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2021 Trafficking in Persons Report: Burma

BURMA: Tier 3

The Government of Burma does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Burma remained on Tier 3. During the reporting period, there was a government policy or pattern of use of children for forced labor by the military. The international monitor-verified use of children in labor and support roles by certain military battalions increased in conflict zones, predominantly in Rakhine and Kachin States. Additionally, the military continued to rely on local communities to source labor and supplies, thereby perpetuating conditions enabling the forced labor of adults and children. Enduring military conflict with ethnic armed organizations (EAOs) in several areas in the country and the February 1, 2021, military coup that deposed the democratically elected government continued to dislocate hundreds of thousands of people, most of them from ethnic minority communities, and political dissidents, many of whom were at risk of human trafficking in Burma and elsewhere in the region as a result of their displacement. Despite the lack of significant efforts, the government took some steps to address trafficking. It continued to investigate, prosecute, and convict traffickers, including complicit officials, and achieved a significant number of convictions; formally adopted national standard operating procedures (SOPs) for the return, reintegration, and rehabilitation of trafficking victims; and continued to identify and improve some protection services to trafficking victims. The government also issued military directives against the recruitment and use of children for combat and non-combat roles, and it continued to grant formal permission to the UN to enter into child soldier demobilization agreements with EAOs. The government also created policies and practices to increase and streamline the demobilization of child soldiers from the military, but some soldiers were reportedly discharged without following agreed upon procedures with the UN. However, investigations and prosecutions of traffickers decreased substantially during the reporting period due to pandemic-related limitations and in the wake of the military initiated coup, leading police to identify fewer trafficking victims.

PRIORITIZED RECOMMENDATIONS:

Cease official involvement in compelling civilians to perform any type of forced labor for the military by fully implementing associated military command orders against all forms of forced labor, and by prosecuting, convicting, and imprisoning any officials involved in the practice. • Cease all unlawful recruitment and use of children by armed forces, including in non-combatant roles, and continue cooperation with the UN to facilitate ending recruitment and use of children by the military and EAOs. • Initiate the issuance of high-security identity documents, with a nationwide priority of issuance to children, to prevent the use of counterfeit documents by children attempting to enlist in the military at the behest of their families or civilian brokers. • Strengthen efforts to identify, prosecute, and convict civilian brokers and military and other officials complicit in the unlawful recruitment and use of child soldiers, and impose significant prison terms. • Finalize implementing regulations for the Child Rights Law, and in particular those related to accountability for crimes involving the recruitment and use of child soldiers. • Expand formal procedures to proactively identify and protect victims among vulnerable populations, including communities displaced by conflict and internal migrants working in the fishing and agricultural sectors, using the new national referral mechanism. • Widely distribute to relevant authorities at the national and local levels SOPs on victim return, reintegration, and rehabilitation, and adequately train field officers, local administrators, and service providers on their implementation. • Grant UN agencies and humanitarian organizations immediate, safe, and unhindered access, including humanitarian access across the country, especially to Rakhine, Chin, Kachin, and Shan States as well as throughout southeast Burma. • Provide legal status to stateless persons and facilitate high security official identity documents to stateless persons and other vulnerable populations in Burma to decrease their vulnerability to trafficking. • Eliminate restrictions on freedom of movement for all populations in Burma, including internally displaced members of ethnic minority groups. • Amend the anti-trafficking law to explicitly state that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking crime. • In partnership with civil society, increase the capacity of relevant ministries to enforce labor laws, raise public awareness on deceptive recruitment and safe job placement channels, and proactively prevent and detect forced labor in the agricultural, extractive, domestic work, and fishing sectors. • Increase training of police and border, judicial, social service personnel on anti-trafficking laws and victim identification, referral, and assistance best practices. • Continue work toward establishing a comprehensive criminal justice record-keeping system to track data on anti-trafficking

investigations, prosecutions, convictions, and sentencing. • Strengthen efforts to prioritize and increase resources available for victim protection, including victim shelters, provision of services for male victims, and reintegration support for former child soldiers.

PROSECUTION

The government largely maintained law enforcement efforts. The 2005 Anti-Trafficking in Persons Law criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of five to 10 years’ imprisonment and a fine for trafficking offenses involving male victims, and penalties of 10 years’ to life imprisonment for trafficking offenses involving female or child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2005 Anti-Trafficking in Persons Law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime and therefore did not criminalize all forms of child sex trafficking. However, in July 2019, parliament enacted the Child Rights Law, which criminalized all forms of child sex trafficking, thereby addressing this gap. The law prescribed penalties of one to 10 years’ imprisonment and a fine of 1 million to 2 million kyat (\$754-\$1,510), which were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Forced labor, including the recruitment and use of children in military non-combatant roles is a criminal offense under the 2005 Anti-Trafficking in Persons Law, the 2012 Wards and Village Tracts Administration Act, Section 374 of the Penal Code, and the Child Rights Law. The military continued to cite provisions in military law to punish individuals who used or recruited children for forced labor in non-combat roles; punishments included demotions, pension reductions, and geographic reassignments, which were disproportionately low compared to the seriousness of the crime. Authorities drafted legislation in late 2019 to replace the 2005 anti-trafficking law in an effort to criminalize all forms of trafficking in accordance with international standards and expand law enforcement mandates for certain interagency stakeholders; the draft remained pending at the end of the reporting period.

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

The Union Attorney General’s Office (UAGO) continued to maintain anti-trafficking coordinators in 70 prosecutorial districts to collect and report data and provide advice to colleagues prosecuting trafficking cases in their districts. The ATIDP maintained 60 dedicated anti-trafficking task force (ATTF) police units throughout the country in 2020; there were 69 squads formed under the regional ATTF units, which included dedicated child-protection units and squads. Burma’s Central Body for the Suppression of Trafficking in Persons (CBTIP) coordinated the government’s anti-trafficking efforts, including training for government personnel. However, the government canceled nearly all in-person training programs during the reporting period due to the pandemic; the government lacked sufficient infrastructure, especially at the state and local levels, to conduct adequate virtual trainings for officials. Despite these challenges, ATIDP – with support from an international organization and an NGO – delivered five capacity building programs focused on victim support to 174 participants from the government and civil society organizations. The government also partnered with a foreign government to provide training to 43 prosecutors on techniques for interviewing victims and witnesses, including trafficking victims. The Ministry of Social Welfare, Relief, and Resettlement (MSWRR) held a video conference on human trafficking issues for 14 senior security officials in December 2020. Despite these trainings, interagency coordination remained a challenge. Limited training and capacity for non-specialized Myanmar Police Force (MPF) officers, coupled with regular law enforcement turnover and limited resources, continued to hamper the success of some investigations and prosecutions. Some civil society organizations observed in prior years that non-specialized police officers were sometimes unaware of how to pursue human trafficking investigations without consulting ATTF; it is therefore possible that authorities turned away some victims of human trafficking when attempting to report their cases. Law enforcement and justice sector officials had limited or no ability to exercise their investigative mandates in geographic areas not controlled by the government. The government continued to cooperate with law enforcement agencies in China, Thailand, and Vietnam during the reporting period.

Some government and law enforcement officers reportedly participated in, facilitated, or profited from human trafficking, and the law enforcement response to official complicity was mixed. Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials accepting bribes, as well as individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers in some cases. There were credible allegations during the reporting period that police and other officials received kickbacks for allowing brothels and other locations that facilitated commercial sex, including potential sex trafficking, to operate. The government reported two criminal case investigations initiated during the reporting period in which government officials were allegedly complicit in trafficking crimes. In mid-2020, the government initiated the investigation and prosecution of a commissioned military officer – and his spouse – for facilitating the marriage of a Burmese girl to a Chinese man, which involved indicators of sex and labor trafficking; the government court-martialed the officer and charged him under the 2005 Anti-Trafficking in Persons law in civilian court. The prosecution was ongoing at the end of the reporting period. In September 2020, the ATIPD investigated a government official in Mandalay region for involvement in the trafficking and forced marriage of a 14-year-old girl to a Chinese national residing in Burma; the investigation was ongoing at the end of the reporting period. In December 2020, the government convicted a military officer and two co-conspirators for facilitating the forced marriage of and subjecting a girl in China to trafficking – a case that was initiated in 2019; the government sentenced the officer to 10 years in prison. In a separate case first initiated in June 2019, the government continued to pursue a case of a military captain and five other perpetrators for their alleged role in facilitating the forced labor of a Burmese woman in China; at the end of the reporting period, the military officer was pending trial in a civilian court for charges under the 2005 Anti-Trafficking in Persons Law.

Although the 2019 Child Rights Law strengthened penalties for any individual who, knowingly or through “failure to inspect,” engaged in child soldier recruitment or use, authorities did not report implementing the law during the reporting period. In the previous reporting period, some international observers expressed concern that Burma’s array of relevant laws were insufficient to adequately deter commission of child soldier-related crimes. The constitutionally guaranteed power of the military continued to limit the ability of the government to address cases of adult forced labor and child soldier recruitment and use by the armed forces. Burmese law provided for separate judicial procedures for military personnel accused of criminal misconduct. During the reporting period, international observers reported that the military continued to forcibly use children in non-combat, support roles, such as camp maintenance, construction work, paddy harvest, and as guides, predominantly in one township in Rakhine state, as well as in—in limited reported instances—hostilities. The government reported only punishing one military warrant officer for committing these criminal acts in 2020, though no information on the punishment was made available. In 2019, the Ministry of Defense (MOD) reported taking disciplinary action against 18 military personnel for child soldier recruitment, penalties that included reprimands impacting promotion, service recognition, and pensions. As in the previous reporting period, the MOD did not report punitive measures for military personnel guilty of subjecting adults to forced labor within Burma. In past years, most of these cases reportedly culminated in reprimands, fines, or pension reduction – penalties significantly less than those prescribed by criminal law. As in the previous reporting period, the government did not report if it prosecuted civilians involved in the recruitment of child soldiers.

PROTECTION

The government demonstrated uneven victim protection efforts. During the reporting period, the CBTIP formally adopted national SOPs for the return, reintegration, and rehabilitation of trafficking victims and circulated them to all relevant ministries. CBTIP offered six virtual trainings on the SOPs for 183 government officials, along with the participation of anti-trafficking civil society organizations. During 2020, the police identified 118 trafficking victims, compared with 335 victims identified during the previous reporting period. The government’s national forced labor complaints mechanism, which went into effect in February 2020, received 58 complaints of suspected forced labor crimes; however, the government did not report if any of these complaints resulted in the identification of victims or criminal investigations. After the coup, there was a notable decline in the population reporting potential trafficking cases to ATIPD, which likely reflected growing distrust between the public and Burmese law enforcement that were involved in violent crackdowns against pro-democracy demonstrators. Authorities at times penalized some victims for unlawful acts traffickers compelled them to commit—in part—due to a lack of awareness or implementation of victim screening procedures among some police and judicial officials. There was at least one reported instance in which the government penalized a victim during the reporting period; ATIPD reported that local police charged a trafficking victim with theft, but the state-level CBTIP chair ultimately suspended the criminal case once authorities officially identified the victim. In April 2020, the government released all Rohingya from detention centers who had previously been charged with immigration violations for traveling without proper identification. The government policy not to charge Rohingya with immigration violations continued through the end of January 2021, to the benefit of more than 200 Rohingya—a population highly vulnerable to trafficking—who were returned to their places of origin in December 2020 and January 2021 without facing charges. This policy changed after the military coup, as the military regime issued a directive for authorities to resume detention and legal actions against the Rohingya, including the threat of imprisonment on immigration-related charges.

The government continued to operate various services for trafficking victims through the CBTIP Central Fund for Trafficking Victim Support during the reporting period. Services in government facilities remained rudimentary, but authorities continued to allocate funding for trafficking victim protection services, psycho-social support, travel allowances, support for obtaining official documents, and assistance in returning to home communities. NGOs and foreign donors funded and facilitated delivery of most services available to trafficking victims. The government also maintained labor attachés in Malaysia, South Korea, Thailand, and elsewhere whose responsibilities included

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

Trafficking victims frequently declined to cooperate with authorities due to the lack of adequate victim protection or compensation programs, language barriers, a lengthy and opaque trial process, fear of repercussions from their traffickers, and general mistrust of the legal system. A cumbersome investigative process sometimes required victims to give statements multiple times to different officials, increasing the likelihood of re-traumatization; however, the authorities’ increased use of police-prosecutor guidelines on trafficking case cooperation reportedly generated some improvement to this trend. Nevertheless, victims were not required to cooperate with law enforcement authorities in order to receive protection services. The government continued to implement a court program—initiated in 2019—allowing video testimony for victims, but only two courts utilized video interviews during the reporting period. Civil society organizations reported that courts lacked clear SOPs and alternative victim testimony options, which resulted in judicial officials requiring some underage victims to provide testimony in open court. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, nor did it provide temporary legal status to any foreign victims, although foreign victims were entitled to temporary shelter while awaiting repatriation.

The government did not adequately institute measures to protect children and adults from being recruited and used for forced labor by military and civilian brokers and recruiters. Prior to the military coup, credible reports of the military’s forcible recruitment and use of children increased, primarily in non-combat support roles, predominantly by one battalion in one township of Rakhine state. After the coup, credible allegations of military use of adults and children for forced labor surfaced in the media and on social media. International monitors confirmed more than 300 cases of child recruitment or use by the military, with nearly all of them attributed to two large-scale incidents of use of children in Rakhine State. Recruitment methods included deception, force, and coercion by both informal civilian and military brokers, as well as intake of minors joining at the behest of their families. In July 2020, the military released from its ranks 26 soldiers who were previously recruited as children and provided rehabilitation and reintegration services and 500,000 kyat (\$377) to each former soldier. The military also agreed to release an additional 22 soldiers who were previously recruited as children in November 2020, including three who were released under the military “benefit of the doubt” policy since their age could not be verified. This is compared with the military removing from its ranks at least 22 children and young men suspected of being recruited as minors during the previous reporting period (75 in 2018; 49 in 2017; and 112 in 2016). However, overall government support to demobilized child soldiers remained limited in absolute value, with most services provided by civil society partners. The government continued to implement the “benefit of the doubt” policy, under which the military agreed to immediately demobilize any individuals serving without proof of age upon suspicion of minor status, rather than waiting on age verification.

PREVENTION

The government maintained prevention efforts. In January 2021, CBTIP finalized and dedicated resources to an anti-trafficking 2021 annual work plan that outlined preventative efforts, which accompanied the government’s 2017-2021 national plan of action to combat human trafficking. During the reporting period, CBTIP and ATIPD organized 417 awareness raising campaigns—many with the support of local and international organizations—through print media, television, billboards, distribution of pamphlets and educational materials, and in-person events for more than 36,000 people. The Ministry of Transportation and Telecommunications supported efforts by mobile telephone operators to send anti-trafficking awareness messages to subscribers in certain areas of the country. Authorities collaborated with an international organization to raise awareness on safe migration to decrease vulnerability to trafficking abroad. During the reporting period, the government participated in regional anti-trafficking forums, including the virtual Coordinate Mekong Ministerial Initiative against Trafficking (COMMIT) Regional Task Force and the 14th Senior Official Meetings (SOM14) hosted by the Government of Vietnam, as well as the Bali Process. The ATIPD maintained four anti-trafficking hotlines, established five new hotlines, and maintained a social media account with information on trafficking during the reporting period; it reported that from April to December 2020, ATIPD received 1,326 calls through its hotlines, which led to one trafficking investigation.

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

In previous years, Burmese fishermen had no formal channels through which to seek employment in the Thai fishing industry, and instead relied exclusively on unregulated brokerage networks that exacerbated their indebtedness and vulnerability to coercion at sea. To address this issue, Burma maintained a memorandum of understanding (MOU) with Thailand to facilitate labor recruitment into the Thai fishing sector through a formalized, government-to-government hiring process. However, the MOU did not standardize or clarify the two countries’ disparate laws and policies on eligible recruitment fees and minimum wages, constraining meaningful implementation. Furthermore, most vessel owners were unaware of the new hiring system and continued to staff their crew through unregulated Thai and Burmese intermediaries charging high recruitment fees that continued to place Burmese fishermen at risk of debt-based coercion into forced labor. Some Burmese recruitment agencies avoided the hiring system altogether due to distrust of labor conditions in the Thai fishing sector and doubts concerning the capacity of the Thai authorities to enforce the MOU. The government also maintained an MOU with India, which was signed in February 2020, on anti-trafficking prevention initiatives and victim assistance, repatriation, and reintegration.

According to the 2014 census, approximately one quarter of Burma’s residents lacked access to citizenship or identity documents, significantly increasing their vulnerability to traffickers in Burma and in other countries. Authorities continued to offer a citizenship verification process pursuant to a 1982 law, but participation was low among Rohingya in Rakhine State amid concerns that the authorities might require these individuals to inaccurately list themselves as “Bengali,” a term that could potentially further limit their access to certain rights. Since late 2019 and during this reporting period, the government provided documents, including birth certificates, to some undocumented Rohingya, and it began accelerating certain citizenship verification processes. Immigration authorities continued to operate a mobile service center to issue these documents to residents of internally displaced persons (IDP) camps in Shan, Kachin, and Rakhine States. However, most Rohingya who received citizenship were naturalized—a distinction that afforded them fewer rights than full citizens. International observers were concerned provisions of the Child Rights Law would further codify statelessness for some groups. Government policies limiting freedom of movement in some jurisdictions continued to hinder access to employment and education for some communities, especially in IDP camps housing Rohingya and other ethnic minority groups, further aggravating economic conditions that may have contributed to individuals pursuing irregular migration and employment channels known to engender forced labor and sex trafficking.

The government reported opening investigations into 56 cases involving brokers or labor recruiters suspected of illegal recruitment practices under the Overseas Employment Act, prosecuting and convicting at least one case. Some civil society contacts characterized Burma labor inspection practices as untimely, unresponsive to complaints, and devoid of enforcement. Government officials noted a lack of adequate human resources, increasingly sophisticated document forgery techniques, conflict, and geographic remoteness constrained sufficient oversight into several sectors known or reported to be vulnerable to traffickers, including fishing, garment manufacturing and illegal logging. The government did not take steps to reduce the demand for commercial sex acts or child sex tourism. However, ATIPD continued to coordinate with the Ministry of Hotels and Tourism to raise awareness about child sex abuse in the tourism sector. The government postponed its regular anti-trafficking training to its diplomats and labor attaches during the reporting period because of the pandemic.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject men, women, and children to forced labor, and women and children to sex trafficking, both in Burma and abroad. There have also been limited reports of traffickers transporting foreign victims through Burma en route to other countries in Asia. Traffickers subject some Burmese men, women, and children who migrate for work abroad—particularly to Thailand and China, as well as other countries in Asia, the Middle East, and the United States—to forced labor or sex trafficking. The pandemic, however, caused thousands of economic migrants to return to Burma from abroad in 2020; traditional cross-border migration to Thailand and China decreased because of travel restrictions and border closures, which limited instances of irregular migration. Additionally, the economic devastation caused by the February 2021 coup created new patterns of economic migration in the country and increased financial hardship for a wide swath of the country; economic distress combined with sharply deteriorating political stability also create the conditions for trafficking and exploitation. Traffickers force men to work domestically and abroad in fishing, manufacturing, forestry, agriculture, and construction, and they subject women and girls primarily to sex trafficking or forced labor in garment

manufacturing and domestic service. NGOs continue to report instances of Burmese males transiting Thailand en route to Indonesia and Malaysia where traffickers subject them to forced labor, primarily in fishing and other labor-intensive industries. Recruitment agencies in Burma and other Southeast Asian countries lure fishermen with promises of high wages, charge fees and curtailment deposits to assign them fake identity and labor permit documents, and then send them to fish long hours in remote waters on vessels operating under complex multinational flagging and ownership arrangements. Senior crew aboard vessels in the Thai and Taiwanese fishing fleets subject some Burmese men to forced labor through debt-based coercion, passport confiscation, contract switching, wage garnishing and withholding, threats of physical or financial harm, or fraudulent recruitment; they also subject some to physical abuse and force them to remain aboard vessels in international waters for years at a time without coming ashore. Informal brokers also lure Burmese men onto offshore fishing and shrimping rafts in Burmese waters, where traffickers confine and physically abuse them to retain their labor for months at a time. There are some reports of boys subjected to forced labor in Burma’s fishing industry as well. Traffickers are increasingly transporting Burmese women to China and subjecting them to sex trafficking and forced labor in domestic service under the false pretense of marriage to Chinese men; Burmese government officials are occasionally complicit in this form of trafficking. Some traffickers abduct Rohingya women and children in transit while fleeing violence—and reportedly from refugee camps in Bangladesh—and sell them into sex trafficking and forced marriage in India, Indonesia, and Malaysia; some may experience conditions indicative of forced labor. Companies operating under the auspices of the Japanese government’s “Technical Intern Training Program” have exploited Burmese nationals in forced labor in food processing, manufacturing, construction, and fishing.

Within Burma, men, women, and children from predominantly ethnic minority areas – including an estimated 104,000 persons displaced by conflict in Kachin and northern Shan States, 16,000 persons displaced in southeast Burma, and at least 25,000 persons displaced in Rakhine and Chin States – are at increased risk of trafficking as of December 31, 2020. Since the February 1, 2021 coup, due to continued fighting in ethnic areas, an additional 42,000 people have been displaced internally in southeast Burma and 7,000 people have fled across the border to seek refuge in Thailand, most of whom were returned to Burma. In Kachin and northern Shan States 14,000 people have been displaced by fighting. An unverified number of thousands have been displaced due to fighting in Chin State, and between 4,000-6,000 refugees and asylum seekers have crossed to border to seek refuge in India’s Mizoram and Manipur States. Years of violence and ethnic conflict in Rakhine State continues to result in the migration of Rohingya, where many of them are at high risk of sex and labor trafficking—especially via transport to other countries for the purpose of economic migration. Children in Kachin and northern Shan States are particularly vulnerable to sex traffickers operating near the Chinese border. Human smuggling and trafficking networks reportedly prey on girls living in Rakhine IDP camps and subject them to forced labor and sex trafficking in Malaysia. Restrictions on IDP camp residents’ freedom of movement and employment, particularly among Rohingya communities, drive internal migration through irregular, unsafe channels known for trafficking vulnerabilities. Criminals in EAO-controlled areas reportedly force children, especially boys, to serve as drug mules in Shan, Kachin, and Karen States. Absent oversight and enforcement measures in non-government controlled areas, often in border zones, women and girls from these border regions and elsewhere in Southeast Asia may be vulnerable to sex trafficking in casinos and Special Economic Zones owned or operated by EAOs and Chinese and Thai companies. Farming communities displaced following land confiscation by the military and private commercial entities are also at higher risk of exploitation due to ensuing economic hardships.

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

Local traffickers use deceptive tactics to recruit men and boys into forced labor on oil palm, banana, and rubber plantations; in jade and precious stone mines; in bamboo, teak, rice, and sugarcane harvesting; and in riparian fishing. IDPs from the Sagaing, Bago, Irrawaddy, Mandalay, and Tanintharyi regions, as well as from Shan and Rakhine States, experience contract discrepancies, wage garnishing and withholding, forced and arbitrary cost-sharing of pesticides, penalty fees, coerced overtime, identity document retention, and restricted freedom of movement in banana plantations in Kachin State. Communities displaced by environmental degradation resulting from the establishment and operation of these plantations, which are often Chinese owned, are also vulnerable to trafficking, including on lands they previously occupied and through internal economic migration to other parts of the country. In Kachin State, men, women, and children are also at risk of forced labor in jade prospecting

throughout refuse areas created by larger mining operations, as well as in road and dam construction. A majority of these prospectors are reportedly addicted to opiates or methamphetamines, which some traffickers—including members of EAOs and government-supported militias—may intentionally facilitate and exploit to retain their labor. Crime syndicates subject women and girls to sex trafficking in massage parlors located in close proximity to these refuse mining areas, often in partnership with local government and law enforcement officials. Many people displaced by violence in Rakhine State, including ethnic Rakhine, travel to Kachin State for this work. Forced eviction from new mining sites and resulting economic hardships make some communities in Kachin, Shan, and 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 service. A small number of foreign child sex tourists exploit Burmese children.

Some military personnel, civilian brokers, informal civilian intermediaries, border guard officials, and EAOs continue to recruit or use child soldiers, particularly in conflict-affected ethnic areas. Ethnic minority groups in Burma—particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities—continued to be at elevated risk of forced labor as a result of longstanding armed conflict between the military and EAOs. EAOs continued their recruitment and use of child soldiers during the reporting period amid ongoing violence in several areas of the country. Civilian recruiters in some cases coerce or offer incentives to children or their families through false promises about working conditions, salary, and promotion opportunities. EAOs force men and boys to serve through intimidation, coercion, threats, arbitrary taxation, and violence. The military has employed the same tactics in the past, although most children identified in military service initially enter under the auspices of civilian brokers or enlist at the behest of their own families. The military may still deploy some child soldiers to the front-line as combatants. Military-backed militias are also involved in the recruitment and use of children in conflict settings. Some EAOs abduct or recruit children, including from IDP camps, to fight against the military. The military, informal civilian brokers, and some EAOs also use deception and various forms of coercion, including threats of financial and physical harm, to compel adult victims into short-term forced labor. Under the auspices of the legacy counter-insurgency strategy of “self-reliance,” some military authorities in areas with active conflict subject members of local populations—mostly men, but also women and children—to forced labor in portering, construction, cleaning, cooking, and public infrastructure projects. Reports of military-controlled forced labor and other abuses are highest among ethnic minority communities in the conflict zones within Shan, Rakhine, and Kachin States. Since the military coup in February 2021, similar tactics have been used across the country, including in majority Bamar regions.

The government operates as many as 47 prisons and 48 labor camps called “agriculture and livestock breeding career training centers” and “manufacturing centers,” respectively. The labor camps house thousands of inmates across the country, likely including some political prisoners. Eighteen of these camps feature government-managed mining operations. According to previous limited reporting, authorities at times may subject these incarcerated populations to unlawful prison labor or conditions with indicators of forced labor for private gain. Anti-LGBTQI+ laws place some LGBTQI+ individuals at higher risk of extortion and psychological coercion by law enforcement. Discriminatory hiring practices complicate access to formal sector employment for LGBTQI+ individuals and persons diagnosed with HIV/AIDS, forcing some to seek opportunities in unregulated sectors known for trafficking vulnerabilities – particularly among transgender persons in commercial sex.

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