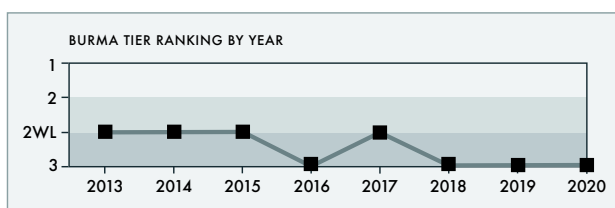


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## BURMA: TIER 3

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



### PRIORITIZED RECOMMENDATIONS:

Cease official involvement in compelling civilians to perform any type of forced labor for the military by strengthening, re-issuing, and fully implementing associated military command orders against all forms of forced labor, and by prosecuting, convicting, and imprisoning officials involved in the practice. • Cease all unlawful recruitment and use of children by armed forces, including in non-combatant roles, and continue cooperation with the UN to facilitate ending child soldier recruitment and use by the military and EAGs. • Initiate the issuance of high security identity documents, with a nationwide priority of issuance to children, to prevent the use of counterfeit documents by children attempting to enlist in the military at the behest of their families or civilian brokers. • Finalize implementing regulations for the Child Rights Law, and in particular those related to accountability for crimes involving the recruitment and use of child soldiers. • Expand formal procedures to proactively identify and protect victims among vulnerable populations, including communities displaced by conflict and internal migrants working in the agricultural sector, using the new national referral mechanism. • Grant UN agencies and their partners immediate, safe, and unhindered access, including humanitarian access, to Rakhine, Chin, Kachin, and Shan States. • Provide legal status to stateless persons and facilitate high security official identity documents to stateless persons and other vulnerable populations in Burma to decrease their vulnerability to trafficking. • Eliminate restrictions on freedom of movement for internally displaced members of ethnic minority groups. • Strengthen efforts to identify, prosecute, and convict

civilian brokers and military and other officials complicit in the unlawful recruitment and use of child soldiers, and impose significant prison terms. • Amend the anti-trafficking law to explicitly state that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense. • Strengthen efforts to prioritize and increase resources available for victim protection, including victim shelters, provision of services for male victims, and reintegration support for former child soldiers. • In partnership with civil society, increase the capacity of relevant ministries to enforce labor laws, raise public awareness on deceptive recruitment and safe job placement channels, and proactively prevent and detect forced labor in the agricultural, extractive, domestic work, and fishing sectors. • Establish and implement a comprehensive criminal justice record-keeping system to track data on anti-trafficking investigations, prosecutions, convictions, and sentencing.

### PROSECUTION

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

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

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

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

Some government and law enforcement officers reportedly participated in, facilitated, or profited from human trafficking. Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials acting on bribes, as well as individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers in some cases. In late 2019, the government's anti-corruption commission reported initiating the prosecution of a Burmese labor attaché for allegedly accepting bribes from employment agencies in exchange for issuance of fraudulent documents, leading to the placement of thousands of Burmese workers into vulnerable sectors in Thailand; the trial was ongoing at the end of the reporting period. Additionally, for the first time, the government reported arresting, detaining, initiating court martial proceedings, and proposing civilian criminal investigations into two different cases involving military officers for their alleged role in facilitating the sex and labor trafficking of Burmese women in

China in 2019; both defendants remained in prison awaiting trial at the end of the reporting period. In one of the cases, four associated civilian perpetrators were sentenced to 20 years in prison each in February 2020. Authorities also convicted and imprisoned the spouse of an auxiliary police officer for her involvement in a trafficking crime prosecuted in the previous reporting period.

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

## PROTECTION

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

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

The Child Rights Law set the minimum age of voluntary military

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

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

The government continued to operate five centers for women and children who were victims of violent crime; all five could shelter trafficking victims, and one was dedicated to female trafficking victims. Another housed repatriated trafficking victims. Prior to their reintegration, these victims had the alternative option to stay in any of four transit centers run by the Department of Rehabilitation (DOR) under the Ministry of Social Welfare, Relief, and Resettlement (MSWRR); these facilities were called "Women's Vocational Training Centers," and a fifth was in development at the end of the reporting period. The government reported a total of 532 individuals were referred to temporary shelter services during the reporting period, including 370 female victims and 162 male victims (unreported in previous years); some of these were likely victims of crimes outside the standard definition of trafficking. The government also operated three facilities funded by a foreign donor that could serve

both male and female victims. Services in government facilities remained rudimentary, but authorities allocated increased funding for trafficking victim protection, and some victims received psycho-social counseling, travel allowances, support for obtaining official documents, and assistance in returning to home communities. NGOs and foreign donors funded and facilitated delivery of most services available to trafficking victims. In conjunction with an international organization, MSWRR continued to implement child protection programs that featured services for victims of trafficking. CBTIP reported allocating to a central fund 64 million kyat (\$43,390) for victim support during the reporting period (unreported in 2018). MSWRR provided 15.6 million kyat (\$10,580) to fund reintegration services for 78 trafficking victims, compared with 19.75 million kyat (\$13,390) for 175 victims in 2018. The ATIPD contributed an additional 60 million kyat (\$40,680) to assist with reintegration, transport, meals, and medical care for the same victims. In an effort to improve coordination on victim protection, the government significantly increased DOR staff to 202 (132 in 2019, 72 in 2018), but it reportedly remained under-resourced. DOR also provided separate assistance to 16 Burmese nationals subjected to trafficking within Burma, including five child sex trafficking victims, during the reporting period.

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

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



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

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

## PREVENTION

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

In previous years, Burmese fishermen had no formal channels through which to seek employment in the Thai fishing industry, and instead relied exclusively on unregulated brokerage networks that exacerbated their indebtedness and vulnerability to coercion at sea. To address this issue, Burma signed a memorandum of understanding (MOU) with Thailand during the reporting period to facilitate labor recruitment into the Thai fishing sector through a formalized, government-to-government hiring process. However, the MOU did not standardize or clarify the two countries' disparate laws and policies on eligible recruitment fees and minimum wages, constraining meaningful implementation. Further, most vessel owners were unaware of the new hiring system and continued to staff their crew through unregulated Thai and Burmese intermediaries charging high recruitment fees that continued to place Burmese fishermen at risk of debt-based coercion into forced labor. Some Burmese recruitment agencies avoided the hiring system altogether due to distrust of labor conditions in the Thai fishing sector and doubts concerning the capacity of the Thai authorities to enforce the MOU. During the reporting period, the government cooperated

with counterpart agencies in Cambodia and Laos to strategize and exchange views on addressing broader forced labor among migrant workers in Thailand. The government also partnered with an international organization to conduct an interagency training on fisheries crime focusing on corruption, document fraud, and other crimes that could be generative of or connected to forced labor.

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

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

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

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

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

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject men, women, and children to forced labor, and women and children to sex trafficking, both in Burma and abroad. There have also been limited reports of traffickers transporting foreign victims through Burma en route to other countries in Asia. Traffickers subject some Burmese men, women, and children who migrate for work abroad—particularly to Thailand and China, as well as other countries in Asia, the Middle East, and the United States—to forced labor or sex trafficking. Traffickers force men to work domestically and abroad in fishing, manufacturing, forestry, agriculture, and construction, and they subject women and girls primarily to sex trafficking or forced labor in garment manufacturing and domestic service. NGOs continue to report instances of Burmese males transiting Thailand en route to Indonesia and Malaysia, where traffickers subject them to forced labor, primarily in fishing and other labor-intensive industries. Recruitment agencies in Burma and other Southeast Asian countries lure fishermen with promises of high wages, charge fees and curtailment deposits to assign them fake identity and labor permit documents, and then send them to fish long hours in remote waters on vessels operating under complex multinational flagging and ownership arrangements. Senior crew aboard vessels in the Thai and Taiwan fishing fleets subject some Burmese men to forced labor through debt-based coercion, passport confiscation, contract switching, wage garnishing and withholding, threats of physical or financial harm, or fraudulent recruitment; they also subject some to physical abuse and force them to remain aboard vessels in international waters for years at a time without

coming ashore. Informal brokers also lure Burmese men onto offshore fishing and shrimping rafts in Burmese waters, where traffickers confine and physically abuse them to retain their labor for months at a time. There are some reports of boys subjected to forced labor in Burma's fishing industry as well. Traffickers are increasingly transporting Burmese women to China and subjecting them to sex trafficking and forced labor in domestic service under the false pretense of marriage to Chinese men; Burmese government officials are occasionally complicit in this form of trafficking. Some traffickers abduct Rohingya women and children in transit while fleeing violence—and reportedly from refugee camps in Bangladesh—and sell them into sex trafficking and forced marriage in India, Indonesia, and Malaysia; some may experience conditions indicative of forced labor. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited Burmese nationals in forced labor in food processing, manufacturing, construction, and fishing.

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

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

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

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

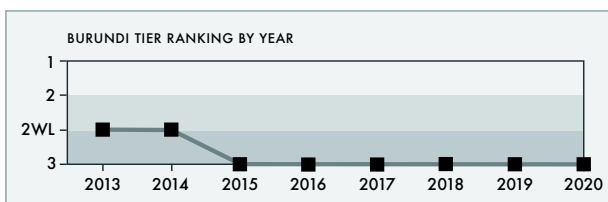
The military, informal civilian brokers, and some EAGs also use deception and various forms of coercion, including threats of financial and physical harm, to compel adult victims into short term forced labor. Under the auspices of the legacy counter-insurgency strategy of “self-reliance,” some military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

The government operates as many as 47 prisons and 48 labor camps called “agriculture and livestock breeding career training centers” and “manufacturing centers,” respectively. The labor camps house thousands of inmates across the country, likely including some political prisoners. Eighteen of these camps feature government-managed mining operations. According to limited reporting,

authorities at times may subject these incarcerated populations to unlawful prison labor or conditions with indicators of forced labor for private gain. Anti-LGBTI laws place some LGBTI individuals at higher risk of extortion and psychological coercion by law enforcement. Discriminatory hiring practices complicate access to formal sector employment for LGBTI individuals and persons diagnosed with HIV/AIDS, forcing some to seek opportunities in unregulated sectors known for trafficking vulnerabilities—particularly among transgender persons in commercial sex.

## BURUNDI: TIER 3

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



### PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law and significantly increase efforts to more effectively investigate, prosecute, and convict traffickers.

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