identification documents significantly increased this population's vulnerability to trafficking. The government conducted awareness campaigns in print, television, and radio media and trained members of community-based watch groups on trafficking. It increased efforts to train members of the military on prohibitions against the recruitment of children. It did not make efforts to punish labor recruiters or brokers for illegal practices that increase migrants' vulnerability to exploitation abroad. The government provided anti-trafficking training for its diplomatic personnel. Anti-trafficking police provided training to new tourism police units to stem child sex tourism. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.