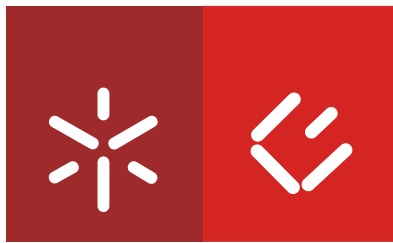**Universidade do Minho**
Escola de Economia e Gestão

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**Human Trafficking and Human
(In)Security: The Role of The State of
Myanmar as A Security Provider**

Julho de 2012

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Human Trafficking and Human (In)Security: The Role of The State of Myanmar as A Security Provider

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To the victims who suffer, for their tear drops

Tráfico de Seres Humanos e (In)Segurança Humana:
O Papel do Estado Birmanês enquanto agente segurador

Resumo

O ser humano é confrontado com problemas de insegurança, tais como tráfico de seres humanos, migração ilegal, pobreza, degradação ambiental, pirataria e crimes transnacionais resultantes da globalização. A grande maioria das mulheres e jovens birmanesas são atraídas pelas redes de traficantes, que trabalham em grupos organizados ou individualmente. As vitimas são levadas para a Tailândia e vendidas como prostitutas. As causas e as ameaças à segurança individual são escalpelizadas em dois tipos de insegurança: insegurança de saúde e insegurança pessoal. O presente estudo sugere ser de crucial importância que o estado birmanês proteja ativamente os seus cidadãos de forma a colmatar as suas falhas enquanto agente segurador. Assim, procede-se à análise das ações do estado em três níveis. A nível nacional, socorrendo-nos de uma bordagem interligada, cujas componentes são: "liberdade do medo", "liberdade para viver com dignidade" e "liberdade da necessidade/desejo". Consideramos tratar-se de um modelo a seguir. Identificámos uma série de lacunas no enquadramento legal birmanês e a respetiva aplicação. Importa, assim, determinar se o governo se compromete a fazer cumprir o código de conduta dos direitos humanos. Em todo o caso, importa sublinhar que o estado parece mais envolvido com as questões de segurança do estado do que com a segurança humana. Finalmente, de referir que a atitude nacional para estas questões não tem grande impacto ao nível da cooperação regional e internacional da Birmânia. Todavia, são questões passíveis de provocarem sérios constrangimentos ao nível da cooperação bilateral, requerendo para tanto esforços mútuos.

Human Trafficking and Human (In)Security:
The Role of The State of Myanmar as A Security Provider

Abstract

Nowadays, people of the world face with non-traditional security issues such as human trafficking, illegal migration, poverty, environmental degradation, piracy, terrorism and transnational crime because of the effect of globalization. The vast majority of Myanmar women and girls fall victims to the deception of traffickers who work in organized groups or individually. They are taken across the border to Thailand and are sold into prostitution. Causes and threats to individual security are pointed out with regards to two types of insecurity: health insecurity and personal insecurity. The study suggests that it is crucial and urgent that Myanmar government actively protect its citizen at its best with the least flaws as possible. We analyze the state's actions at three levels. At the national level, using interconnected approach, whose components are 'freedom from fear', 'freedom to live in dignity' and 'freedom from want'. It is a good method to follow. A number of gaps within the Myanmar's legal instruments and implementing entities are found. The question is to determine whether the government is committed itself to enforcing and abiding itself by the human rights code of conduct. Most of the government's actions focus upon state security other than human security. The national distraction does not impact much upon Myanmar government's regional and international cooperation. The only issue arises in bilateral cooperation and the solution requires mutual efforts.

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Acronyms

AFXB	Association Francois-Xavler Bagnoud
ARCPPT	Asia Regional Cooperation to Prevent People Trafficking
ARTIP	Asia Region Trafficking in Persons
ASEAN	Association of Southeast Asian Nations
ATTF	Anti-Trafficking Task Forces
ATU	Anti-Trafficking Unit
CAC	Convention against Corruption
CBSTP	Central Body for Suppression of Trafficking in Persons
CC	Cervical Cancer
CEDAW	Convention on the Elimination of Discrimination against Women
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CRC	Convention on the Rights of the Child
CRC	Canadian Religious Conference
CTOC	Convention on Transnational Organized Crime
DSW	Department of Social Welfare
ESCAP	Economic and Social Commission for Asia and the Pacific
FPIA	Family Planning International Association
GAO	Government Accountability Office
GAATW	Global Alliance against Traffic in Women
GDP	Gross Domestic Product
GMS	Greater Mekong Sub-region
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus infection/ Acquired Immunodeficiency Syndrome
HPV	Human Papilloma Virus
HRD	Human Resource Development
IEC	Information, Education and Communication
IOs	International Organizations
IOM	International Organization of Migration
ILO	International Labor Organization
INGO	International Non-Governmental Organization
MCAT	Treaty on Mutual Assistance in Criminal Matters
MFA	Ministry of Foreign Affairs
MMCWA	Myanmar Maternal and Child Welfare Association
MNCWA	Myanmar National Working Committee on Women Affairs
MoHA	Ministry of Home Affairs
MoU	Memorandum of Understanding
MPF	Myanmar Police Force
MRCS	Myanmar Red Cross
MRLC	Mekong Regional Law Center
MWAF	Myanmar Women's Affairs Federation
MYF	Mekong Youth Forum on Human Trafficking
NGO	Non-Governmental Organization
NPA	National Plan of Action
PPCs	Project Concepts
PTSD	Post-Traumatic Stress Disorder
SC (UK)	Save the Children (United Kingdom)

SIREN	Strategic Information Response Network
SOM	Senior Official Meeting
SOMTC	Senior Officials Meeting on Transnational Crimes
SPA	Sub-regional Plan of Action
SPDC	State Peace and Development Council
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
TIP	Trafficking in Persons
UN	United Nations
UNAFEI	United Nations Asia and Far East Institute
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTOC	United Nations Convenstion Against Transnational Organized Crime
UNDCP	United Nations International Drug Control Program
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
UK	United Kingdom
US	United States
WHO	World Health Organization

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Introduction

The term "trafficking" is defined in different ways by different organizations and entities. Trafficking in human beings is a dynamic, tangled issue in which economic, political, social and cultural factors are interrelated. Human security is

> "not only concerned with gross violations of human rights, armed conflicts, and natural disasters but encompassed wide-ranging aspects of underdevelopment; inequality, public health, international crime, population growth and environmental degradation".
>
> (Tadjbakhsh and Chenoy 2007)

Each victim has his or her own story, and it is not possible to generalize about emerging and growing issues in different communities and different countries of origin (Alkire 2003). However, human trafficking occurs in similar circumstances and follows similar paths to various forms of exploitation at its end point.

Human trafficking leads to loss of human rights of victims. Bertrand Ramcharan (2002), a UN human rights expert, says human rights actually define human security "to be secure is to be safe, protected. Security is a secure condition or feeling". International human rights norms provide the center point for the meaning of human security. Human rights, which are connected with the rule of law, are the only one of the apparatuses of human security. Human rights or rule of law is defined as the "fundamental liberal assumption that individuals have a basic right to life, liberty and the pursuit of happiness" (Hampson et al. 2002, 5) and that the international community has an obligation to protect and promote these rights (Matthew 2005). Once human rights are respected, the core spirit of human security is achievable. In other words, individual, national and international security is attainable through upholding human rights, without which illegal activities pervasively pose threats to world peace. In terms of a series of trans-border challenges, the United Nations Development Program (UNDP 1994) reports that uncontrolled population growth, environmental degradation, economic opportunities disparities, excessive international migration, trafficking and narcotics production, and international terrorism are roots of human rights abuse.

> "Whether it is for citizens or non-citizens, migrants or displaced persons, members of a minority or an indigenous community, the essence of human security is to respect the rights and fundamental freedoms that have been distilled and articulated by the international community"
>
> (Ramcharan 2002, 9).

Trafficking in persons impacts on almost all of the countries in the world, including, Myanmar and Thailand. It cannot be tackled by one country alone. The ever changing challenges have pushed world leaders to suggest new cooperative approaches for coping with this momentous issue. It requires that the two governments have to take a number of actions to combat it (United States 2007). Since 1999, increased law enforcement in relations to the commercial sex industry in Thailand has led to a decline in the number of brothels. While brothels still exist, more commercial sex services are now taking place in hidden forms, which makes investigation difficult (Hemming and Piper n.d.). Karaoke bars, go-go bars, massage parlors, hotels, restaurants and cafés became venues where ''indirect'' sex services are offered. Whether the initial migration steps were voluntary or involuntary, the end-situation in a migratory journey to a sex establishment is often exploitative.

With the aim of suppressing the terrible crime of trafficking in persons, the Myanmar Government has acceded to many international, regional and bilateral anti-trafficking instruments and has drawn up and promulgated a number of new laws, which are in conformity with these instruments (United States 2007). The country is also actively participating in cooperative measures with its Association of Southeast Asian Nations (ASEAN) neighbors and other countries, with international agencies and organizations (IOs) as well as with Non-governmental Organizations (NGOs) in its drive to eliminate human trafficking within the country and in the region as a whole (UNODC 2006).

Human trafficking is a criminal and illegal trading of human beings for the purpose of exploiting their labor (UNODC 2006). Trafficking is often linked with women and girls sold into prostitution. Opening of Myanmar's border and increased economic trade have also had direct and indirect influence on the trafficking through migration since 1989. Indeed, labor migration between Myanmar and Thailand has a long tradition. Because of the traditions of free flow across the borders, people movement in the region is characterized by the use of primarily irregular channels for migration (UNODC 2003). Therefore, the movement of people crossing the border has become widespread and it can easily conceal human trafficking.

Trafficking in persons is by all accounts a global issue. It is the third largest organized crime in the world. This seriousness of this crime and the growing number of its victims have challenged the international community, government, non-governmental organizations as well as the civil society to wage for a zero tolerance to this crime. This issue has to be handled by every nation of the world at all levels. The clandestine nature of the crime makes it extremely difficult to

give estimates about the number of victims worldwide. Human trafficking issue cannot be tackled by one country alone. Therefore, international cooperation is necessary in addressing the problem. In Asia, in particular in the Greater Mekong Sub-region (GMS), organizations have together to undertake a number of initiatives to combat this issue. Myanmar has been conscious of Trafficking in Persons since 1990. After the Fourth World Conference on Women at Beijing in 1995, Myanmar Government initiated measures to combat the issue at the national level with four strategies. Moreover, national task force was also formed and visited the hotspot areas including villages. In order to suppress human trafficking person, the anti-trafficking in persons law was promulgated in 2005. In the context of trafficking law, it is not only giving punitive action against perpetrators but also protection, reintegration to the victims.

Relevance and delimitation

The purpose of this research project is to analyze the role of the Myanmar Government in the fight human trafficking, specifically the traffic of women between Myanmar and Thailand. It will consider the different levels of action – domestic, regional and international. The period of the analysis is from 1988 on because since the late 1988 up to the present, Myanmar situation had undergone profound changes due to the unrest over economy management and prodemocracy demonstration that change the country 180 degree (Yawnghwe 1995). As far as the non-state actor concerns, we add up a certain arguments found in documents of IOs as well as NGOs during the recent years.

The objectives of the research are: to analyze the evolution of the human trafficking between Myanmar and Thailand; to identify the main threats to individual security of the victims; to assess measures implemented by the Myanmar as a state actor providing security in the fight against human trafficking; to assess human trafficking related roles of non-state actors such as IOs and NGOs; to assess cross actor cooperation between the state actor and non-state actor.

Research questions and hypothesis

The main research question for this thesis is how Myanmar government has fought against human trafficking in order to provide security to the victims. To find the solution of this question it will be necessary to research human trafficking and the operation of trafficking networks.

Therefore, several sub-questions are to be dug out which include why human trafficking occurs between Myanmar and Thailand, what the consequences of human trafficking to the victims are, what measures are being implemented by the Myanmar government, and the measures do focus on the protection of individual security of the victims. There will be a quest for answer to a question of the role of NGOs specific to the crime of trafficking in persons.

In this matter, we will have to debate on different decision angles whether they can be approved that leads to our ultimate objective of analysis. To begin the analysis, we will put up a debate on whether Myanmar government, in dealing with human trafficking, has enacted several laws, fully addressing every aspect of its own people's security provision. In the title of a human security provider, Myanmar government exposes itself to facing challenges regarding the rules of law, enforcement against criminal act perpetrators, revising legal instruments in response to up-to-date developments regionally and globally. For effectively achieve the best possible results, the government cannot act all alone; thus cooperative approaches, both between/among securitizing bodies, which are states, and between state and non-state actors, are keys to catalyze the trafficking combating process.

Case study

Since the independence in 1948, disputes between the democratic government and ethnic groups led this weakened independent political administration to an eventual a military coup in 1962. In fact, the domestic enmities have poured down in the country since the early independence era as the ethnic minorities require the chance of equal independence from the Union[1]. Hoping to regain stability, the Military government took over the country, launched a new economic program that have isolated Myanmar from the rest of the world and later turned the country, which was initially known as the second wealthiest country in Asia, into one of the world's most impoverished countries. As a result, in 1987, the United Nations (UN) listed Myanmar among the least developed countries due to the catastrophic economic programs one after another. Under military rule, the undemocratic Myanmar, until 2008, was deeply rooted in a unipolar regime dominating other ethnic groups and seizing strong grips over the rules of laws. As part of Tatmadaw's (the Myanmar Armed Forces) "four cuts strategy" - an attempt to cut off four key supplies (food, funds, intelligence, and recruits) to the insurgents, pervasive abuses towards

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[1] The Union of Myanmar had been used from 1948 until 2008.

those minorities have been reported with social, cultural, and economic rights deprivations (Pimoljinda 2010) that include coercions such as forced eviction, destruction of homes, and livelihood isolation. As a result, a large number of refugee camps have been set up along the border. Some refugees, without many choices, take risk in jobs that are vulnerable to forced labor (International Displacement Monitoring Center 2010). In combination with coercive pressures, the economic bankruptcy, with a serial of devastating reforms, influences incentives of people to make massive economic migrations.

As discussed above, although one principle reason for the migration of vulnerable people is notably due to poverty, the main factor underlying such movements is political commitment to reform. As part of the study, Thailand case is raised as a supporting fact. Thai economy relies heavily on cheaper labor forces from illegal migrants, including children. Those undocumented workers are often trafficked with by brokers on both sides of the border. Besides, there are many cases that corruption culture prevails among immigration police at border checkpoints on both sides.

Many actions have been raised for discussion in state's endeavor to fight cross-boundary trafficking in persons. Myanmar government has enacted several laws in a bid to prevent crimes, protect victims and prosecute criminals. It has joined other countries in the region and the world for cooperative battles. It is a signatory in many conventions on trafficking in persons. It has made many achievements in the three piers of the prevention, protection and prosecution.

However, there exist many arguments regarding the source motives for the continuation of problems. First of all, there is a widespread doubt whether the military Junta government has put proper efforts to curb its backward economic movement and looks into augmentation for genuine economic growth. Secondly, even though law enforcement has been promoted, it is reported that severe forms of human trafficking, both in and outside its international boundary, persist since the root causes have not been contemplated. The government uses domestic violence to take control of insurgencies that some of the times the suppression is made over the limit of rule of law. This provides a hypothesis to be confirmed that while Myanmar law enforcement agencies attempt to save human trafficking victims, much less attempts are laid down to prevent human trafficking cases and uphold victims' conditions within its boundaries. The existence of laws aiming at preventing offenses does not provide adequate move towards suppressing the crimes. It requires the government to look into a genuine enforcement. It should also be noted that inputs from non-

state actors are substantially important in dealing with the problems. The pressure imposed can be considered a powerful force in bringing, if not significant, gradual behavioral changes.

Furthermore, to understand thoroughly the questions of *how* and *why* the human trafficking persists for decades even if many attempts have been put, it is equally important to examine factors from external boundary. Even though sex industry, exploitative labors are unlawful in Thailand, perpetrators are relatively punishment-free. This immunity takes a large part in an indirect source of trafficking that undermines the efforts of trafficking prevention provided by neighboring countries. Therefore, there is a dire need that the state of Myanmar demonstrates binding pledges in improving the situation, economically and politically, and, of course inevitably, in collaboration with non-state actors. Besides, there is also a quest for a mutual effort between neighboring countries to effectively eradicate trafficking in persons.

Methodology

This research will use qualitative methods, and will focus on the theoretical and empirical assessments of collected data to verify with law, policy and implementation of the focus states. We will produce analysis methods to describe Myanmar's attempt to solve human trafficking issues with Thailand. However, quantitative data also will be used to clarify the phenomenon. The study approach of King et al. (1994) proves to be a good fit for analyzing in our case as they have produced precepts that promise to sharpen and strengthen a wide range of research performed in analysis field. These leading scholars, each representing diverse academic traditions, have developed a unified approach to valid descriptive and causal inference in qualitative research, where numerical measurement is either impossible or undesirable.

By doing this research, the source materials used will include primary data such as Agreements and Memorandum of Understanding (MoU), official laws, speeches and secondary data such as, books, journals articles, reports, research works, conference papers and newspapers.

The first chapter will explain about human security theoretical framework in order to encompass human security and trafficking theory and concept, framework, and human security and original crime. It then proceeds to include research questions and objectives. The second chapter will discuss about human trafficking between Myanmar and Thailand. We go for preliminary insights of the theme by characterizing problems and collecting debates of human

trafficking between Myanmar and Thailand, general connections of human security and human trafficking presented in numbers, percentages, and charts showing its importance within global trafficking network. Chapter 3 will identify the threats of trafficking to individual security. We dig out consequences, especially negative impacts of human trafficking together with the so-called "type of people" (gender) who suffer from, for instance, abuse, abduction, detention, etc. Main reasons and how victims are stuck in the evil situation are also explored. The last chapter "The Myanmar Government as a provider of security: domestic, regional and international action against human trafficking" will provide what the governments and other relevant entities have done to prevent human trafficking at national, regional and global levels by looking at both countries' cooperation both international and internal? We also bring down measurement of both states' implementations of their respective roles stated by laws made and ratified by the focus states in tackling human trafficking. And consequently, we will answer a question whether any quest for human security of Myanmar government contributes to state security.

Chapter 1
Human security and human trafficking: theory and concepts

1.1 Theoretical framework

Responsibilities of each actor fall under unitary and joint actions. Actors may work in their own territories or join hand in hand with entities/states/non-states of different and similar functions within the framework in order to achieve successful goals.

In the conceptual framework illustrated in Figure 1, it demonstrates state actor as a security provider while non-state actor as a problem identifier and solver as well as a loophole identifier and sealer. A state actor makes policies while a non-state actor adopts the policies for implementation in their programs and identifies any problems and loopholes within the policies. The latter usually makes possible of certain solutions by themselves, transmitting those findings to policy makers. The non-state actor, if necessary, makes proposals to the government for policy amendments and subsequently seals the loopholes.

Figure 1: Conceptual framework
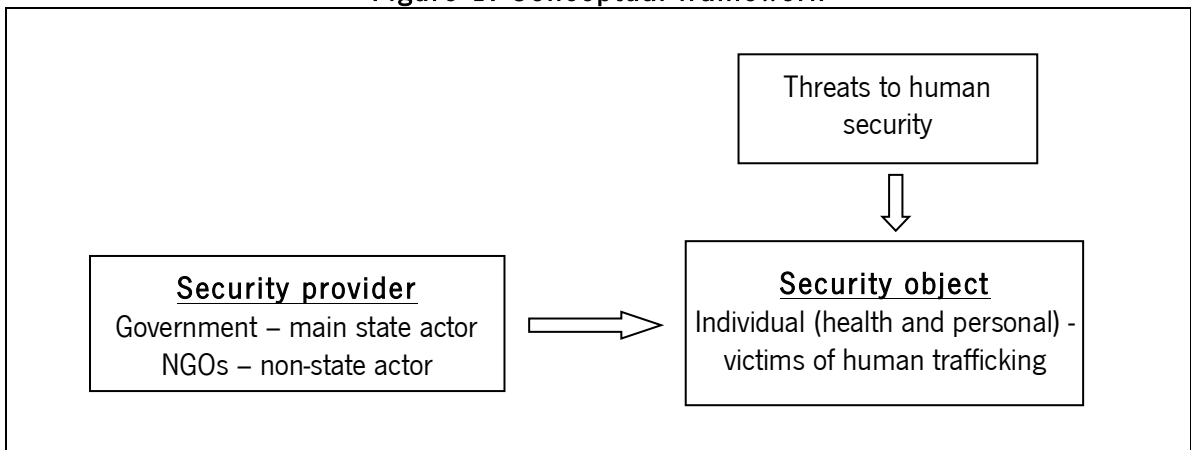
Securitizing object is individual who bears the consequences of threats to human security. The human insecurity in this case study is an allusion to two types: personal and health insecurities. Main threats to personal security include physical violence, crime, terrorism, domestic violence, forced labor, and child labor. Meanwhile, threats to health security of Myanmar citizens include unsafe food, malnutrition, deadly infectious diseases, and lack of access to basic health care.

The state actor works in policymaking and law enforcement. The state requires responses from actions made by different actors to make amendments to the policies and laws. One state joins hands in hands with the region and even with other countries in the world to make every effort to fight human trafficking. This institution must demonstrate commitments for a non-zero sum game. Venal acts of a state, secretive to another, cause a painful failure and a painful loss, in the case of bilateral agreement, for the innocuous counterpart.

Furthermore, bureaucracy and red tape have become one of the top barriers divorcing policy from actions; especially, they have become an obstruction for the other actor, i.e. IOs/NGOs, to take every step of program implementation to reach their goals. The role of these civil society organizations in human security promotion "deserves attention" and support, especially, because all the three domains of human security approach are fully addressed by these non-state actors. In general, however, governments in Asia have not shown willingness to cooperate with IOs/NGOs (United Nations n.d).

Another problem is that once the red tape and corruption are not tackled through soft policy by a government, it leads to a greater poverty faced by its own nation (which may lead to become a failed state) providing a greater opportunity for criminals to move on without interruption. It also clogs hard policy channels to investigate, identify, arrest and prosecute criminals.

Equal payment is becoming a major issue discussed in the ASEAN outlook to attain a collective identity in the region. The question is how governments of low income would take part in this initiative since the migration would exacerbate given that free border crossing in the amalgamated community would become an incentive for prospective innocent victims to fall into criminals' traps.

As for the IOs/NGOs, in both democratic and non-democratic world (of course, it would be an easier said than done in the non-democratic world), they play a non-state role to assist the state actor. Criminals are a set of evil ideas that are intelligent enough to spot loopholes in a country's policies. The first entities that can identify where loopholes are those who stay in touch with victims, listen, analyze the situation, conduct workshops, protect, rehabilitate, and reintegrate the victims. These IOs/NGOs receive victims from trafficking, collect the experience they had faced and then disseminate the lessons they learn through media and seminars to local communities in order which the locals would not be locked in the same situations as the returned victims. In working to prevent locals from opting risky migration, the IOs/NGOs can provide vocational trainings and/or support the community with appropriate micro-finance programs. All the above works can be done

through either single operation or forming network with other IOs/NGOs from within and without their country, especially if without, with other concerned countries.

Between the government and the non-governmental sectors, there should be joint actions to build an interaction for effective operations. The pair can arrange periodical meetings to share experience, lay down directions and destination. The state actor can list down possible matters and concerns and cooperate with or propose the non-state actors to consider and/or conduct studies. Protection can be a resort to efforts of reintegration of victims and awareness campaigns. Protection of victims is a presage of unveiling crimes and revealing criminals. Without government's, IOs' commitment to protect victims would be in vain.

An interconnected approach (Figure 2) in human security theory is raised for discussion in the case of government's implementation at *national* level. The human (in)security concept is to achieve outcomes based on three intertwining domains: freedom from want, freedom from fear, and freedom to live in dignity.

Figure 2: An interconnected human security approach
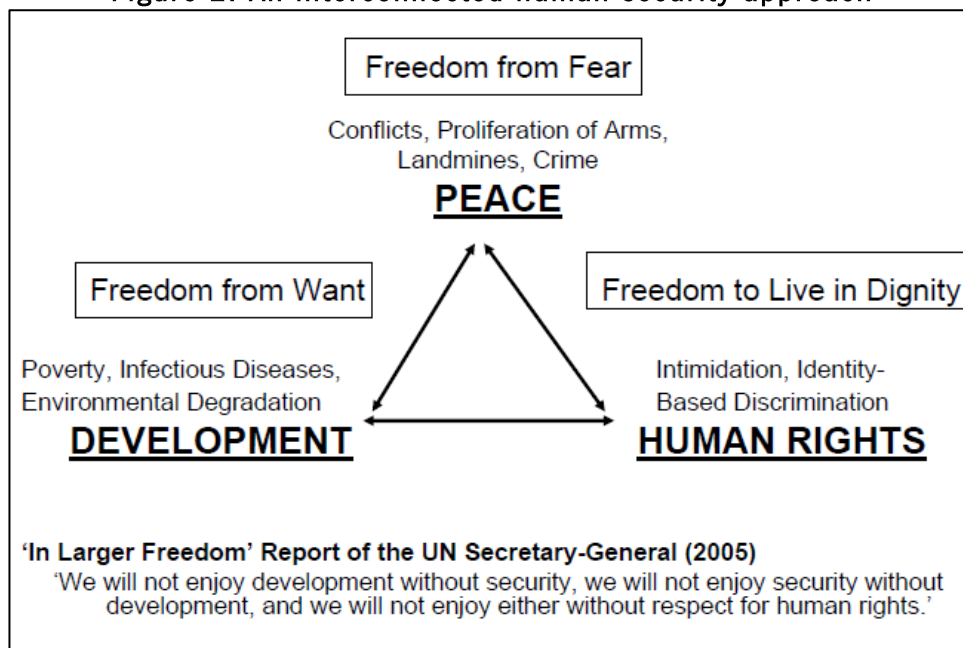
Source: Adapted material of online presentation slides by Mehrnaz Mostafavi, 2009
http://ochaonline.un.org/humansecurity

To be want-free, it is necessary that people live rid of poverty, infectious diseases, and environmental degradation. It can be regarded in terms of state's economic development. Second to the freedom from want is freedom from fear which includes fear of loss of / danger to life in

conflicts as a result of arm proliferation, landmines and crime. State is required to foster peace in order to attain the essence of this concept. Last but not least, human security concerns relentlessly the retention of human rights protection. Human rights, of course, are basic needs required by mankind to live in dignity, free from intimidation and identity-based discrimination. To be secure, a person cannot lose any of the three entwinements; the loss of which means the loss of security (United Nations n.d).

As in a report of the United Nations Secretary General in:

"We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights".

(United Nations 2005)

In addressing human insecurities and in a bid of a state to provide personal/individual and health security, strategies such as rule of law and explicit and enforced protection of human rights and civil liberties are needed. To enhance protection and empowerment of individuals, it requires, at minimum, comprehensive coping mechanisms.

1.2   Human trafficking and human security

This part of the chapter brings up the facts of human trafficking and human security in both literatures and documents of various organizations.

Human Trafficking

The word trafficking is not a newly coming one. It has started since the 16th century. It has the same meaning like trading and marketing. In the 17th century, trafficking means illicit trading and/or marketing against law and marketing on unreliable commodities. At first, only profit is to be considered in this trading. It is chiefly meant for narcotic drugs trafficking and arms smuggling across borders. In the 19th century, enslaving and trading persons as sales goods are called trafficking in persons. In late 19th century, traditional enslavery is recognized as illegal business. In previous times, only Negroes in Africa are enslaved and trafficked, then at the beginning of the 20th century, white men are also trafficked and the term ''trafficking'' is intended the word for ''white slave trade''. In the white slave trade includes carrying women and children across borders to serve as prostitutes. In the late 1990, human trafficking is related to prostitution and sexual exploitation (United Nations 2006).

Human trafficking has its roots in the slave trade, which existed for many centuries in countries all over the world. Although slavery was abolished by law about two hundred years ago, unfortunately, the slavery system itself did not completely disappear. Subsequently, in an effort to curb this degrading crime, many anti-slavery instruments started to emerge, among them, an international agreement for the suppression of the "White Slave Trade" in 1904 (Gould 2010). But the first of these earlier instruments to define the term "Slavery" was the League of Nations Slavery Convention of 1926. The Convention and its 1953 Protocol are legally binding upon their parties. However, it should be noted that the prohibition of slavery applies to all states irrespective of whether they are parties to the Convention or not, under customary international law and norm known as just cogent (David Weissbrodt and Anti-Slavery International 2002).

In 1956, the United Nations drew up and issued the Supplemental Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. The Convention did not replace the Slavery Convention, but added to it and is still in force today. In addition, The Universal Declaration of Human Rights Applicable to Slavery and Practices Similar to other important international Covenant on Civil and Political Rights are two other important international instruments, which were drawn up with the specific purpose of curbing slavery (United Nations 1991).

For the purpose of the present Convention, the following definitions agreed upon;

(1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
(2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or Transport in slaves.

(Slavery Convention 1926, 253)

In spite of these international efforts to eliminate slavery, it continues throughout the world and is today related to the trafficking of persons. When the term "trafficking in persons" was first used in the early 1900s, it was understood as mainly implying to traffic in women and as closely linked to slavery and to prostitution (UNODC 2006). Only recently has it been recognizes as a human rights problem, affecting all people, and involving forced labor, forced marriage, slavery, debt bondage, etc., and not a problem limited to prostitution.

In November 2000, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children was adopted, supplementing the UN Convention against Transnational Organized Crime (CTOC). The international community has, in

the Trafficking in Persons Protocol, agreed upon a definition of trafficking in persons (UNODC 2009).

Article 3, subparagraph *(a)*, of the Trafficking in Persons Protocol defines the crime as follows:

> "Trafficking in persons means the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation".
>
> (UNODC 2000, 2)

Exploitation shall include, at a maximum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal organs.

Definition of Trafficking by Global Alliance against Traffic in Women (GAATW) as

> "all acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, harboring or receipt of a person involving the use of deception and coercion including the use or threat of force or the abuse of authority or debt bondage for the purpose of placing or holding such person, whether for pay or not, involuntary servitude (domestic, sexual or reproductive), in forced or bonded labor or in slave-like conditions, in a community other than the one in which such person lived at the time of the original deception, coercion or debt bondage".
>
> (GAATW 1997)

Furthermore, human trafficking in persons report of the United States of America defines "severe forms of trafficking" as:

> (a) Sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform such act has not attained 18 years of age; or
> (b) The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.
>
> (US Department of State 2007, 5)

The causes of human trafficking are complex and often reinforce each other. There are wide ranges of interrelated factors, which contribute to the dramatic increase in persons being trafficked. The root causes of trafficking are poverty, lack of education and gender inequality. Economic disparity or inequality is also an important factor (UNIAP/MWAF 2003). Political instability, militarism, civil unrest, internal and armed conflict and natural disasters may result in an increase in trafficking. The destabilizing and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labor. War and civil strife led to massive displacement of populations, leaving orphans and street children extremely vulnerable

to trafficking (US Department of State 2001). More description about the causes of human trafficking is discussed in section 3.1.

The problem of trafficking in persons is becoming a major issue all over the entire world and it has moved to the forefront of national and international agendas. International communities have intertwined as an inter-connected world, forming up a strong entity to ensure progress to an end of this crime. The United Nations adopted the Trafficking Protocol in Palermo, Italy in the year 2000, which is the "first global, legally binding instrument on trafficking" in a bid to "facilitate convergence in national cooperation, protect and assist the victims of trafficking in persons" (UNODC 2011). Trafficking in persons is multidimensional threat for the society because it deprives people of their human rights and freedoms, it fuels the growth of organized crime and it is also a health risk. It is learnt that one to two million people are trafficked globally each year (Table 1). Most of the trafficked victims are children, youth and young women who can serve their best for the country: human trafficking means the loss of the country (United States 2008). As human trafficking as a modern crime, it has been supposed to development assistance focuses for international community (Tadjbakhsh and Chenoy 2007).

Table 1: Victim profiles in US Government, International Labor Organization (ILO), UNODC and International Organization of Migration (IOM) databases

	US Government	ILO	UNODC	IOM
Main Focus	Global estimate of Victims	Global estimate of victims	Country and regional patterns of international trafficking	Actual victims assisted by IOM in 26 countries
Number of Victims	Some 600, 000-800,000 people trafficked across borders in 2003 (est.)	At least 2.45 million people trafficked internationally and internally during 1995 to 2004 (est.)	Not Available	7,711 victims assisted from 1999 to 2005
Type of Exploitation (%) 1. Commercial sex 2. Economic or forced labor 3. Mixed and other	66% 34% N/A	43% 32% 25%	87% 28% N/A	81% 14% 5%
Gender and Age of Victims (%)	80% female 50% minors	80% female 40% minors	77% female 9% male 33% children	83% female 15% male 2% not identified 13% minors
Definition of Trafficking Used	Trafficking Victims Protection Act 2000	UN Protocol (Palermo Protocol)	UN Protocol	UN Protocol (Palermo Protocol)
Criteria for Data Collection	Transnational trafficking	Internal and transnational trafficking	Transnational trafficking	Internal and transnational trafficking

Source: GAO 2006

Human Security

Security or insecurity is defined in relation to vulnerabilities, both internal and external, those threaten to, and regimes (Mohammed 1997) geographically or have the potential to bring down or significantly weaken state structures, both territorial and institutional.

"Human security" emerged in the early 1990s. The ending of the cold war saw a global reduction in armed conflict and political tension. The phrase "human security" attempt to switch attention from the security of states to the security of individuals. It was also an attempt to focus development efforts on mitigating risks and preventing disasters. The UNDP Human Development Report 1994, the first major document to use the concept, summed it up this way: "Human security is a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode in violence, a dissident who was not silenced". Human security is an integrative framework. People at risk from war are also at risk from famine. Epidemics have no respect for national borders. Most development issues have to be addressed at both national and global levels.

Human security is one of the latest neologisms that encourage the academic and policy fields to deepen the understanding of international security beyond the military defense of state interests and territory. Human security represents a new paradigm for researchers and practitioners. It appears that the concept is still being refined in order to be a more useful guide for scholars and policy-makers of international politics. A discourse analysis of the human security literature reveals overtones of social and material "development" as a means to protect the welfare of "vulnerable people", predominantly from those in the Third World.

Throughout the 1990s, the economic development and military security were heading on paths towards convergence. The commonly view in economic and development circles that development was a precondition for security and almost automatically reduce the incidence of conflict within the community. In a scarcity situation, development assistance and relief are precious commodities. If they distributed wrongly, the option would be rather reinforce than alleviate social cleavages and sow the seeds of conflict and insecurity. The development-security link has thus been reversed via the acknowledgement that basic security is a pre-condition for political, social and economic development. This reframing of the parallel discourses of security and development reflects a change in conceptualization in the international post-conflict

development community, and signals a growing awareness to narrow the 'planning gap' between the two fields.

According to the Report released by the UNDP for the year 1994, human security is argued as a narrow link between of people's daily lives and nuclear devastation.

> "For too long the concept of security has been interpreted narrowly as security if territory from internal aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust. Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives".
>
> (UNDP 1994, 22)

Broad definition gives the meaning of human security as "freedom from fear and freedom from want" and characterized as "safety from chronic threats such as hunger, disease, and repression as well as protection from sudden and harmful disruptions in the patterns of daily life—whether in homes in jobs or in communities" (UNDP 1994; Mahmood et al. 2010). More specifically, in global policy debates one can define human security as a concept which is found in an early definition provided in 1992 in connection with the establishment of the Common Security Forum set it forth as "inclusive of but extending beyond the human dimensions of military conflict—incorporating health and population dimensions of political, ethnic, economic and environmental security as well" (Chen 1992; Edson 2001).

UNDP contributes the people-centered approach to security by considering seven components, namely, economy, food, health, the environment, security of persons, security of community, and political engagement. The threat caused by the absence of these components was common to everyone as it goes beyond traditional weakness which is associated with the underdevelopment status quo (hunger, poverty, pollutions, disease, and etc.).

As mentioned earlier, "human trafficking is a modern-day slave trade. It violates fundamental human rights and exploits innocent people", said Sheikha Haya Rashed Al Khalifa, President of the General Assembly (US Department of State 2007). The report by Kaul and Stern (1999) argues that in our world today we need a new framework for international cooperation in order to deal with threats of this kind. A theory of global public goods would be an essential part of such a new framework, providing a new motivation for a different type of development assistance.

As former UN Secretary-General Kofi Annan pointed out, human security is all the way on the main agenda items of the three pillars: peace, security and development. Human security is comprehensive in the sense that it integrates these agendas:

"Human security in its broadest sense embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfill his or her own potential. Every step in this direction is also a step towards reducing poverty, achieving economic growth and preventing conflict. Freedom from want, freedom from fear and the freedom of future generations to inherit a healthy natural environment are among the interrelated building blocks of human, and therefore national, security".

(Dulic 2008)

There are seven components of human security: economic security, food security, health security, environmental security, personal security, community security and political security.

- *Natural Disasters* – In 2008, over 230,000 people lost their lives and over 211 million were affected due to natural disasters (Mostafavi 2009, 6-74). Today, an increasing amount of attention is focused on environmental migrants and what this means in terms of security across communities.
- *Conflicts* – Attacks on civilians rose by 55% between 1989 and 2005. Today an estimated 34 million people are displaced as a result of conflicts. Moreover, loss of economic growth; militarization of political, economic and social life; as well as the spread of diseases can often spill-over into neighboring communities and manifest themselves in increased insecurities within and across countries (Mostafavi 2009, 6-74)..
- *Health* – Over 3 billion people live under the threat of malaria, tuberculosis, and HIV/AIDS (Mostafavi 2009, 6-74). Health pandemics move across regions and place added stress on already weak economic and social systems.
- *Transnational Organized Crime* – Profits gained by criminal organizations can rival many countries' GDPs and threaten state authority, public safety, and the rule of law (Mostafavi 2009, 6-74).
- *Human Trafficking* – At least 2.4 million people are trapped in forced labor as a result of human trafficking and the criminal networks connected to it (Mostafavi 2009, 6-74).
- *Food Insecurity* – Soaring food prices have forced between 130 to150 million people into poverty in 2008, with internal strife and demonstrations witnessed in several countries (Mostafavi 2009, 6-74).

Acharya (2004) argues that human security is a holistic paradigm, which creates potential eclecticism with synthesis and theoretical point of view. The security does not reflect any longer developments in terms of real world.

"Governments can no longer survive-much less achieve legitimacy-solely by addressing economic growth; nor can they maintain social and political stability solely by providing for defense against external military threats. Democratization empowers new actors, such as civil society, that must be accounted for in the security framework".

(Acharya 2004)

Sabina (2003), as one of the human security commission theorists, crafted her conceptual definition: "to protect the vital core of all human lives in ways that advance human freedoms and human fulfillment." The human security content was disciplined by the definition by focusing only pervasive and critical threats. However, while she puts the concept to aim at creating a viable security framework that allows for responses to policy to non-state threats, policy priorities need to be clearly defined.

The security challenges confronting Asia today go beyond the traditional dimensions of security and tend to be more diverse than what the region has ever known before. Non-military issues like infectious diseases, trafficking in illegal drugs, irregular migration, environmental degradation, financial crises and natural disasters are increasingly being treated as pressing concerns to the national sovereignty of nation-states as well as to the welfare and security of their respective individuals.

Human security emphasizes issues of responsibilities of state, sovereignty as well as intervention. Reconciling national security and development is necessary in developing countries. Individual must be at least one of the referent points for determining security for the whole nation, from his/her own point of view and by taking appropriate steps in pursuing the state's responsibility to maintain stable advancement (Evans 2004).

Human security is improved when the "quality of life" of people in a society can be upgraded, that is, the enhancing of what he calls 'human welfare'. It is threatened when this "quality of life", which is left open to definition, is degraded by threats such as unchecked demographic growth, diminished resources and scarcity, or access issues, and other global reaching threats. The reformulation of national security into human security has "profound consequences" for international relations, foreign policy and people's conception of other peoples and culture. Traditional security conception privileges military in terms of resource allocation but non-traditional concerns merit the gravity of the security label (Thakur et al. 2004).

Human security is an integrative concept allowing for bridging and interconnection of sector specific threats to people in the international system, rather than states. Human security means the provision of basic material needs and realization of human dignity, including emancipation from oppressive power structures, global, national or local in origin or scope (Thomas 2001). A distinction is made between quantitative aspects of human security, which are the basic needs (food, shelter, healthcare and education), and the qualitative aspects, encompassing dignity; personal autonomy, control over one's life, participation in the community, chance and opportunities. The concept provides a language and rationale for raising the concerns of the majority of humanity. The ultimate utility of the concept is in the practical application of knowledge to interconnections between threats. For policy purposes bottoms-up participatory approaches to politics are necessary (Thomas 2001). Thomas (2000) finds that human security is a condition of existence in which basic material needs are met, and in which human dignity, including meaningful participation in the life of the community, can be met. Ogata (2004) posits

that the respect for human rights is at the core of protecting and empowering people, and that human security provides better means to realize human rights. Its framework gives equal importance to civil and political as well as to economic, social, cultural and social rights, thereby addressing violations in comprehensive and integrated ways.

Human security has also rapidly moved to occupy center stage in discussions of foreign policy. Following the end of the Cold War, some world leaders saw that as an opportunity to redirect funds from spending on defense to addressing social and economic needs (Timothy 2004). High on the agenda of these global framers was the pursuit of security through sustainable human development manifested through: peace building, population, the environment, women's status, and person-centered social and economic development. With its emphasis on protecting individual well-being, dignity, and the exercise of free choice, human security seemed to be an apt framework for this new direction.

The following are four essential characteristics of human security:

(1) Human security is a universal concern. It is relevant to people everywhere, in rich nations and poor.
(2) The components of human security are interdependent.
(3) Human security is easier to ensure through early prevention than later intervention. It is less costly to meet these threats upstream than downstream.
(4) Human security is people-centered. It is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities – and whether they live in conflict or in peace.

(UNDP 1994, 23)

Nations have always been preoccupied with security. In many parts of the world, states threatened by conflicts often devote their vast resources to protecting their sovereignty and independence. In the name of national security, all things can be threatened. After the end of the Cold War, the world forces common global problems because external and internal threats to security become interrelated (Steven 1994).

Comparing with global effort, regional cooperation may be effective to deal with non-traditional security threat. A global response is generally, less efficient, because of difference in interest in different issue area and difficulties in conducting wide coordination. A regional effort could more effectively address the security issues affecting common interest and easier to coordinate with each other's.

As another aspect of thinking, human security concept encompasses the definitions human trafficking and debate over human security that applies to human trafficking and other general terms about global situational development.

Chapter 2

Human trafficking: an overview

This chapter is an overview of human trafficking both at international level and at Myanmar-Thailand cross-border level, focusing on three main issues: the causes, the routes and the victims of trafficking in human beings.

2.1　The overview of human trafficking

2.1.1　Human trafficking in the world

Since human trafficking issue is one the top priorities on the international agenda, it has to be handled by every nation of the world at all levels. The trafficking is not a new phenomenon. Although it has caught the attention since the 1990s it has been an issue for over many hundreds of years.

Figure 3:　Countries of human trafficking origin
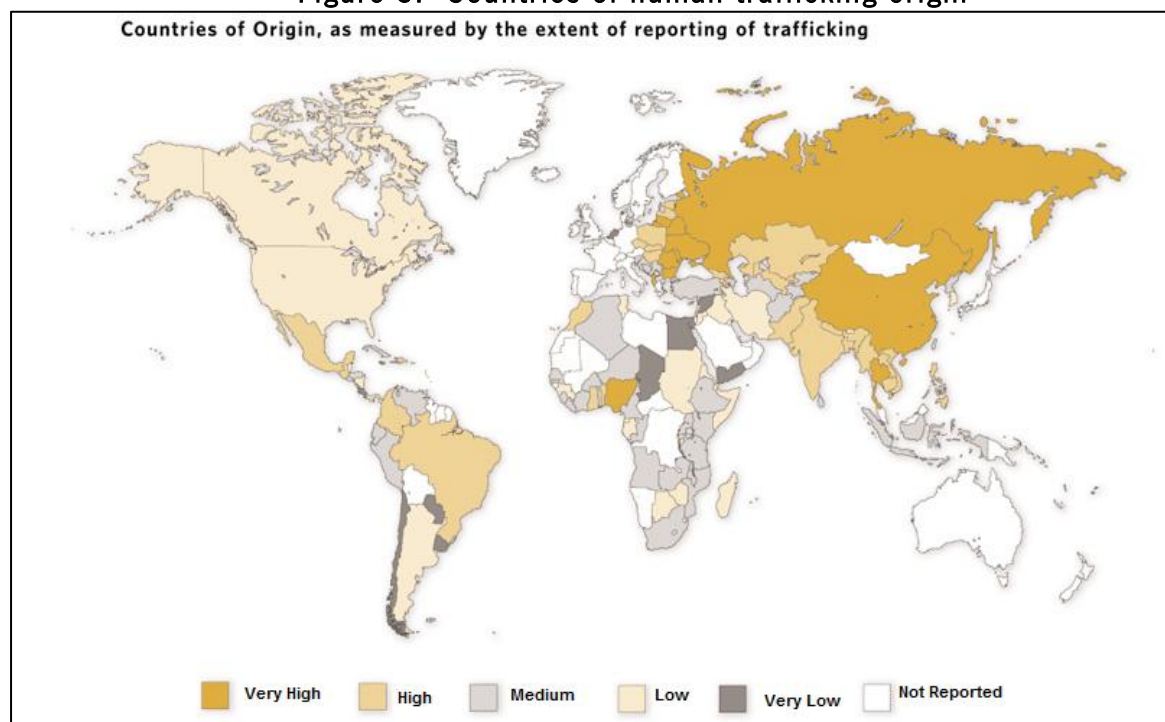
Source: UNODC 2006

Figure 4: Countries of human trafficking destination

Countries of Destination, as measured by the extent of reporting of trafficking

Very High | High | Medium | Low | Very Low | Not Reported
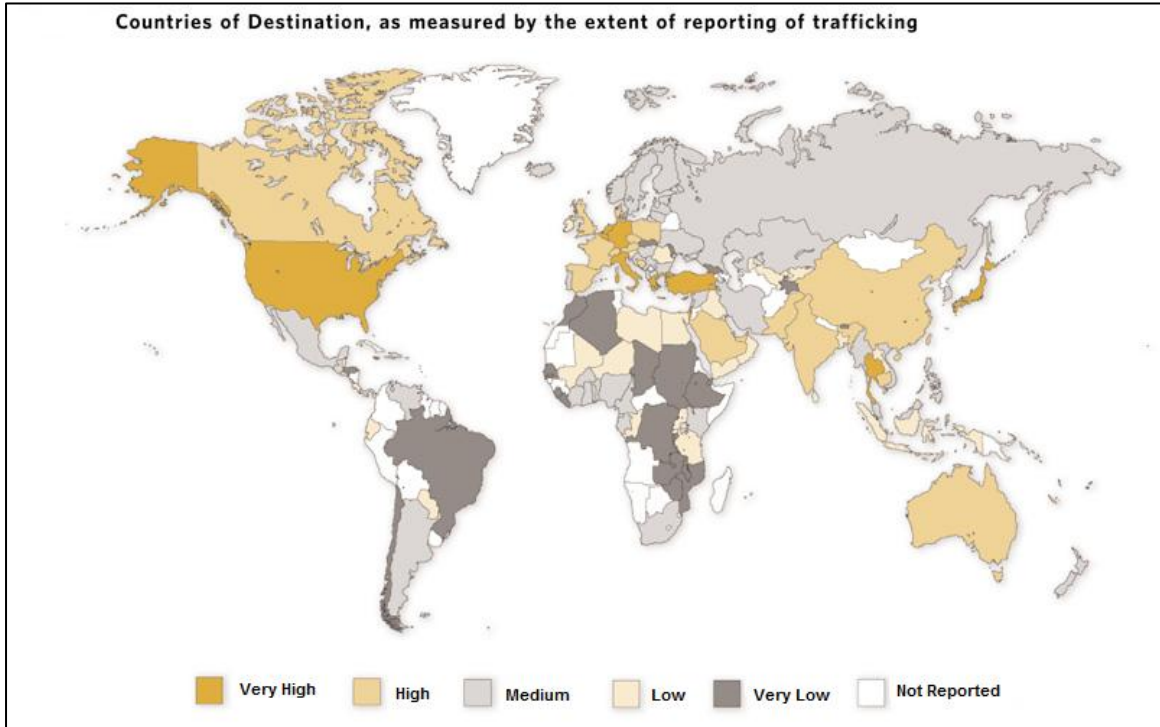
Source: UNODC 2006

At this new millennium, 2.5 million people are estimated to be entrapped in forced labor (including sexual exploitation) as a result of trafficking, half of whom are children under 18 years of age. Up to 46% cases found in the recruiters are not strangers to victims. The chart below shows the portions shared by regions in the world from which human trafficking cases into forced labors take place.

Figure 5: Estimation of numbers of victims trafficked into forced labor by region

- Asia and the Pacific
- Industrialized countries
- Latin America and the Caribbean
- The Middle East and Northern Africa
- Sub-Saharan countries
- Countries in transition
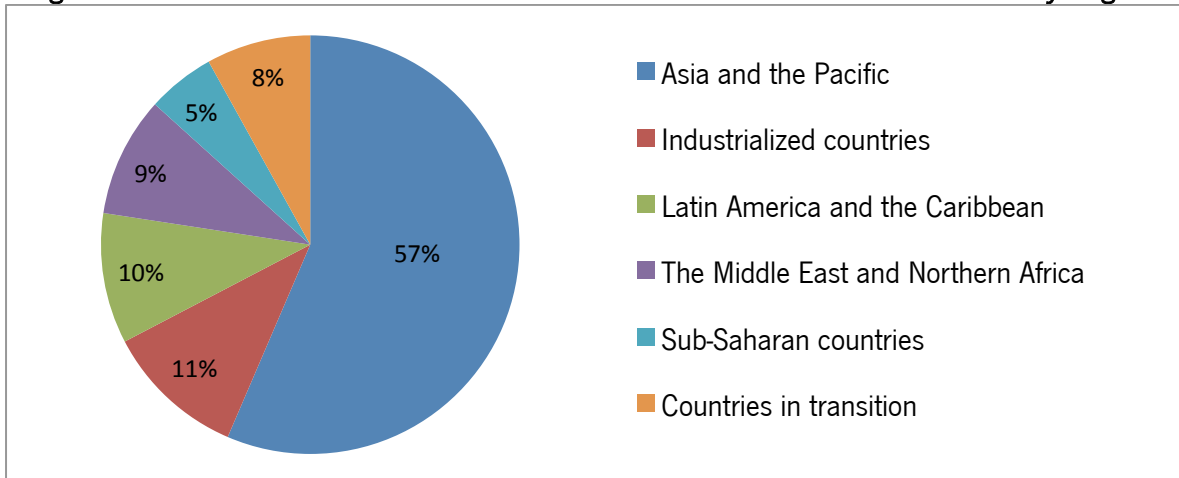
Source: ILO (2007). Forced Labor Statistics Factsheet

Historical trafficking in persons and blatant practices of slavery abound in the West, in Middle East as well as in Asia. It can be recalled: trafficking of Africans for slavery into United States was abolished less than 200 years ago. However, new evidence shows that traditional slavery is imposed on 8,800 to 43,000 Nigeriens nowadays where trafficking in Niger children for the purpose of forced labor in gold mines, forced begging, sexual exploitation, domestic servitude, and possibly in agricultural sector and stone quarries can still be found in the country. It is now a little over ten years that trafficking in persons, or what is often referred to as a modern form of slavery, has reemerged. There is no over-riding singular cause but a series of interconnected causes. These causes can be analyzed from the point of view of changes in the global political and economic structures and their effects on societies.

The late 1980s and early 1990s brought about dramatic changes in the structure of the world. The East and the West blocs or the communist and the capitalist blocs that came into existence following the end of World War II collapsed with the fall of the Soviet Union in the late 1980s. With the fall of the Iron Curtain, barriers that had existed between the two blocs were dramatically reduced.

At the same time, technological advancement gave impetus to greater interactions between countries. Unlike the Cold War Era, capitalism now ruled the world. Countries which were less well-off or under-developed have, as the result of lower barriers and greater exposure to the ways of life towards becoming well-off countries, begun to long for the things made possible by a strong economy and way of life.

The effects of lack of equal development and inequitable distribution of wealth on the one hand and better access to information about the materially well-off countries, on the other hand, or areas in the same country have given people hopes of a possibility of new or better life in these areas. Many people are ready to take advantage of such opportunities but often do not have the legal rights to do so or the information and means to do it, a manner that can provide them with protection against abuse and exploitation. This situation has created windows of opportunities for those who want to exploit the poor, the uninformed and those desirous of overcoming poverty or raise their living standards. The outcome is the reemergence of what was thought to have been a dead and gone issue to trafficking in persons or slavery-like practices.

Trafficking in persons involving trafficking for the purpose of slavery or slavery-like practices is, too, not a new concept. It is derived from the slave trade and slavery system, which predominated for thousands of years in the history of the world. Although the slave trade does not

now exist legally, modern forms of slavery re-emerged after the 19th century. With this fact, trafficking in persons has long been perceived as a long-lasting event. However, it was drawn attention by the international organizations, since 1990s. There were many documentary evidences. According to the US government (USCRS 2010), every year, six to eight hundred thousand people are trafficked across various international borders and up to two to four million people are trafficked in within and across borders.

The clandestine nature of the crime makes it extremely difficult to give estimates about the number of victims worldwide. It is learned that one and two million people are trafficked globally each year. It estimated that 300,000 women and children are being trafficked within the GMS (Khin 2007).

The trafficking in human is an international problem with various forms and complexity. One-third of victims worldwide are trafficked for economic purposes other than sexual exploitation.

The United Nations CTOC was adopted by the General Assembly in November 2000. It is the main convention to fight transnational organized crimes including human trafficking, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children is a supplementary instrument of CTOC and contains exact definitions of trafficking in persons and detail provisions to prevent, suppress and punish trafficking in persons. This protocol is not only intended to prevent and combat trafficking and facilitates international cooperation against such vulnerable crimes, but also to protect and assist the victims.

The various forms of abuse and coercion intersect numerous times in different ways to create an inextricable labyrinth of physical and Psychological risk. Trafficking can involve extreme forms of exploitation of women, men and children-physically, psychologically and emotionally. Types of abuse may include beatings, forced drug use, inadequate meals, rape, physical confinement and even fatal wounding. In these particular exploitative environments, physical health problems such as injuries, diarrhea, and diseases of sexual organs, skin rashes and malaria may occur. Depression, irritability, aggressiveness, self-rejection, suicidal ideation, insecurity and restlessness are some of the psychological and emotional health problems experienced due to constant threat, extreme pressure and in isolation as shown the following table (UNIAP 2006).

Trafficking affects the mental and physical health of the victims as well as their social situation and future life. It also has legal implications and a damaging effect on society and development.

Table 2: Trafficking affects the mental and physical health

Physical Health	Psychological, Emotional Health
• Injuries	• Depression
• Diarrhea	• Irritability
• Sexual organ disease	• Aggressiveness / Anger
• Malaria	• Self-rejection
• Poor nutrition	• Suicidal tendencies
• Exhaustion	• Insecurity
• Starvation	• Restlessness
• HIV/AIDS	• Trauma / Post trauma syndrome
• Amenorrhea and dysmenorrheal	• Daydreaming
• Acute or chronic pain during sex; tearing and other damage to vaginal tract	• Sleeping problems / Nightmares
• Negative outcomes of unsafe abortion	• Short memory span
• Irritable bowel syndrome	• Impaired learning ability
• Stress-related syndromes	• Forgetfulness
• Inability to negotiate sexual encounters	• Hysteria
• Death	• Mental disorders
	• Afraid of the community
	• Inability for making decision
	• Concerned
	• Altered sense of time
	• Loss of trust in others or self
	• Guilt
	• Shame
	• Difficulty developing and maintaining intimate relationships
	• Problems with or changes in identity and self-esteem

Source: UNIAP 2006

The mental effects caused by trafficking have not been properly documented and assessed. Trafficking in persons involves situations of extreme psychological stress, which may

lead to trauma, depression and in some cases to suicide (Foundation of Women's Forum 1999). A trafficked women or child may be exposed to isolation, hiding, fear, sexual abuse, rape and other forms of violence. Perpetrators use psychological means in order to break down their victims. The power over the victims is even stronger when the criminal organizations control the whole chain from recruitment, through transportation to ultimate exploitation. In the case of sexual exploitation of children the effects may be life-long and seriously hamper the child's physical, psychological and social development (Declaration and Plan of Action from the World Congress against the Commercial Sexual Exploitation of Children 1996).

The most obvious physical consequence is the high risk of contracting sexually transmitted diseases (STD), especially HIV/AIDS since the victims of trafficking lack sufficient or appropriate access to health care services and preventative information. Fear of AIDS among customers has driven the sex industry in Asia to supply very young girls from remote villages who are believed to be untouched and not infected by the virus. These young girls may be at particular risk. Not only are they often too intimidated to negotiate the terms of sex, but preliminary medical research suggests that the younger the girl, the more susceptible she may be to HIV infection.

Data further show that there are millions of women and young girls forced to become prostitutes yearly and about 45% of them are Human Papilloma Virus (HPV) infected which can cause Cervical Cancer (CC). It has more chances to get this cancer because of being sexual intercourse at youth and by so many persons.

Human trafficking has a tremendous psychological impact on its victims as a result of the manipulation, abuse, and cultural shock experienced when forced to work a less than desirable job in a foreign country. These effects are most prominent in women and children trafficked into the commercial sex industry, and commonly involve depression, anxiety, post-traumatic stress disorder, and substance abuse.

Such psychological symptoms not only make it difficult for trafficking victims to live their daily lives, but create a significant barrier for reintegration into society, as well. For this reason, the trafficking industry has greatly affected the professional field of psychology, requiring extensive rehabilitative services for the growing number of rescued trafficked victims around the globe (Woodland 2008).

Physical reactions included dissociation, Post-Traumatic Stress Disorder (PTSD), difficulty sleeping, and nightmares. Findings also indicate other chronic physical and medical issues, such as enuresis, addictions, eating disorders and those conditions connected with chronic stress.

The psychological consequences of being a victim of human trafficking are closely associated with the consequences of being a victim of child sexual abuse, of domestic violence, experiencing terrorism, or of living through a war zone. The consequences of child sexual abuse depend on a variety of factors, including when the abuse happened in the child's development, the frequency of the abuse, the abuser's relationship to the child, the violence of the attack, and what meaning the child puts to the experience. The sexually abused child suffers physical, emotional and spiritual consequences. The aftereffects can be categorized into six groupings (1) emotional reactions; (2) self-perceptions; (3) physical effects; (4) sexual effects; (5) interpersonal relating and functioning; and (6) social functioning (Shkurkin 2004).

In emotional reactions, the most common consequences are: depression, anxiety, affects instability, hopelessness, rage and PTSD. It is important to note the connection exists between physical consequences and emotional reactions. While anxiety, for example, can clearly be called an emotional response, the physical changes within the brain from chronic abuse can create a "resting state" of anxiousness which then manifests itself emotionally (Rothschild 2000).

In terms of interpersonal relationships and functioning, child sexual abuse survivors experience a variety of issues related to trust and security. This is understandable, since the child sexual abuse usually happens within a relationship with someone the child has learned to trust. When the trust is broken, the child is devastated, and is left with trust issues within relationships that may last a lifetime. Also, and this is important when it comes to human trafficking, they may have confusion about who is trustworthy, and who is dangerous. Survivors may also show signs of co-dependence, be non-assertive, overly nurturing, and overly responsible. In social disturbances, the effects of early abuse may include severe education and behavior disturbances, poor control of aggressive impulses, avoiding social situations and people, and being revictimized as an adult. In addition to these consequences and symptoms, early child sexual abuse has been correlated with delinquency and prostitution, dependency, lower social competence, teenage substance abuse, low self-esteem, and inability to express anger.

In brief, human trafficking is the consequence of joblessness, poverty and desperation and at the same time it also depends on good demands from wealthy countries. The people from the poor countries are exploited one in forced slavery kind such as child labor, unpaid labor, and second in the wealthy ones as cheap laborers and as prostitutes, forced marriage and perform the illegal trading in human organs for transplantation. Moreover, there are tremendous health issues occurring in the trafficking. Because trafficking in victims are mobile populations, one prevalent

consequence of the trafficking can be closely linked to HIV/AIDS. While transmission of HIV/AIDS among women is connected to sex workers, there are concerns about the vulnerability of women whose husbands are infected. The main causes of HIV/AIDS is injection of narcotic drugs and commercial sex trafficking. Therefore, the use of drugs, prostitution and sex trafficking are the main causes and they are correlated. HIV/AIDS is not only issue that trafficking victims face, but also it is an important and significant issue that requires further attention. Trafficking victims also experience physical, psychological and emotional health problems.

2.1.2   Human trafficking in Myanmar and Thailand

Human trafficking in Myanmar

The northernmost part of Myanmar bordering Thailand is the Shan State, which is a large, multi-ethnic state. It is situated opposite Thai provinces Chiang Rai, Chiang Mai and Mae Hong Son.

Descending in order southward down the border on the Myanmar side are the Kayar sate adjacent to Mae Hong Song province, the Kayin State adjacent to Mae Hong Son and Tak province, the Mon State adjacent to Kanchanburi Province and in the southernmost stretch, the Tanintharyi Region opposite Ratchburi and Prachuab Kiri Kan. Along this border a number of "official" permanent passes have been opened in a joint agreement between the Thai and Myanmar governments, Mae Sai in Chiang Rai Province, Mae Sot in Tak province opposite the town of Myawady in Kayin State, Sangklaburi in Kanchanaburi province opposite Three Pagodas Pass in Kayin State and Muang District pass in Ranong opposite Kawthaung also known as Victoria Point in the southern tip of Myanmar's Tanintharyi Region.

Along the Myanmar-Thai border areas, border people move regularly and temporarily cross the border for work or to visit family members living on the other side of the border. Rarely, these visits are documented and few of those border crossings have travel papers or temporary passes. Many of these movements follow patterns of ethnicity because people from the same tribal group living on different sides of the border do not see national borders as an obstacle to visiting or working together. Because of these traditions of free flow across the borders, people movements in the region are characterized by the use of primarily irregular channel for migration (UNIAP 2005).

Therefore, the movement of people crossing the border has become widespread and it can easily conceal human trafficking.

Figure 6: Trafficking routes across Myanmar
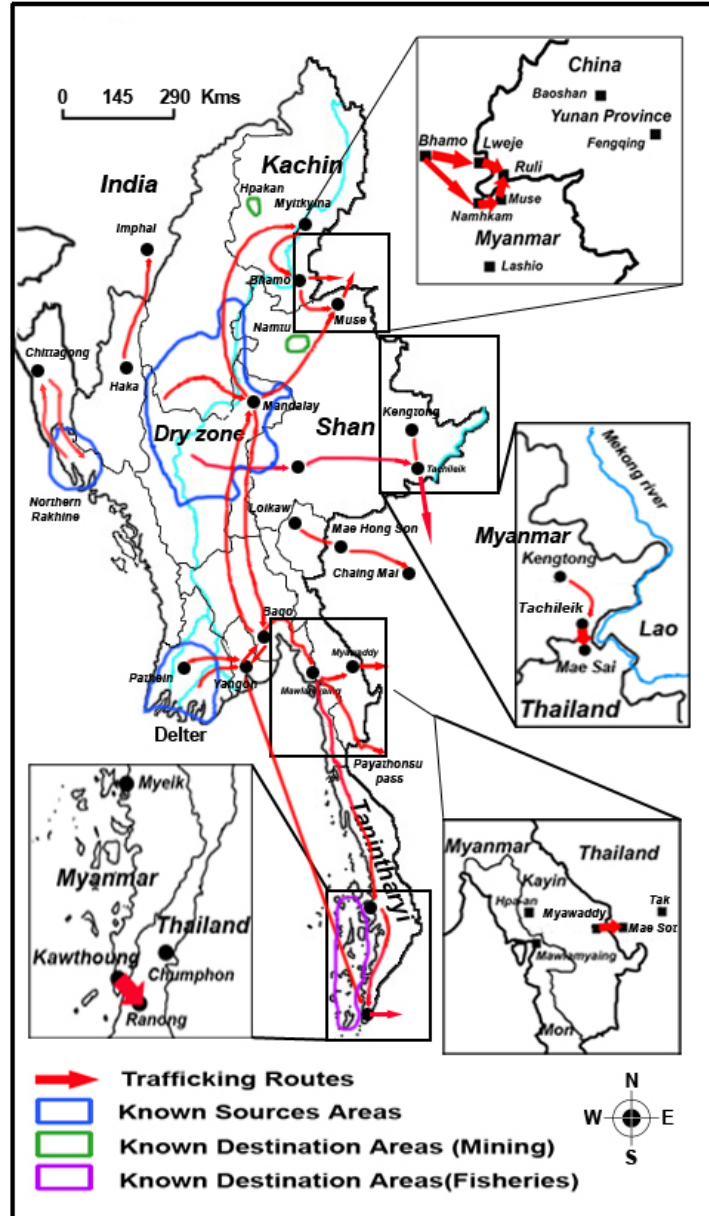
Source: UNIAP 2009. Phase III, Myanmar.

Myanmar has become both a country from which nationals are trafficked into Thailand and a transit country for traffickers to move from Yunnan Province of Chinese into Thailand. The form of trafficking from Myanmar to Thailand is for forced labor and other forms of labor exploitation including the sex trade within the context of widespread irregular migration. There are about two million Myanmar migrant workers in Thailand who enter Thailand by means of legal or illegal routes. Most of Thai employers value Myanmar workers than Thai workers as they can do

strenuous jobs and get paid low wages. The monthly salary of 32.2 percent of the housemaids working in that area is less than, 1,000 (Thai) Bahts (€ 25), 30.1 percent up to 2,000 Bahts, 22.3 percent up to 3,000 Bahts and only 15.4 percent over 3,000 Bahts, respectively.

Since the early 1990s, Thailand has become an important country of destination for unskilled migrant workers from neighboring low-income countries, because the rapid economic growth in Thailand during the period 1970-1980 transformed the country from a labor-exporting country to a defect labor-importing country.

For instance, at the border of Myawady, the shallow Thaunggyin River (see Figure 6) offers easy passage to both smugglers and traffickers who are able to cross in small boats in the wet season or on foot in the dry seasons (UNODC 2007). The routes used by smugglers in transporting people are as follows

- Taunggyi-Kyaington-Tachileik-Mae Sai to Thailand (by car)
- Yangon-Tachileik-Mae Sai to Thailand (by air)
- Mandalay-Tachileik-Maesai to Thailand (by air)
- Mawlamyine-Dawei-Kawthaung-Ranaung to Thailand (rail/water ways)
- Mawlamying-Thanbyuzayut-Phaya Thonezu to Thailand (car/land route)
- Mawlamyine-Myawady-Maesot to Thaialnd (by car)
- Paan-Myawady-Maesot to Thaialnd (by car)
- Yangon-Kawthaung-Ranaung to Thailand (air/water ways)
- Mawlamyine-Dawei-Kawthaung-Ranaung to Thailand (rail/water)

In addition, Mae Sot lies on the principal land route into Myanmar through the border town of Myawady. Of the above-mentioned routes, this Paan-Myawady-Maesot to Thailand route is the busiest route. It is also a key point on migration and trafficking routes between the two countries, with many Myanmar coming to work in the town's factories and farms (UNIAP 2008).

With great income disparities in neighboring countries (see Table 3), especially Thailand and China, the temptation for migration becomes greater. Since there are many success stories in migrating to Thailand about having attractive jobs, accumulating a huge amount of money and the ability to support their families, more people choose to migrate in search of better livelihood. Accordingly, most of the people crossed the borders illegally and later they are trafficked into another country.

Figure 7: Illegal border crossing from Myanmar to Thailand using pneumatic tire

Source: *http://p1cturesdontlie.blogspot.com/2011_10_01_archive.html*

And in the 1990s, rapid economic growth in Thailand has increased its demand for migrant labor, many of whom come from Myanmar, but also a considerate amount from China, Cambodia and Laos (UNIAP 2002).

Table 3: Gross Domestic Product (GDP) and Human Development Index (HDI) of Myanmar and Thailand 1990-2010

	Myanmar		Thailand	
	GDP	HDI rank	GDP	HDI rank
1990	68	113	1,518	70
2000	178	131	1,967	83
2010	583	150	4,621	103

Source: Human Development Reports 1990 to 2010 (UN), in USD

Table 4 shows that Myanmar remains a developing country and is still classified as one of the least developed country by the United Nations. In 2010, Myanmar was ranked 150th out of 179 countries on the Human Development Index scale, placing it in the low human development group of countries. These economic differentials have led to increasing numbers of people seeking better income opportunities.

Table 4: Human Development group of GMS countries

No.	Country	Types of Government	Areas sq. km	Population	GDP	HDI
1	Myanmar	Multi-Party Democracy	678,500	48.3	N / A	149
2	China	Communist	9,596,960	1,347.6	6,828	101
3	Thailand	Constitutional Monarchy	514,000	69.5	7,995	103
4	Vietnam	Communist	329,560	88.8	2,953	128
5	Laos	Communist	236,800	6.3	2,255	138
6	Cambodia	Multi-Party Democracy	181,040	14.3	1,915	139

Source: UN. 2011. Human Development Report

Trafficking in Persons by all accounts becomes a global issue. As the third large organized crime in the world and affecting all corners of the world, nowadays, it has become the fastest growing black industry of organized crime and even drug trafficking has switched to this crime because it is more lucrative and relatively risk free.

The root causes of trafficking include greed, economic, political instability and transnational and social factors. Trafficking is a complex issue and there are wide ranges of contributing factors. These can be broken into push factors (supply side), pull factors (demand side), and institutional factors (Touzenis 2007). In terms of push factors, the single greatest factor is economic disparity or inequality. The growing gap between richer and poorer countries/areas provides a major incentive for people to migrate in search of better opportunities. This growing inequality also helps to facilitate corruption as the gap between the low pay of many officials and profits to be made through involvement in illicit activities, continues to grow.

Other supply side include poverty, lack of avenues for and information about safe migration options, lack of citizenship among ethnic minority groups, lack of legitimate and fulfilling employment opportunities in rural communities, lack of economic security, especially for female heads of households, civil and military conflicts and domestic violence and abuse.

On the other hand, demand side includes demand by employers and enterprises for cheap, unregulated and exploitative labor. It also includes governmental and societal failure to

acknowledge and uphold the basis human rights of migrant workers especially those in the informal sectors of entertainment and domestic work. This is weak law enforcement, which can be reinforced by widespread discriminatory community attitudes at points of destination for trafficking.

In terms of institutional factors, globalization is an important element. These are the relatively unfettered movement of capital, information and technology around the world without an accompanying relaxation of controls on the movement of labor. This has resulted in a mismatch between the labor market realities and migration policies, both globally and regionally, providing an opportunity for criminal groups to exploit.

In Myanmar, there were many cases that human traffickers lure young women with promises of employment, but subsequently sell them to brothels to become prostitutes, which is against the existing laws of Myanmar. There was lack of employment and so little chance to have a regular income. Some migrant workers in Thailand can send a little money back to their families in Myanmar, as in the success stories described above) and this attracts more and more people from Myanmar to go and seek work in Thailand. This situation creates a good opportunity for human traffickers. They can organize easily for both rural and urban young women and girls to make a move to the new ground.

Table 5: Number of victims of trafficking or potential victims of trafficking identified by border liaison offices or anti-trafficking task forces

Year	2006	2007	2008	2009
Male	3	40	50	37
Female	197	231	153	265
Total	200	271	303	302

Source: Ministry of Home Affaires (MoHA), Myanmar

In the year of 2009, According to Myanmar's Anti-Trafficking Unit, there were 155 human trafficking cases and, among those, 85 cases were of forced marriage, 19 cases of forced prostitution, 13 cases of forced labor, and 8 cases of child trafficking in Myanmar.

Regarding the problems of state's human security and human rights due to human trafficking, HIV/AIDS epidemic's impact is the most worrisome for public health. The same causes shared by human trafficking and HIV/AIDS diseases are poverty, discrimination and insecurity in traveling and especially in human rights and sexual discrimination. They suffered from depression, mental diseases, backaches and gynecological diseases. Trafficked women having got Sexually

Transmitted Infections (STIs) from some sexual intercourse are more likely to spread the peril of HIV. In addition to those conditions, not getting medical treatment for diseases from sexual intercourses can get the worst consequences for prolonged health.

Table 6: Repatriated trafficking victims 2004-2010

Year	Number of Person
2004	34
2005	28
2006	7
2007	35
2008	133
2009	132
2010	134
2011	229

Source: MoHA, Myanmar

Moreover, trafficking into the sex industry leads to stigmatization of the victims and their families. This makes it hard for the victims to return to their families who may not welcome them. It may also be hard to get acceptance and support from the community at large. It may be even harder if the victim is believed to suffer from HIV. There will be limited opportunities to marry and have a family and it may be difficult to get a job. Therefore, many victims who have returned to their homes will become easy targets for re-trafficking.

One of consequences of sex trafficking is getting pregnant. Therefore, women are forced to abort several times. Trafficked women can easily face the danger of abortion; they are suffering from getting wounds in stomach due to septic abortion. These are facts that cause more deaths of pregnant women. Most of the women have to go back to work without having enough rest after forced abortion. When abortions take place, using virus-affected apparatus by unskilled midwives is not suitable place for health and there are also blood infusions by unscreened blood supplies. Due to unclean water and apparatus they get infected diseases as well.

Human trafficking in Thailand

There are many causes of human trafficking in Thailand. The economic growth in the country during the 80s and early 90s created a demand for labor. This demand included especially jobs that require manual and unskilled labor on construction sites and plantations and other heavy/difficult, dirty and dangerous work, or in homes, restaurants and brothels. A flow of Thai workers into richer countries to get high returns had led to a shortage of local labor. In order to replace the local work force, illegal aliens who were prepared to work in any conditions with low wages were employed.

Moreover, hill tribe people in Thailand comprise different "ethnic minorities" who reside in the "remote highland areas of the country" (Vital Voices Global Partnership 2007). These people represent members of many different tribes. Ethnic minorities within Thailand who are denied citizenship are at a high risk of being trafficked due to their "statelessness".

Citizenship is necessary to obtain state benefits and state protections. Without citizenship, individuals residing in Thailand have limited or no access to healthcare services, education, travel, employment or political representation. The first obstacle non-citizens face is inaccessibility to healthcare. Specifically, undocumented residents are not eligible for "universal healthcare (the 30-baht plan)" or other "public health services". Another significant obstacle for non-citizens, specifically children, is the inability to obtain an education. The right of children to "twelve years of free, compulsory education"[2] is not universally guaranteed. In January 2007, the Thai Legislative Assembly declared that it would grant stateless school-age children in Chiang Rai temporary identity cards that would" [3]entitle them to education in Thailand and permission to travel to study at education outlets" (Vital Voices Global Partnership 2007, 11).

If stateless children attend schools, they receive, or at least have received until recently, education certificates and transcripts "stamped with lucidly red letters signifying that the holder does not exist in the civil registry"[4]. Additionally, children could not receive the appropriate certificates "necessary for higher education"[5]. Without citizenship, hill tribe villagers and other

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[2] Ministry of Education, Provision of Education to the Persons Who Do not Have Evidence of Civil Registration or Thai nationality (2005) (on file with Vital Voices). A child described her experience of starting school at the age of ten in a class of six and seven-year olds: she wanted to attend school when she was younger, but she was told she could not attend school because her parents "had no Thai ID cards." Supara Janchitfah, Don't Steal Their Future: Children without documentation of their Thai nationality can look forward only to a life of exploitation and limited opportunities, PERSPECTIVE, Oct. 23, 2005, available at http://www.karencenter.com/showstateless.php?id=1630&comm=det.

[3] Anchalee Kongrut Theerawat Khamthita, Thousands of stateless children to get temporary ID cards: Will get right to study, travel, Bangkok Post, Jan. 14, 2007 (on file with Vital Voices).

[4] Anchalee Kongrut Theerawat Khamthita, Thousands of stateless children to get temporary ID cards: Will get right to study, travel, Bangkok Post, Jan. 14, 2007 (on file with Vital Voices).

[5] Physicians for Human Rights Report, supra note 42, at 27.

unregistered residents have limited educational opportunities. Individuals without Thai national ID cards cannot travel freely around the country because stateless citizens (non-citizens) have restricted travel passes. Indeed, "the passes for hill tribe people allow only short stays away from their villages"[6].

Moreover, if residents successfully travel outside their village, jobs may be difficult to obtain without citizenship ID cards. Many employers require job applicants to produce official work permits. Hill tribe residents sacrifice their claim to citizenship to get a job. Even if they obtain a job, employers may pay them significantly less than employees of Thai citizenship. Absence of citizenship also removes political and other constitutional rights guaranteed by the state: including "freedom of speech". Therefore without citizenship, individuals residing in Thailand have limited or no access to healthcare services, education, travel, employment or political representation (Vital Voices Global Partnership 2007, 13).

This situation further constricts the opportunities for women in hill tribe communities, which are already limited because of traditional gender norms and the isolated, agricultural nature of life in the highland villages. Hill tribe women and girls also come from marginalized communities. Families are often unable to sustain a viable livelihood, and the cultural traditions of their communities are imperiled. When hill tribe women are forced to leave the villages because of circumstances such as financial hardship or loss of farmland, their lack of legal status puts them at risk of unsafe migration. Without travel documents, and some without Thai language or literacy skills and lacking an information network of support, women and girls (or their relatives) may pay smugglers or rely on the promises of traffickers (The Human Right Committee n.d).

Half a million women are in sexual slavery, accounting for 18-20% of all Thai women aged 18-30. The number of prostitutes is falling while the number of venues for prostitution is rising. The total number of 975 Thai victims abroad and repatriated identified by state authorities from 2003 to 2007. Women are prostituted in bars, brothels, massage parlors, hair salons, restaurants and golf clubs. 2,237 of the 64,886 prostitutes in Thailand are male (Bangkok Post 1998).

One case study reveals that sixty-six of 1,088 Myanmar workers at the Ranya Paew, Seafood Factory in Maha Chai, Samutsakhon District, Thailand, were being tortured and hand to work without getting any payments. Member of the Thai social group rescued the victims and put them under the care Bann Kredrakan Shelter for women and Pakkert Home for boys of Thai Social Development (MoHA 2006).

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[6] Sanitsuda Ekachai, Searching for a State – Fighting for a Future; Bangkok Post, July 9, 2002 at Outlook, available at http://www.karencenter.com/showstateless.php?type=Searching%20for%20a%20State&comm=list .

2.2   Who are the victims?

A considerable sub-population[7] size, consisting more than 60% of woman and children, falls victims to harsh consequences of human trafficking every year. Hence, every nation is to pay serious attention to the drive for remarkable reduction of the number of victims and danger of trafficking.

Trafficking in persons has existed in the world, regardless of nationality, culture and politics. After the Cold War, human trafficking has become the top global issue amongst transnational organized crimes. Evil consequences of trafficking in persons are making tremendous social impacts on the entire world especially the vulnerable groups, i.e. women and children. Human trafficking is a serious crime that disgusts and threatens human societies of the world today. The ILO estimates that a minimum of 12.3 million of all types of people are victims of unfree labor; 9.8 million of whom are forcefully exploited by private agents and at least 2.4 million are trafficked. Military states or other rebel military groups force 2.5 million to work without pay (ILO 2005). More than one million children a year joined the sex industry against their will. Even more were trafficked across borders to work in the sex sectors or in child labor. These were the part of realities for children (Tadjbakhsh 2005).

> "Everyday around the world, women and girls are taken with the promise of well-paid jobs, bought from their families or abducted outright and taken to a foreign country for the purpose of sexual exploitation. Countries in Asia as in other regions are not immune from the menace of this crime".
>
> (Johnson n.d).

According to the ILO, report in 2002 also mentioned:

> "Women and girls may themselves take the initiative to migrate in the hope of earning a decent income, escaping a miserable life, or supporting a family back home. In such cases, they are sometimes aware that they are going to work in commercial sex, considering this it an acceptable short-term remedy to desperate need to earn a living. They very rarely, however, are aware of the nature of the demands that will be made upon them, the conditions in which they are likely to be held, or the possible long-term repercussions of the activities".
>
> (ILO 2002, 24)

Much of this profit generated from the commercial sex industry is a result of sex tourism, with the biggest attraction being the sex trade. The foreign capital generated from sex tourism and prostitution, as well as from the newly formed automotive, electronics, and clothing industries within the country, has contributed to the development of the Thai economy, which has changed the population of workers in the sex trade.

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[7] Population specific to human trafficking victims, accounted for 2.5 million people in 2007, Forced Labor Statistics Factsheet (ILO 2007)

However, the demand for prostitution and sex tourism has not altered, which has instigated a change in the women who are supplied to the industry. Due to the difficulty in employing women from newly industrialized cities in Thailand, the country relies on trafficking illegal immigrants from surrounding countries, such as Myanmar, as well as women from ethnic tribe groups in northern Thailand, to work as sex slaves. Traffickers use psychological control tactics to keep sex trade victims in the industry, which include intimidation, threats, deception, isolation, and emotional manipulation.

Chapter 3

Human trafficking in Myanmar: threats to human security

In this chapter, we discuss how perpetrators traffic Myanmar citizens, giving severe consequences to the victims and undermining the fundamental rights.

3.1 Causes of human trafficking among Myanmar citizens

The purposes of trafficking include prostitution, domestic work including forced domestic labor, illegal labor, bonded labor, servile marriage, false adoption, sex tourism and entertainment, pornography, and begging.

Human trafficking, a modern form of slavery, has become a severe problem that affects not only Myanmar and Thailand, but also the world community at large. It is as a result of globalization, which creates many positive advances such as the progress of transportation and communication flows in Thailand whereas, facilitates transnational organized crime at the same time.

According to US Department of State Trafficking in Persons Report (2011) and US Department of State's Human Rights Report (2010), the military is accused of unlawfully conscribe underage ethnic minority soldiers. This is a portion of internal trafficking within Myanmar that exists in every direction: rural to border areas, especially borders with China and Thailand, rural to urban and urban to rural. Border targets are in particular areas accessible by truck, fishing villages, mining areas, military bases and camps (UNIAP 2009). This hegemonic act is believed to be the main reason that the country is placed in the tier three ever since 2001 in the United States Department's trafficking in persons report (US Department of State 2001-2011).

As a result of coercive pressures and economic collapse with painful reforms, poverty influences people's incentive to make massive economic migrations. A number of them fall victims to different forms of trafficking.

Thailand needed modernization; Thai people think that tourism is good for economy to boom because tourists bring the foreign currency, which is good for the modernizing the country (US Department of State 2001-2011). A portion of tourist attraction in Thailand is sex industry. This leads to belief that an acceptation of prostitution occurrence in the country is for an economic

cause. In Thailand, the IOM has estimated that there are about 1.9 million migrants in the GMS. However, migration from Thailand's neighbors was stimulated largely by economic conditions. In addition, in low-skilled laborers in Thailand created a demand for migrant workers, from neighboring relatively poorer economies with surplus labor. Migrant workers enter Thailand through many channels, both legal and illegal, and in many cases they became victims of human trafficking. In 2008, an estimated 1.3 million migrants in Thailand were unregistered. Prostitution in Thailand, though not legal, has become a custom in Thai society.

Myanmar is a major source of prostitutes (an estimate of 20,000–30,000) in Thailand (The Plight of Women and Children in Burma 2009). Thailand, as one of the Myanmar's trafficking destination countries, is placed in tier 2 by the US Department in its Trafficking in Persons Report.

In contrast to Myanmar's economy, as of 2008, Thailand with a population of 65 million has progressed from being one of the poorest countries in mid-twentieth century to currently having one of the most stable and growing economies in Southeast Asia, primarily as a result of industrialization (Woodland 2008).

The poverty and eagerness for a better life have contributed to the vulnerability of many Myanmar women and children to entrapment by traffickers (US Department of State 2007). A number of about 500,000 of a total about 1,420,000 Myanmar migrant workers were working illegally in Thailand as confirmed in 2007 by Myanmar Ministry of Labor (Jinsong n.d). These workers are partly believed be smuggled by illegal leader guides and the rest live with expired documents. This group is very vulnerable to human trafficking, some of which have fallen into prostitution, voluntarily and involuntarily.

A Thai human rights activist, interviewed by UC Berkeley Institute of International Studies, said (Kreisier 1996)

"This is sad to say, that the Thai social structure tends to accept this sort of abuse, and not only to accept – we have laws, we have bills that vitally support the existence of these sex establishments. That's one thing. And also, we have a Mafia that is also involved in the political parties, so this keeps the abuse going. The second reason is a cultural factor. I don't know about other countries, but in Thailand the sexual behavior of Thai men accepts prostitution. Every class of Thai men accepts it, although not all Thai men practice it. So they don't see it as a problem. So when it comes to the policymakers, who are mostly men, of course, they don't see this as a problem. They know there are many women who are brought into prostitution in Thailand. They know that some are treated with brutal violence. But they don't think it's a terrible picture. They think it's just the unlucky cases. And, because of the profit, I think there are many people with an interest involved, so they try to turn a blind eye to this problem".

Kritaya Archavanitkul

3.2 The threats of human trafficking to individual security

This section contains threats of trafficking to health and personal/individual security, i.e. individual insecurity. It is organized with regards to physical, psychological, and personal/social consequences, respectively.

3.2.1 Health insecurity

Physical health consequences

Thailand has become a critical sub-regional center for trade, industry and tourism. It is also for its flourishing sex industry that caters to local and international tourists. During the 1970s and 1980s, Thailand and international travel companies openly marketed sex as a key attraction. As a result, Thailand has been particularly hard hit by HIV/AIDS. The World Health Organization (WHO) has estimated that 3.5 million people in Asia have been infected with HIV and probably as many as 750,000 of those people are from Thailand (Fairclough 1995).

From 1989 to 1994, the Golden Triangle, situated in Shan State on the northern Thai border with Myanmar showed that 80% of the commercial sex workers were from hill-tribes across the Thailand-Myanmar border; 17% were from Thai hill-tribes; and only 3% were native Thais from farming families in the Payao, Chiangmai and Lampang districts. The villages of the highlands were HIV prevalence rates 2.13% compared with an HIV prevalence of around 6.9% among persons aged 15-49 years (in 1992) in the northern Thai lowlander population. It also revealed that the Shan, Akha and Yao communities showed a higher percentage of people with HIV than other groups. For instance, the Shan community had the highest rate of 8.75% of people showing HIV positive serostatus. Most of these people were from Mai Ai district near to the cross-border. This area is for the recruitment of young women into Thailand's sex industry. Many Shan women can be found in the lower class brothels of northern Thailand, particularly along the busy trucker routes. According to a Thai Working Group on AIDS estimates in 1992 there were around 100,000 Shan prostitutes working in Chiang Mai alone. As much as 20% of the local Shan prostitutes returning home from northern Thailand were reported to be HIV infected (Lawrence 2001). The opening of borders and increasing numbers of migrant workers are likely to thrust the spread of HIV/AIDS into neighboring countries. Whilst many foreign visitors to Thailand are well aware of the lurid sex

shows in Bangkok or other commercial sex establishments in seaside resorts like Pataya and Phuket, these places represent only the most visible and popular portion of the total sex industry.

. The spread of HIV in migrant populations has burdened host country Thailand and has the potential to amplify the epidemic in their home country Myanmar on their return. The Chinese ministry of public health reported that 80.4% of all HIV infection and 60% of all confirmed AIDS cases were detected in the Myanmar border province, Yunan. The prevalence of HIV is rapidly increasing in Myanmar neighboring countries, and most particularly, the epicenter of the disease appears to be in border areas of Thailand, Myanmar, southern China and the Lao PDR in the so-called "Golden Triangle" area of opium production (UNICEF 1999).

Trafficked Myanmar women working illegally and in debt-bondage in the Thai sex industry have little or no access to these services. Consequences of these structural barriers to health services include lack of care, late treatment, septic abortions, and chronic untreated infections like gonorrhea and syphilis which can lead to life-long disability, chronic pelvic pain, infertility, and a host of other chronic complications. HIV rates are approximately two to three times higher among trafficked Myanmar sex workers in Thailand, than among Thai women voluntarily working in the industry. Finally, there are broader health threats to the communities in which trafficked women are forced to work. Lack of access to health care for these women can often mean chronic infectiousness for male partners, their wives, and a much wider circle of risk for the community than the physical brothels, truck stops, and bars in which these women toil.

HIV/AIDS is not the only health problem among victims of trafficking. According to the UNESCO in 2002, there were 800,000 people living with HIV/AIDS in Thailand alone. Similarly, there were 500,000 people with HIV/AIDS in Myanmar. These trafficked women and young girls are particularly vulnerable to diseases of the sexual organs and unwanted pregnancy. The provision of health care for these women and children is sporadic at best. Serious illnesses often go untreated. Unwanted pregnancies and high-risk abortions are also common and may have lethal consequences.

The most obvious physical consequences are the high risk of contracting STD, especially HIV/AIDS. In the GMS, as Thailand is becoming a critical sub-regional centre for trade, industry and tourism, its flourishing sex industry caters to locals and international tourists. Most of sex workers are from Myanmar, Cambodia, Laos, Viet Nam and Yunnan province. As a result, Thailand has been particularly hard hit by HIV/AIDS. On the other hand, the opening of borders and

increasing numbers of migrant workers in Thailand is likely to help the spread of HIV/AIDS into neighboring countries including Myanmar, Cambodia, Laos and Viet Nam.

A trafficked victim has to face high number of sexual intercourses that have had consequences for health and she has to go to work after being injected narcotic drugs to persuade to do this kind of job. Some women are injected narcotic drugs by their own consents. The result is getting HIV infection easily. For these circumstances, they become victims of HIV when they go back to their nature or leaving for another place. They have only little saving money. Thus, they cannot do medical check-ups in their original place (Tun 2009). So, the impact of HIV/AIDS epidemic is the most worrisome for public health.

Another consequence of sex trafficking is getting pregnant. Therefore, the victims are forced to abort several times. As a result, they are suffering from getting wounds in the stomach. Most of the women have to go back to work without having enough rest after forced abortion. When abortions take place, using virus-affected apparatus by unskilled midwives is not suitable place for health and there are also blood infusions by unscreened blood supplies. Due to unclean water and apparatus, they get infected diseases as well. These are facts that cause more deaths of pregnant women.

Moreover, there are millions of women and young girls forced to become prostitutes yearly and about forty-five percent of them are HPV infected which can cause (CC). It has more chances to get this cancer because of having sexual intercourse with so many persons. In addition, because of various forms of abuse such as beating, forced drug use, inadequate meals, rape, physical confinement and even fatal wounding, ulcers on sexual organs, skin rashes and malaria may occur (UNIAP 2007). Trafficked victim suffered also depression, irritability, aggressiveness, self-rejection, suicidal ideation, insecurity and restlessness are some of the psychological and emotional health problems experienced due to constant threat, extreme pressure and isolation.

Since the notion that human trafficking is an international threat with various forms and complexity leads to universal identification of a full range of problems to cope with, it is identified to have affected not only physical and psychological (mental) health of the victims but problems extends also towards their social/personal situation and their life down the road. It also has legal implications and damaging effects on society and development.

Mental health consequences

Human trafficking has a tremendous psychological impact on its victims as a result of the manipulation, abuse and cultural shock experienced when forced to work a less than desirable job in a foreign country.

Prostitution is highly stigmatized in Myanmar, with major social sanctions against women working in the industry. As in many societies, these social strictures appear to increase the social harms and psychological burden of the women and girls working in the industry. Psychological consequences also consist of discrimination and insecurity in travelling and especially in human rights and sexual discrimination. They suffered from depression, mental diseases, backaches and gynecological diseases. In addition to those conditions, not getting medical treatment for the diseases can get the worst consequences for prolonged health, both physical and mental.

Many workers with little or no knowledge on HIV/AIDS have experienced family separations and easy access to sex services, leading to high prevalence of sexually transmitted diseases and HIV/AIDS. Many of them, especially women are reluctant to leave their work places due to fear of arrest. This makes women even more vulnerable to mistreatment, harassment and sexual assault by male employers and coworkers

These affects are most prominent in women and children trafficked into the commercial sex industry and commonly involve depression, anxiety, post-traumatic stress, disorder and substance abuse. Such psychological symptoms not only make it difficult for trafficking victims to live their daily lives, but create a significant barrier for reintegration into society, as well (Woodland 2008). For this reason, the trafficking industry has greatly affected the professional field of psychology, requiring extensive rehabilitative services for the growing number of rescued trafficked victims around the globe.

3.2.2 Personal insecurity

After arriving in Thailand due to coercive measures from the Junta, many Myanmar workers include trafficked loggers, fishermen. Some Indian-Myanmar children are also trafficked for forced labor in restaurants, small shops, and bars and begging in Thailand (Archavanitkul 1998). Approximately, 3 million people, the majority of whom are borderline ethnic population, have departed for a foreign country since the 1990s (International Displacement Monitoring Center

2010). However, many of them have been subjugated to, either voluntarily or involuntarily, into a wide range of forced labor conditions including sexual trafficking, heavy form of construction industries as well as unpaid commercial seafood and fishing labor market in Thailand and Malaysia. In hot pursuit of cracking down human trafficking in every country, the problem of child beggar was forgotten to be solved. Similar to the basic causes of human trafficking, the problem of child beggar was in a growth due to poverty, little job opportunity, broker families, lack of guardianship to the orphan, lack of opportunity in getting education and the low mentality in the parents and relatives. Children are also trafficked in some cases by their own parents to work as beggars in big cities both Myanmar and neighboring countries. Myanmar children along Myanmar-Thailand border areas were sold to human brokers by their parents with an amount of 2,000 Bahts to 2,500 Bahts for a child. There was an occasion in which an eight-year-old girl from Mae Sot was brought on foot to Bangkok through the jungles, which about hundred kilometers distance and this was made by drugging her. Men and boys from Myanmar are deceived when being told of getting a well paid job on Thai fishing boats out at sea. Since two thirds of them are undocumented, many are enslaved and forced to work without payment (UNIAP 2006).

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In short, the impact of the type of human trafficking starts with illegal migration of people to another country. Because of the demand of low labor in Thailand, migrant workers from poorer neighboring countries go and work for their living. The migrant workers cross the border to Thailand by legal and illegal means and they become human-trafficked victims later. Most of the victims are Myanmar, Cambodia, Laos, and Viet Nam. The root causes of trafficking are diversified and often differ from one country to another. In search of a better life elsewhere, disadvantaged people are often drawn into the control of criminals who will take advantage of their situation and exploit them. Economic hardship, conflict, crime and social violence, natural disasters and other such pressures create a desperate situation for millions of people and make them vulnerable to various forms of exploitation and enslavement.

The socio-economic and political transformation of the countries in Myanmar has resulted in an alarming growth of trafficking in women and children. The open door policy that accompanied the development of market-oriented economy has contributed to the emergence and the expansion of the commercialization of women's sexuality for local and foreign consumption. Thailand is the

most economically successful country with good facilities. Another factor is Thailand's investment, export business and attractive tourism. Essentially, trafficking is a demand driven phenomenon. It can be seen that Thai economy and demand for cheap labor, as well as a growing sex industry have created a ready market and easily exploited human commodities.

Chapter 4

The role of Myanmar state as a security provider: a critical appraisal

The government's actions are heavy but indispensable. Every action is a must no matter how difficult it is. This chapter is, first, to analyze Myanmar State's role to eradicate human trafficking in the name of a human security provider considering the three levels of action: national, regional and international. Within each level, we also provide critical points of view in both unitary actions (State's actions) and joint actions (cooperation between State and non-State actors) according to the discussion in chapter 1.

4.1 The national level

State's actions are analyzed using an Interconnected Approach. This approach tries to interrelate peace (freedom from fear) to human rights (freedom to live in dignity) and to development (freedom from want).

Freedom from fear

The government is found to lack a proper mechanism in dealing with minority rebellion groups that have prolonged the strife until the present. Civil war-like clashes have taken place in Myanmar between the military regime that has ruled the country for decades and ethnic minority groups seeking autonomy. These tensions can put up a reason that prevents the government from working in a number of the country's border areas which is another reason for the common story of uncontrolled spaces. Current situation of the truce agreements does not show any sign of progress in the situation at the border areas partly because the government's rule of law is beyond reach in these so-called autonomous land portions and forced reconciliation is used by the State Peace and Development Council (SPDC) (Independent Mon News Agency n.d). It is imperative that Myanmar government seeks proper national reconciliation with all ethnic groups in order to accomplish a double successful outcome: development in peace and integrity for the whole country, and prevention of trafficking in human beings since the central government can take more time from civil confrontation for launch more humanitarian programs.

Freedom to live in dignity

Myanmar women and girls are protected not only by traditions but also by laws. Myanmar society does not accept immoral ways of earning money. In Myanmar society, traditions and customs expect a woman to hold the family purse, to prepare food, to make clothing and look after children. The children are regarded as precious treasures regardless of sex (UN 1998).

Myanmar government enacted Law on Anti-Trafficking in Persons in 2005. It has also put in place key legal instruments, guidelines that relate to anti-trafficking in Myanmar and agreements such as:

- Anti-Money Laundering Law (2002)
- Memorandum of Understanding between Myanmar and Thailand on Cooperation in the Employment of Workers (2003)
- Memorandum of Understanding between Myanmar and Thailand on Cooperation to Combat Trafficking in Persons (2008)
- Memorandum of Understanding between Myanmar and China on Cooperation to Combat Trafficking in persons (2009)
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- Myanmar Five-Year National Plan of Action (2007)

(UNIAP 2010)

Before the enactment of the Anti-Trafficking in Persons Law, the nation took actions against human traffickers under Criminal Act. In general, the Penal Code of 1860 and the Suppression of Prostitution Act of 1949 were used in the prosecution of trafficking cases. The Penal Code of 1860 has various sections referring to offences against children such as procuring of minor girls, importation of girls from oversea, selling or buying of minors for purposes of prostitution. According to Myanmar Penal Code, section 373 provides that whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person be punished with imprisonment of either description for a term which may extend

to ten years and also be liable to a fine. Section 366 also provides that whoever kidnaps or abducts women to marry any person against her will shall be punished for a term which may extend to ten years. Section 367, 370 and 371 provide that the imports, exports, removals, buying, selling disposal of any person as a slave or the acceptance, receipt or detention of any person against her will shall be punished with imprisonment, which may extend to seven years.

Also, the suppression of Prostitution Act makes it an offence to detain a women against her will in any place of prostitution, with the intention that the women will have sexual intercourses or another immoral acts with a man who is not her husband shall be punished with imprisonment for a term which may extend to three years. The Child Law of 1993 promulgated by the State Law and Order Restoration Council Law No. 9/93 contains many provisions to protect children from exploitation, abuse, sale etc. According to this law, Section 66 provides that whoever commits the following acts shall be punished upon conviction with imprisonment for a term, which may extend to two years or with a fine, which may extend to Kyat 10,000 or with both:

- Ignoring knowingly that a girl under his guardianship who has not attained the age of 16 is earning a livelihood through prostitution;
- Permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution; and
- Using a child for pornographic cinema, video, television or photography.

(Myanmar 1993)

Section 17 of the Child Law provides that every child shall have the right to be adopted in accordance with the law, but the adoption shall be in the interest of the child. The adoptive parents shall be responsible for the care and custody of the child to ensure that there is no abduction to a foreign country, sale a trafficking, unlawful exploitation, unlawful employment maltreatment, pernicious deeds and illegal acts. Considering that human trafficking has devastating impacts on an individual victim and besides it undermines the safety and security of all nations, Myanmar government has taken a number of solemn and significant actions to combat trafficking in persons.

In May 2003, Myanmar held the National Seminar on Trafficking in Persons at the Dusit Inya Lake Hotel Yangon. The Seminar issued eleven recommendations among which to consider acceding to the relevant UN Conventions on trafficking in persons and for promulgation of a separate law. In September 2003, the preliminary task of reviewing the existing laws on trafficking

in persons was assigned duty to a working group comprising ten officers from Myanmar Police Force Headquarter headed by the Chief of Staff. Therefore, the Working Committee for reviewing the existing laws had to further take on the responsibility for drawing up the draft law and in the process had to hold coordination meetings for 17 times and successfully formulated draft law. On 23 July 2005 approval was given and the Anti-Trafficking in Persons Law was promulgated by SPDC Law No 5/ 2005 on 13 September 2005.

Lieutenant General Thein Sein, Secretary (1), State Peace and Development Council addressed

"the law very much centered in the best interest of the victim and promotes a victims-centric and rights based approach in combating trafficking. I also see that the law takes into consideration gender sensitivities and child friendly approaches. It also provides for an effective protection of trafficked victims and safeguarding of their individual rights including providing medical support and medical examination only with the consent of the victim".

(MoHA and UNIAP 2006)

The Anti-Trafficking in Persons Law seeks to prevent and suppress trafficking in persons particularly in women, children and youth to enable effective and speedy investigation, to liaise and coordinate with international organizations and to perform effectively the functions of rescuing, receiving, safeguarding, rehabilitation and reintegration into society of trafficked persons. This Law covers sexual exploitation, force labor, slavery and servitude and debt bondage (Government of Myanmar 2005).

The prosecution stage of the trafficking spectrum is a key stage. The objectives of the prosecution process are to increase effective prosecutions of traffickers and those involved in trafficking outcomes and to improve the criminal justice response to human trafficking. These activities include training for criminal justice sector, legal support for victims, development of national legislation and support for cross border cooperation among law enforcement (The Union of Myanmar; MoHA 2007).

The practice of Criminal Justice System in Myanmar has seven areas of operation by five components of the law enforcement and the justice system. The seven areas include prevention of crime, detection of crime, investigation of crime, proceeding, prosecution, trial and correction. The five components are police force, law office, court proceeding, prisons department and non-custodial component. The responsibility for crime prevention and reduction does not lie within a single component but within all five components in the criminal justice system, applying coordination and cooperation. The exclusive practice of the criminal justice system in Myanmar is

the formation of committees on crime reduction and education at all levels of jurisdiction from states and divisions to townships. The Deputy Minister for Home Affairs acts as the Chairman of the Central Committee while other local authorities provide leadership at the remaining levels.

In Myanmar, the main criminal justice institutions are:

- The Myanmar Police Force and the Bureau of special Investigations, responsible for investigation of economic crime, theft of public property and corruption allegations;
- The office of the Attorney General, which is responsible for managing all allegations;
- The judiciary, consisting of the Supreme Courts, State and Region Courts, District Courts and Township and Juvenile Courts.

By investigating and prosecuting traffickers, law enforcement agencies in Myanmar have to play a central role in reducing the incident and impact of trafficking in the country. In 2002, the Working Group on Prevention of Trafficking in Persons chaired by the Deputy Minister of MoHA was formed to give special attention to taking severer legal action against human traffickers. Subordinate Committees at different levels in fourteen states and regions are gathering information about trafficking agents, conducting surprise checks and exploring the agents.

Up to 2009, twenty-two Anti-Trafficking Tasks Forces (ATTFs) were also formed and assigned in Yangon, Mandalay, Bahmaw, Lashio, Taungyi, Meikthila, Bago, Magway, Myeik, Maungdaw, Lweji, Pathein, Kalay, Muse, Tachileik, Myawady, Mawlamyine, Kawthaung, Myitkyina, Sittwe, Kyangtong and Laukkai.

Table 7: Human trafficking cases

Year	Cases	Total Number of Convictions	Total Number of Victims
2006	52	185	195
2007	127	303	271
2008	134	359	303
2009	155	464	302

Source: MoHA, Annual Report 2010, Myanmar

After Anti-Trafficking in Persons Law was promulgated in 2005, during the 2006-2009, the number of convictions increased from 185 to 464. In the same period, the number of victims increased from 195 to302 as shown following table.

It can be noted that trafficking cases, number of convictions and number of victims are steadily increasing year by year as the result of the progress of law enforcement agencies' efforts. It needs, however, accurate human trafficking case investigations and free from corruption between law enforcement agencies and brokers or owners.

To provide legal protection and support for victims of trafficking, chapter 6 and 7 of the Anti-Trafficking in Persons Law provide that the victim's privacy and security is to be preserved through a range of measures including closed courts and prohibition on publication of news without prior permission. Victims are not to be penalized for any offence under the trafficking law and there is discretion not to take action against victims who are cooperating in prosecutions. Article 33 of the trafficking law indicates that victims may have the possibility of obtaining compensation for damages including through confiscation of the assets of traffickers (Myanmar 2005).

Myanmar has taken steps to increase its arrests, prosecutions, and convictions for trafficking. Before the Anti-Trafficking in Persons Law, most traffickers have been prosecuted under the suppression of Prostitution Act and the Child Law. Anti-Trafficking in Persons Law in September 2005 provides a maximum penalty of death. To implement and launch this law effectively, the Government also conducted specialized trainings for law enforcement officials. This Trafficking in Persons Law prescribes penalties of 10 years minimum to life imprisonment. Moreover, the MoHA created a police ATU since 2004 and stationed the Unit's teams in border towns to monitor, investigate and interdict trafficking. Under the Myanmar Police Force (MPF), Anti-Trafficking Unit (ATU) commenced operations in June 2004.

In addition, the Department of Social Welfare (DSW) has been carrying out repatriation, reintegration and rehabilitation since 1992, in collaboration with Ministry of Foreign Affairs (MFA), MoHA, Ministry of Health, Ministry of Education, Ministry of Progress of Border Areas and National Races and Development Affairs, MWAF, UNIAP, Save the Children - United Kingdom (SC (UK)) and World Vision. In accordance with the guidelines by the Ministry of Social Welfare, Relief and Resettlement, the DSW has been conducting the following repatriation procedures for victims who were trafficked in foreign countries and sent back by Myanmar Embassies to Myanmar Government:

- Receiving the victims' care Interview Reports sent by Foreign Country Organizations;

- Undertaking the Nationality confirmation from Immigration and National Registrations Department;

- Family Tracing;

- Taking Permission for Repatriation from the Ministry of Social Welfare, Relief and Resettlement;

- Negotiating and replying the date and place for repatriation with relevant foreign country organizations; and

- Receiving Myanmar trafficked victims from abroad in cooperation with governmental organizations and non-governmental organizations.

(The Union of Myanmar; MoHA 2007)

Before repatriation of trafficked victims has been undertaken; victims' nationalities have been identified, it is very important to get correct facts and data of the trafficked victims. Ministry of Immigration and Population undertook nationality identification of trafficked victims whereas family tracing was undertaken by DSW with cooperation from MWAF, Township General Administrative Department, NGOs and INGOs. In family tracing, family assessment was systematically done in accordance with international standard norms.

In 2002, a reception center was established in Myawady to receive illegal migrants who are lured by brokers or who migrated voluntarily for various reasons but have faced various difficulties and want to return home (The Union of Myanmar; MoHA 2007).

Table 8 shows that, from 1992 to 2010, a total of 1465 victims have been repatriated.

Along the trafficked route or route to the country of origin, the victims suffer untold misery as well as infected various horrible diseases. Therefore, before victims were reintegrated into their families, medical aid and financial support were necessary. This victim support program was essential and thus implemented by the relevant ministries and agencies in Myanmar. The Ministry of Social Welfare, Relief and Resettlement have focused in providing services to victims. It deals mainly with repatriation of trafficked persons and reintegration/rehabilitation programs including educational supports and vocational training with alternative income opportunities for girls/women and boys and managing institutions/shelters and vocational training centers (Oo 2007).

Table 8: Repatriated trafficking victims 1992-2010

No	Year	Country	Repatriation Persons
1	1992	Thailand	95
2	1993	Japan, Malaysia	9 (Japan 7, Malaysia2)
3	1994	Japan, Singapore, Bangladesh	5 (Japan 3, Singapore 1, Bangladesh 1
4	1995	Japan, Taiwan (China)	3 (Japan 1, Taiwan 2)
5	1996	Malaysia, Taiwan (China)	2 (Malaysia 1, Taiwan 1)
6	1997	Thailand	1
7	1998	-	-
8	1999	Thailand	3
9	2000	Macro (China), Thailand	16 (Macao 8, Thailand 8)
10	2001	China	6
11	2002	China	1
12	2003	-	-
13	2004	Thailand, Malaysia	38 (Thailand 34, Malaysia 4)
14	2005	Thailand, Malaysia, China	102 (Thailand 28, Malaysia 38, China 36)
15	2006	China, Thailand	80 (China 73, Thailand 7)
16	2007	China, Thailand	93 (China 58, Thailand 35)
17	2008	China, Thailand, Jamaica	232 (China 98, Thailand 133, Jamaica 1)
18	2009	China, Thailand, Malaysia, East Timaw, Indonesia	431 (China 293, Thailand 132, Malaysia 1, East Timaw 1, Indonesia 4)
19	2010	China, Thailand, Indonesia, Malaysia, East Timaw	348 (China 183, Thailand 134, Indonesia 10, Malaysia 14, East Timaw 7)
		Total	**1465 Persons**

Source: MoHA, Annual Report 2010, Myanmar

To rehabilitate women and children, the Ministry of Social Welfare, Relief and Resettlement has been implementing tasks for nurturing and rehabilitating women and children by opening of the following training schools:

- Women Development Centre in Yangon and Mandalay;

- Women Domestic Science Vocational Training Schools in Yangon, Mandalay, KyaingTong and Myeik;

- Women and Youths Training Schools in Yangon and Mandalay and Six Youth Training Centres, three Centres in Yangon, one each in Mandalay, Mawlamying and Lashio.

The Chapter seven, section 19 (9) in the Trafficking in Persons Law has a clause of building up technical vocational education based upon education and technical opportunities for the survival of the life of the trafficked victims. If they want further study of vocational education, necessary arrangements are made to be able to attend the school of home science in their respective regions. DSW has provided social counseling and strives to get contact with their parents and relatives. In social counseling, family counseling was made at their parents' home if necessary. With the cooperation of MWAF, UNIAP, NGOs and INGOs, financial and other necessary assistance were provided to the victims who were reintegrated into the society. For example, providing sewing machines and necessary accessories to those who want to run tailoring-shops and providing the capital to those who want to run grocer's shops. Moreover, two-year follow up measures were undertaken once per every three-month or every six month by DSW and collaboration and cooperation with MWAF and NGOs (Myanmar National Working Committee on Women Affairs or MNCWA, COMMIT, UNIAP, UNICEF and SC (UK) 2003).

After providing health, education, social counseling, awareness on trafficking in persons and vocational training, DSW has also undertaken family reunification. The first task has been to build safeguards into reunification in order to reduce the likelihood of the returnees being re-trafficked. The following measures are undertaken to safeguard the returnee from the possibility of being re-trafficked:

- Making the arrival of the returnee a publicly witnessed event if possible (this is done to ensure accountability of the family of the returnee. In some cases, however, the returnee himself or herself or the family may vehemently oppose against this. In such cases, it should not be forced into the family);

- Expecting the receiving family to confirm in writing in public if possible (as above) their willingness to look after the returnee;

- Entrusting a community leader to monitor for the settlement of returnees and advice on problem that may arise; and

- Fixing a date for the second visit and providing returnees with names, address and phone number of DSW personnel whenever necessary.

(MNCWA, COMMIT, UNIAP, UNICEF and SC (UK) 2003)

Considering that trafficking in persons has an averse and detrimental effect on the national dignity of protecting the lineage, Myanmar government has been relentlessly implementing the relevant tasks. It has a policy designated the combating and elimination of trafficking in persons as a national cause and has provided support to NGOs/INGOs to fully aware of actions such as Myanmar's National Plan of Action (NPA) for Prevention of Trafficking in Persons, which was laid down in 1997. To implement the NPA, it is forming work committees including various organizations for regular discussions on issue of trafficking in persons, conducting multiplier courses on trafficking in states and regions, carrying out supplementary tasks, undertaking follow-up works on women and children victims, conducting courses for Non Governmental Organizations (NGO) personnel to organize acceptance of the victims and arrange the reunion with their families.

Up to this point, we have found that the State of Myanmar have promulgated every tool including prevention, protection, prosecution and integration in the combat against trafficking of Myanmar citizens with respect for human rights.

It is imperative also that states addresses internal factors and external factors that it must find a solution to alleviate the human trafficking problems. What is provided above is examined for flaws.

For internal factors, a number of flaws in these Myanmar's trafficking in persons' related laws were pointed out by Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN Region (2011). First, its Anti-Money Laundering Law (2002) include specifically only a list of offences of trafficking in and smuggling of women, children and youth with no trafficking in men listed in the law. In addition, legal protection for victim-witnesses' privacy is less comprehensive described in the Anti-Trafficking in Persons Law under which of working group and central body are established. Second, the issue of corporate liability has not yet been specifically addressed in the legislation Myanmar as in the case of Singapore where legal persons are liable mentioned in a penal provision (Interpretation Act (Singapore), Section 2, definition of "person" and "party"). While property confiscations as exhibits are mentioned, no process of identification,

freezing or seizing or confiscating any other proceeds of crime is provided in the Trafficking in Persons Law. Myanmar's central specialist unit is not given authority to have direct investigations or supervisions over local investigators whose investigation conducting capacities can be limited. A specialist body is recommended to be the sole central unit to conduct investigations into criminal cases. By doing so, this specific unit is able to dispatch their staff to deliver a focused, consistent and nationwide standard of investigation. The victims of trafficking are required to appear repeatedly in court due to long awaited court process scheduling. During the pre-charge deposition stage, it takes months for victims to be detained in shelters, which causes high level of frustration, especially for foreign victims.

Another gap is found in prosecution. After ATTF's deployment at hot-spot along the border, although progress in traffickers' prosecution has been reported, it may be considered that the number of these cases actually involved severe forms of trafficking in persons. In prosecution, punishments must more accurately reflect the high degree of violence inherent in trafficking activity. Corruption amongst police and other authorities and a weak enforcement of law have prevented sentences and have facilitated traffickers to operate with impunity. Therefore, the prosecutors should prosecute the human trafficking cases by simultaneously implementing penalties that accurately reflect the severity of the crime and increasing the capacity of law enforcement agencies to advance trafficking cases.

Although the NPA is a result of regional cooperation of ASEAN, the vision of Myanmar's NPA is not clearly set. It should be noted that it is necessary for the plan to achieve a certain goal. The ambition expressed in the NPA 2007-2011 is to eliminate all forms and cases of trafficking in persons; however, in 2012, the trafficking in persons in the country is still a top concern by all sectors. Thus, where should be the problems?

As Mr. Parajuli discussion with Myanmar government:

"Progress [in the combat against human trafficking] has been made, but we must not lose sight of the fact that trafficking remains a huge challenge. It is imperative that we continue to address the root causes, while at same time reach out to the many people directly affected by trafficking".

(Oo 2010)

We can understand to the focus point that the trafficking in persons is closely involved with a number of underlying factors.

In the case of child soldiers, although laws and policies are in place, without improvement in the placement for the decade, the country is seen to make either negligent or low capacity efforts. While the NPAs and laws have come into effect for years, to the present day, forced labor

for the development of infrastructure and state-run agricultural and commercial ventures, as well as forced pottering for the military in areas with the highest military presence, including remote border areas populated by ethnic groups are still reported by the US Department of State Ambassador (CdeBaca 2012).

Earlier during the last decade, according to another statement by ILO, there have been "no substantive progress" towards compliance with the 1998 ILO Commission of Inquiry's recommendations on the forced labor. On a contrary direction, as cited by Minister Kyaw Hsan in August Myanmar said to be "almost free from forced labor". However, ILO controversially assumed that the percentage of forced labor protests had plummeted, in the year 2007 and 2008, five per month on average; in 2009, an increase of 10 cases was recorded in every month and in the year of 2010 the rate rises to 30 cases per month (Amnesty International 2012).

Although the Myanmar President in 2011 designated a legal body called National Human Rights Commission whose order and authorization are to receiving and investigating human rights related complaints, the Amnesty International reported that the government's justice system remains weak and partial; contrariwise, a statement released in January 2012 by Myanmar government mentioned that there was "no widespread occurrence of human rights violations with impunity" (Amnesty International 2012).

Freedom from want

Peasants and urban poor share the bet of trafficking in persons' pie. Both rural and urban areas locate the workforces under organized crimes. The growing percentage from Myanmar's poverty pushes more rural poor to serve in the country's crime network and subsequently become victims of transnational crime (Wyler 2008).

The lack of political will in reform contributes to the US Department's ranking. As noted by the Transparency International, Myanmar's corruption is ranked third in the most corrupt list in 2011. The more a country is corrupt, the easier the crimes can take place with impunity due to low level of law enforcements and conspiracies.

In the contribution to government's victim support and health care sector, the Myanmar Maternal and Child Welfare Association (MMCWA) and INGOs such as SC (UK), the Myanmar Red Cross (MRCS) and World Vision have been providing services in counseling, vocational skill training, financial assistance, health support, non-formal education according to the needs and the

best interest of the victims. The MMCWA, a voluntary NGO, dedicates to serving Myanmar society in promoting the health and well being of mothers and children with the aim to improving the quality of life of the people. The MMCWA's objectives include: The ability to disseminate health information and education through information, education and communication (IEC) programs nation-wide. It also establishes child day-care centers to facilitate early childhood development and also the enable mothers to work and earn income. The MMCWA provide also scholarships to enable school age children to attend schools, and plan and implement functional literacy programs with a focus on the needs of the rural community. It helps plan, implement and evaluate income generation programs including credit and loan schemes for poor women. This NGO also provides vocational training to young girls and women.

The Myanmar Red Cross (MRCS) operates as an implementing partner for UNHCR for the integrated assistance program for vulnerable communities in Rakhine state. It receives assistance from the United Nations Children's Fund (UNICEF) for a joint MRCS-UNICEF peer youth education program on reproductive health and HIV/AIDS prevention. It is also an active partner of UNICEF in various other activities. The Family Planning International Association (FPIA) is another partner of MRCS in the field of reproductive health and HIV/AIDS prevention. The society currently receives assistance from the International Federation for disaster preparedness and response, health including first aid and community based first aid, organizational development and communications; funding and technical support is largely provided by the Japanese and Australian Red Cross.

4.2 The regional level

Myanmar participated in the regional conference on Trafficking in Persons organized by the Mekong Regional Law Center in 1997 and also in the various international conferences held in Laos PDR, Thailand, Australia, Indonesia, China and Japan between 2000 and 2003. In particular, Myanmar actively participated in the Ministerial Meeting held in Bali related trafficking in persons where the issue of collaboration across the region was comprehensively discussed. Myanmar has also signed a Memorandum of Understanding (MoU) on cooperation in the employment of workers with the Government of Thailand on the regularizing of Myanmar illegal workers currently employed in Thailand. The implementation of this MoU is the responsibility of Myanmar Government (UNIAP 2004).

In February 2003, the Asia-Pacific Regional Ministerial Meeting on Trafficking in Persons and Transnational Organized Crime was held in Bali, Indonesia and the Second Ministerial Meeting in April 2003 also held in Bali was attended by delegations from Myanmar. Myanmar together with the countries of the Asia-Pacific Region has been actively implementing the tasks of combating trafficking in persons contained in the Bali process and has attended the Ministerial and Senior Officials Meetings and Training Workshop (UNIAP 2004).

Moreover, Myanmar attended the Coordinated Mekong Meeting held in Bangkok, Thailand in 28-30 July 2004, the first ever meeting to talk about working out a new framework for fighting human trafficking in the region.

To review the draft law on trafficking in persons, a workshop was held on 6-7 September 2004, which was attended by international experts from different actors and local experts on the laws and the members of the Working Committee. Experts from the UNODC, the UNIAP and ARCPPT participated and reviewed the draft law and gave invaluable suggestions in this workshop.

On 27-29 October 2004, Myanmar also hosted the official signing of the Coordinated Mekong Ministerial Initiative against Trafficking in the Greater Mekong Sub-region (COMMIT) Memorandum of Understanding (MoU) in Yangon. The MoU was officially signed by Ministerial representatives from Cambodia, China, Laos, Myanmar, Thailand and Viet Nam on 29 October 2004. This was a historic agreement on human trafficking in the region (UNIAP 2007).

In this MoU, the government representatives were deeply concerned over the suffering caused by the trafficking in persons within the Greater Mekong Sub-region and from the Greater Mekong sub-region states to other regions of the world. They recognized that poverty, lack of access to education and inequalities, including lack of equal opportunity, make persons vulnerable to trafficking. Furthermore, they also recognized the link between trafficking and the growing demand for exploitative labor and exploitative sexual services. They emphasized that children and women who become victims of trafficking were particularly vulnerable and need special measures to ensure their protection. They also acknowledged the importance of effective and proportionate penalties for traffickers including provision for freezing and confiscating their assets, and for the proceeds to be used for the benefit of victims of trafficking. They also recognized that each government should undertake to take steps individually and through international assistance and cooperation to the maximum of its available resources with a view to achieving progressively the full realization of the commitments recognized in this MoU by all appropriate means. Myanmar has

also pursued eight-point ASEAN declaration on anti-human trafficking, particularly women and children approved and issued by the 10th ASEAN Summit held in Laos on 29 November 2004.

Myanmar also actively participated in meetings and has always been ready to cooperate within ASEAN countries with the aim of making greater contribution to the prevention and eradication of human trafficking. In 2002, the ASEAN member countries agreed to prevent and suppress eighth types of transnational organized crimes. Of these crimes: terrorism, drugs trafficking and trafficking in persons were given priority and was accordingly implemented with commitment. The ASEAN summit which was held in November 2004 issued the declaration containing the following points which are being implemented in cooperation with the ASEAN member countries:

- To setup a networks on combating trafficking in persons;
- To effectively control travel documents;
- To exchange views and information;
- To enhance the cooperation between Immigration and other law enforcement agencies;
- To expedite the verification of victims and to provide necessary assistance;
- To effective mutual assistance among the countries;
- To prevent and suppress trafficking in persons;
- To enhance the cooperation with the international community.

(ASEAN 2010)

In 2006, the ASEAN Senior Officials Meeting on Transnational Crimes (SOMTC) established and Ad-hoc Working Group on Trafficking in Persons and this group developed a Work Plan to implement the 2004 ASEAN Declaration on Trafficking. The Work Plan has encouraged member states to develop common standards to prevent and combat trafficking in persons and to strengthen their criminal justice response within and between ASEAN member states. Moreover, leaders of ASEAN member states adopted a Declaration on the protection and promotion of Migrant Workers in 2007 and established the ASEAN Committee on the implementation of this declaration. This committee is responsible for ensuring the effective implementation of the commitments made under the Declaration and facilitating the development of an ASEAN instrument on the protection and promotion of the rights of migrant workers (ASEAN 2007).

In order to promote cooperation with the ASEAN member countries in combating transnational crimes and in ensuring justice and compensation for trafficking victims, Myanmar ratified the ASEAN Treaty of Mutual Legal Assistance in Criminal Matters in 2009. The treaty was translated into Myanmar language and the bilingual version was published and disseminated to relevant ministries, departments and organizations (UNIAP 2008).

The 9th ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and 2nd meeting of the ASEAN Trafficking in Persons Working Group were held from 30 June to 3 July in Nay Pyi Taw in 2009. At these meetings, drafting of an ASEAN Convention on Anti-Trafficking in Persons and future working processes on combating transnational crime were recommended (ASEAN 2011).

In the Greater Mekong Sub-region, trafficking takes place in a wide range of settings and for a variety of purposes. Trafficking in persons is a sort of crime that needs small investment capital but is greatly lucrative. Therefore, avaricious people gang up to commit such crime irrespective of region. At present, trafficking in persons is posing a grave threat to the entire mankind. So, the UN Convention against Transnational Organized Crime (UNCTOC) and the Protocols there to were prescribed unanimously in 2000 and are being implemented globally with a firm resolve. Similarly, the problem of trafficking in the Mekong region cannot be addressed without taking into consideration the cross-border nature of the problem and the inter-relatedness of the various Mekong countries. Not only governments, but international organizations and international NGOs and networks as well have recognized the need for regional and sub-regional approaches to eradicate trafficking. This recognition has resulted in several programs and projects, which take a regional approach within their effort to deal with the different facets of the problem.

In April 1997, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) approved a resolution, which formed the basis for the Human Resource Development (HRD) activities on the "Elimination of sexual abuse and sexual exploitation of children and youth in Asia and the Pacific". This resulted in two parallel projects in the Greater Mekong Region including Cambodia, China (Yunnan province), Laos, Myanmar, Thailand and Vietnam and South Asia including Bangladesh, India, Nepal, Pakistan, Sri Lanka as well as the Philippines. The project aimed to prevent the sexual exploitation and sexual abuse of children and youth, and to assist young victims in reintegration into communities and families, obtaining access to relevant education, health and social services, and developing skills for alternative means of livelihood.

The project ran from 1998 through 2000 and was funded by Sweden and Japan with additional funding from Australia, the United Nations International Drug Control Program (UNDCP) and the Joint United Nations Programme on HIV/AIDS (UNAIDS). In the first year, the project prepared a series of country reports, a directory of organizations working with sexually abused and exploited children and a film about the situation of sexually abused children and youth. In the second year, ESCAP organized national HRD workshops on sexual abuse and exploitation among youth in all participating countries and developed curriculum and training materials to enhance the capacity of social and health services in assisting sexually exploited and abused children and youth. In the third year, ESCAP aimed to launch the HRD Course on Psychosocial and Medical Services for Sexually Abused and Exploited Children and Youth as well as community awareness pilot projects (Derks 2000).

Return and Reintegration of Trafficked and Other Vulnerable Women and Children between Selected Countries in the Mekong Region project was to contribute to the establishment of a mechanism to break the vicious circle of trafficking and re-trafficking by arranging safe return and offering a voluntary reintegration package for trafficked and other vulnerable women and children. The project covered the six Mekong countries and is funded by the Australian government. The projects continued the establishment, capacity-building and institutionalization of a return and reintegration cooperation structure, both nationally and regionally, through alignment and cooperation with national governments and mainly NGOs. The projects consist of four major components:

- Capacity-building at multiple levels through training, technical cooperation and exchange systems.
- Provision of Returnee and Reintegration Assistance through supporting activities of the government and NGOs involved in the rescue and recovery of trafficked and other vulnerable women and children as well as their return to and reintegration in their countries in the Mekong Region. Assistance may vary from case to case, including actual rescue/recovery assistance, medical care, sheltering, counseling, vocational training, and micro-credit assistance.
- Research focusing on the practical concerns of reintegration for trafficked and other vulnerable migrant women and children and their communities.

- For activities through coordination and facilitation of meetings between sending and receiving countries in the Mekong Region with a view to forging practical cooperation among governments and other concerned bodies on issues related to children.

(IOM 2000)

The Mekong Regional Law Center (MRLC) and the Office of the National Commission on Women's Affairs in Thailand in cooperation with the Asian Legal Studies Centre of the University of British Columbia have initiated a process of effective national and international action to control, reduce and ultimately eliminate the exploitation of migrant labor and in particular the trafficking in women for sex industry. The project aims to increase awareness in legal community regarding the strengths and weaknesses of the role of law and the legal system regarding trafficking, to develop a practical program to improve the quality of law and law enforcement and to engage law makers and enforcers in cooperative action in order to control and reduce trafficking. Participating countries are Cambodia, China, Laos, Myanmar, Thailand and Viet Nam (Derks 2000). In addition, Myanmar has actively participated in the role of the Health Sector, sponsored by the South East Asia Regional Office of the World Health Organization (WHO) in 1999. Myanmar attended meetings on Trafficking in Australia in January 2001, and in Thailand in June 2001.

In 2002, a Conference on Combating Trafficking in Persons for the Asia-Pacific countries to implement the resolution of the Bali Process co-chaired by Australia and Indonesia was launched. Myanmar has participated and cooperated actively in the Bali Process. Moreover, the representatives from Myanmar attended the meetings related to trafficking in persons prevention held in Laos, Thailand, Australia, Indonesia, China and Japan from 2000 to 2003 (UNIAP 2003).

At the same time, steps are being taken for cooperation with the neighboring countries such as China, Laos and Thailand.

Recognizing this problem, GMS governments have expressed a desire for a sub-regional mechanism on human trafficking. After the framework for sub-regional plan of action (2005/2007) was adopted at the Second Senior Official Meeting (SOM2), the GMS governments are fighting back, responding in a decisive manner by signing Asia's first comprehensive sub-region MoU to combat human trafficking.

The COMMIT process is the first step towards this goal. Myanmar is participating in the COMMIT process which aims to increase regional collaboration to combat trafficking. In October 2004, the Government of Myanmar hosted a ministerial meeting which was attended by the

ministers of six countries in Yangon. At the meeting, the COMMIT MoU project on cooperation to combat trafficking in persons was signed. The signing marked the culmination of a year of intensive government-to-government negotiations on a framework that will serve as the basis for building a systematic sub-regional response to human trafficking.

Simultaneously, the regional plan of action was formulated and promulgated the member countries drafted NPAs and tasks are being implemented with added momentum. With the aim of translating the MoU into action, during SOM the governments agreed to a set of 18 Activities, grouped within seven broad areas. These broad areas comprised the Sub-regional Plan of Action Framework Document. Following SOM2, seven round table discussions based upon the Framework Document were held with COMMIT Task Forces and international agencies in all six Mekong countries. The Third Senior Officials Meeting (SOM3) in Hanoi held from 29 to 31 March 2005 adopted the first Sub-regional Plan of Action 2005/2007 (SPA), in principle and assigned senior officials to finalize the few outstanding points in the plan (UNIAP 2007).

This SPA consisted of eleven prioritized areas of intervention called project concepts (PPCs) and one management component outing UNIAP's role as Secretariat. Since the adoption of the SPA, the six governments of the GMS have strived to address the specific PPCs of the SPA to meet both the country. According to this project, the senior officials meetings held and made information exchange. They have become acquainted at the workshops and training course and views and expertise are exchanged at these meeting.

Moreover, the 7th Senior Officials Meeting for the COMMIT was held in Bagan, Myanmar, in 2010. The purpose of the meeting is to reaffirm the commitment to eradicating all forms of human trafficking in the region, shared and evaluate progress in 2009 and lay foundations for future strengthened cooperation in counter trafficking Myanmar was the first country in the Mekong region to pass a comprehensive anti-human trafficking law in line with international standards. It was also one of the first countries to establish a specialist anti-trafficking police unit, widely regarded as best practice and has passed a five year NPA in areas like prevention, law enforcement and protection.

In addition, Asia Regional Cooperation to Prevent People Trafficking Project (ARCPPT) that brings together law enforcement specialist from around the region is being funded by the Australian Government and involved four countries - Myanmar, Laos, Cambodia and Thailand. The project has been implemented since March 2005. Responding to the project cooperation, ARCPPT have held workshops for officials of law enforcement agencies as well as members of the criminal

justice system, together with the MWAF and MMCWA on the international legal context and the treatment of victims in Mandalay, Tachileik, Myeik, Muse, Lashio, Mawlamyine, and Hpa-an. Strengthening trafficking task force and legal network has played a role as an assistance and sponsorship tool to the review workshop on the anti-trafficking law together with UNODC and has made a commitment to sponsor the printing and dissemination of the draft law. Investigation skill training was held jointly with MRLC in Bangkok to provide basic human trafficking training. It is a regional workshop training trainers of anti-trafficking unit, officials of MPF, and also law officers and judges.

ATTFs under the ATU cooperate with ARCPPT in strengthening the criminal justice system to investigate, prosecute and punish trafficking orientation program, which involved a range of different agencies and organizations. In addition, the ARCPPT project also provided technical inputs to the training as part of its ongoing advisory support to the Myanmar Unit. The orientation program provided a useful opportunity for the newly appointed investigators to listen to the views and experiences of these experts. Under the auspices of ARCPPT, the police have received trainings on identifying victims quickly and accurately and the processes for referring case to the ATU in Yangon. In addition, ATTFs was established in 2005 in "hot-spot" areas bordering Thailand and China. As a result, Myanmar law enforcement agencies made progress in prosecution trafficking related cases.

The ARCPPT project was changed to Asia Region Trafficking in Persons (ARTIP) project in 2006. The ARTIP MoU was signed and was supported by a five year project from 2007 to 2011. The project's main objective is to strengthen criminal justice response to trafficking in the region. The Anti-Trafficking Unit of Myanmar Police Force (MPF) cooperates with other countries to assist in the prosecution of trafficking suspects. The police officials from this Unit receive training from specialist police trainers through ARCPPT.

With the commencement of the ARTIP project, its member countries must start to collaborate closely with one another within the region through quarterly meetings of the Heads of Specialist Units on Combating Trafficking in Persons. Sharing information, requesting for assistance and lending support and assistance requested by other member countries are the major activities taking place through the project's mechanism (MoHA 2006). Only then, activities such as workshops with participation of the law departments could be launched. Coordination for collaboration with victims support agencies could also be conducted. Therefore, it is evident that this project has provided much support to Myanmar's effort for elimination of trafficking in persons.

As mentioned above, Myanmar has actively participated in the Regional Conferences on trafficking in persons. Especially, Myanmar has been implementing the COMMIT process and ARTIP project to increase regional collaboration to fight trafficking and to encourage cooperation on intelligence and investigations with neighboring countries. This issue cannot be adequately addressed through short term and micro project. It is indeed a national development issue, linked to larger regional and global development process. Thus every country need to consider trafficking as a growing global issue and place it on national, regional, international agendas, to strengthen transnational cooperation to prosecute perpetrators, to create attractive employment opportunities to reduce the flow of irregular migrants and to expand channels for safe, legal migration.

In bilateral and multilateral cooperation between and among states, Myanmar held the meeting of GMS Ministers against Human Trafficking in October 2007 under the auspices of UNIAP (Guodong 2007). The GMS countries include China, Cambodia, Laos, Myanmar, Thailand and Viet Nam.

Myanmar's participation in the second Inter-Ministerial Meeting of the COMMIT process in China took its part in reviewing the implementation of the MoU on GMS countries' forged cooperation to combat transnational human trafficking, and on fortifying the action plans (2005-2007) on combating transnational crime. The meeting also discussed and passed the second-phase action plan, scheduled for 2008 to 2010, and signed a joint declaration on the process of cracking down on human trafficking in the GMS (Human Trafficking Organization 2008).

Myanmar joined the Mekong Youth Forum on Human Trafficking (MYF) in September 2007, which aimed to raise awareness through discussions among the youth of GMS countries on human trafficking.

Myanmar is also a signatory to ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which was signed by the member nations in January 2007. The document of this Declaration appeals for better welfare and dignity within migrant's working conditions complying with laws, close cooperation, and efforts in the combat against human smuggling and trafficking. The process of employing migrant should be made without discrimination, and employers should abide by the laws (Human Trafficking Organization 2007).

As request by the ASEAN Senior Officials on Transnational Crime, a Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN region (2011) was written under the auspices of the Australian Agency for International Development (AusAID) in order to ambitiously achieve a specific reference to the Region's common rules and standards.

Myanmar, along with other GMS and ASEAN members, take substantial parts in implementing and assisting in accordance with the framework and guidelines being laid down by UNIAP and UNODC. Through the COMMIT, there have been focuses on efforts to suppress trafficking in persons. The goals of COMMIT MoU signed by six Governments of the Greater Mekong Sub-region (GMS), which include Cambodia, China, Lao PDR, Myanmar, Thailand, and Viet Nam in 2004 in Yangon, are supported directly by UNIAP. This MoU highlights the desire for bilateral, multilateral, and NGO-government cooperation. The activities of COMMIT also include COMMIT SPA I (2005-2007) and COMMIT SPA II (2008-2010) which have been accomplished and are working towards COMMIT SPA III for the years 2011-2013. Under these SPAs, activities are implemented both bilaterally and multilaterally, typically in partnership between non-government entities and relevant government departments in such a way that efforts are well coordinated; resources are well combined; and redundancies are necessarily reduced. Multi-sectoral partners that have made contributions to the COMMIT Process include inter-governmental organizations, UN agencies, NGOs, donor organizations, as well as academia. COMMIT SPA I had been accomplished while COMMIT SPA II is announced with the restructuring of Project Proposal Concepts (PPC). COMMIT SPA III under implementation until 2013.

Underserved male victims, according to UNIAP, are often those of exploitation of labor, forced work on boats, in factories or plantations. UNIAP considers this as an emerging issue although many GMS legal systems do not recognize them as victims of trafficking because they are initially lured through formal process but then exploited, treated as criminals or in profound debt. Grassroots NGOs are selected to support underserved victims based on criteria and UNIAP provides coordination, draw global attention to those populations then modifies policy and processes.

Activity summary of Underserved victim initiative being carried out by UNIAP contains: site visits, community-based organizations and NGOs identification, requests for proposals, direct contact with real victims, experiences and lessons learned refinement, information dissemination, and work of ensuring the good process.

Around 1.2 millions (IOM 2011) of Myanmar vulnerable group (children, women, and men) are trafficked into sexual exploration, domestic servitude and forced labor to neighboring countries. Hence, in 2007, Yangon Counter-Trafficking Unit was established by IOM Myanmar for offering services to repatriate victims of trafficking.

The Convention against Transnational Organized Crime, the UN and its protocol to prevent, punish and eradicate trafficking in persons, especially for the women and children, can be considered the most important and forward propulsion to existing policies. The ratification of the Palermo Protocol allowed the inclusion of these matters. The IOM Myanmar helps improve the country's capacity through strengthening Myanmar's efforts. The organization provides assistance to the government in the return and reintegration of trafficking victims and, at the same time, the cross-border operational cooperation with China and Thailand to receive victims are also strengthened as part of the country's NPA (2007-2011) to care for victims' repatriation from Thailand and their reintegration. The involved establishments with the IOM Myanmar are Central Body for Suppression of Trafficking in Person (CBSTP), MoHA, DSW, MWAF, UN agencies and NGOs.

Nay Pyi Taw was home to the Introductory Training for Targeted Prevention Program for key police officials with participation from UNIAP, IOM, World Vision, Association François-Xavier Bagnoud (AFXB), SC (UK) and MWAF. Participants were mostly from vulnerable areas were invited to take part in the training program to help map human trafficking and migration situation in their own township, and develop preventive strategies with case studies. Linkages and coordination among NGOs, government bodies at regional levels and community groups were strengthened.

Therefore, Myanmar has actively taken part in the region to make cooperative mechanism work smoothly.

For external factors, prevention can also involve actions in countries of destination. As Friesendorf (2007) put it, legal migration and employment should be offered to victims in where they are trafficked. In bilateral cooperation between Myanmar and Thailand on trafficking in persons, the aim is to implement MoU Plan of Action with every three-year revision. The MoU covers six areas, which were agreed upon by both counties in 2009:

(1) Mechanism to execute the Plan of Action,

(2) Situation analysis and needs assessment,

(3) Cooperation in preventive measures,

(4) Cooperation in protection of victims of trafficking in persons,

(5) Cooperation in Suppressing of trafficking in persons, and

(6) Cooperation in repatriation and reintegration.

To prevent this pull factor, it is imperative that destination countries do not take advantage of the crime of trafficking in human beings. Thai government found to be ignorant towards this problem.

Thai policies manage and outlaw sex work on a cultural consensus basis. The Thai government is undoubtedly aware that the society does not care for whatever sex work is going on, and some even prefer keeping it legal. For financial gain, rural families might highly resent government officials curbing their sisters'/daughters' opportunities to do their own business. Men of middle-class surely would want Thai government to keep their eyes closed on the recreational activities, just as the wives of these men feel more secure with the availability of commercial sex to maintain their husbands' needs for "variety". And despite stories of horrendous exploitation of sex workers, we cannot assume that all women want to be "rescued" from this chance. That their choices of work are structured, and that their agency is bounded by the prevalence of sexualized work options, should not obscure the fact that some women profit greatly from sex work and may find their work emancipating because it enables them to buy land and purchase status goods, provide for their parents and siblings, guarantee their children higher education, or even become entrepreneurs (Phongpaichit et al. 1995, 22-25). Thai government has not made it clear whether the issue of trafficking should is a priority action due to its potential for economic enhancement and direct income remittance. As the UN Special Rapporteur on human trafficking Joy Ngozi Ezeilo put it:

> "In the context of Thailand, the role of prevention is critical in ensuring that the crime of trafficking does not occur in the first place. The Government must not neglect the development and implementation of comprehensive and systematic prevention measures ... and stop the impunity of human trafficking..."
>
> (UNHCR 2011)

It is imperative that Thailand makes a change in its stance in dealing with prostitution in its country, a principle source and destination of human trafficking. Beyrer suggested that this Myanmar's neighbors must be pressurized in order to protect women's and children's rights in their borders (Beyrer 2011).

In the above section, we have discussed the roles and responsibilities of state actors. We figure out many downfalls of the Myanmar's actions against trafficking and also a number of downsides that the governments both Myanmar, as an origin country, and Thailand, must review for mutual development. In the context of cooperation among actors, each of them is in good terms to each other under any circumstances; yet the unitary actions are found to have loopholes, the implementations are in some cases distant away from norms of conduct.

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4.3 The international level

Myanmar became a member of the United Nations soon after regaining independence. Starting from that time date Myanmar has been practicing an independent and active foreign policy and has actively participated international community. Myanmar apart from participating in the activities of the United Nations has also signed and acceded to the international conventions and has taken steps to become a member to more agreements.

Regarding international collaboration, Myanmar is signatory to the Convention for the Suppression of the trafficking in persons and exploitation of the prostitution of others (1950). Myanmar is a party to the Convention on the Elimination of Discrimination against Women or CEDAW (1991) and continuing to fully cooperate with the committee. Myanmar is also a party to the Convention on the Rights of the Child (CRC) in 1991. The Child Law (1993) also contained provisions to protect children from sales or trafficking, unlawful exploitation, unlawful employment, maltreatment, pernicious deeds and illegal (Oo 2007).

The CEDAW was adopted in 1997 and Myanmar became a member to the Convention in 1997. For implementation of the conventions tasks, MMCWA was established in 1996 and MWAF was formed in 2003. In accord with the provisions of the convention, these organizations implemented for the development and live security of the women mass. In March 2004, Myanmar signed and ratified the Convention against Transnational Organized Crime (CTOC) and its supplementing Protocol against Trafficking in Persons (Trafficking Protocol). The Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children TIP and the Protocol to Combat Smuggling of Migrants (SOM) by Land, Air and Sea were acceded to on 30 March 2004. Myanmar promulgated the Anti-Trafficking in Persons Law on 13 September 2005, the provisions of which are in accordance with the UN Convention and Protocol, promulgation of the Mutual Assistance in Criminal Matters Law and the Rules in 2004 has been effected and tasks

are being implemented in accord with these laws. Moreover, Myanmar participated in 2007 UN Convention against Corruption (CAC) and 2009 ASEAN Treaty on Mutual Assistance in Criminal Matters (MCAT).

The Convention against Corruption was promulgated in 2003 and is a prerequisite for effective implementation of Transnational Organized Crimes including trafficking in persons. Myanmar has signed and acceded to this convention on 2 December 2005. As Myanmar requires promulgating a law in consonant with the provision of the Convention, it is reviewing the 1948 corruption prevention Act and is in the preparatory stage of drawing up a draft law. Prostitution is being effectively suppressed in Myanmar with the 1947 prostitution suppression Act and relevant provisions of the penal code. Myanmar has signed Convention for the suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of others. Myanmar is very serious on its international commitments and takes careful consideration on the international agenda. In combating trafficking in persons, it is essential to draw up an NPA that is universally acceptable as these offences are cross border crimes. Considering that if cooperation is effected by neighboring countries, the solution made by countries of the region cannot be achieved successfully, thus, Myanmar has to become a member to the above-mentioned Conventions, Protocols, MoUs and Treaties.

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The creation of measures to counter human trafficking by the State was made possible by the standardization of instruments of national and international pressure leading to these matters, in fact recognized in the framework of human trafficking and human security policies. Still, the state's role underscores neoliberal ideals, and therefore generates inertia in the development of effective policies to human trafficking. However, in return, this also enables integration between state and NGOs in the development of anti-trafficking.

To sum up, the human trafficking is a combination of actions delivered by all actors, and these actors are required to perform well the responsibilities as security provider (state actor), and security monitor (non-state actor). The success must also depend on a networking between the two actors, which can be said joint actions. Flaws in each of the actor result in a failure/slow in progress in the goal to eliminating trafficking in persons. In this chapter, on the negative side, state actors, both Myanmar and Thailand, should be committed to achieving solution to the problems.

On the positive side, we have shown several good examples of non-state actor's operations. It is also applausive for the coordination between the two actors to create a friendly environment towards future cooperation, hopefully to an eventual zero trafficking cases.

The role of NGOs allows a change in the practice of political institutions by entering new values because of the possible influences that can be pushed by social movements. With regards to defying to human trafficking, the combating is necessary to go institutionalized.

To overcome emerging opportunities and issues to combat human trafficking, in 2000, the UNIAP was established under the United Nations framework to work with Governments of the GMS. UNIAP and UNODC have formulated more comprehensive instruments in order to effectively cope with the new trendy root causes of trafficking in persons. The UNIAP have developed, and progressively updated initiatives, namely, COMMIT, The Strategic Information Response Network (SIREN) and Underserved Victims that help coordinate projects, programs in forms of bilateralism and multilateralism. This has given a broader opportunity and support to governments and NGOs/INGOs to protect victims and prevent existing and future human trafficking. Meanwhile the UNODC have refined and developed its own model laws in relations to the Protocols against trafficking in persons and trafficking of migrants to provide NGOs/INGOs with coordination with more effective implementations and fully protecting human rights and human security as well as preventing and suppressing human trafficking. Under this IO, with the COMMIT, governments are committed to responding to trafficking meeting international standards, was established.

SIREN provides a collection of knowledge on human trafficking. This initiative is born in a quest to conduct data gathering, analysis, and publicly share the findings.

The Underserved Victims is another initiative created by UNIAP in order to provide victims with immediate support and in turn the IOs receive new learning in the cases for a wider understanding of trafficking patterns. This initiative serves a purpose to support victims who, through official channels, are not formally identified and in dire need of assistance. Underserved male victims are often those of exploitation of labor, forced to work on boats, in factories or in plantations. UNIAP considers this as an emerging issue although many GMS legal systems do not recognize them as victims of trafficking because they are initially lured through formal process but then exploited, treated as criminals or put in profound debt.

Grassroots NGOs are selected to support underserved victims based on criteria and UNIAP provides coordination, draw global attention to those populations then modifies policy and processes.

NGOs and IOs have no authority to amend law/policies made by the government; however they retain a right to present recommendations on what should be put into consideration. A number of NGOs are run in complying with the provided policies and laws forgetting that their implementations may be frustrated on those loopholes. One good example shows up on MYF (MYF 2010). The page provides binding recommendations to different sectors. The forum is supported by ILO, World Vision, SC (UK), and UNIAP. It works with youth in areas vulnerable to human trafficking from the GMS countries.

In 2008, the CEDAW urges the government to implement the NPA more effective and shorten the legal process of prosecution and punishment both traffickers and negligent concerned persons who fail to protect victims and to prevent trafficking cases and who conspire with traffickers/agents to commit the crime. Issues related to legislation and directives misuse, false arrest, charges on innocent people are also highlighted for review (Committee on the Elimination of Discrimination against Women 2008).

In its international efforts, Myanmar government provides human security vigorously within the country and with other States and non-States. Myanmar has designated combating of trafficking in persons as a national duty. The necessary policy has been laid down, implementation the relevant tasks have been carried out not only in the country but also in cooperation with the neighboring countries, regional countries as well as with the international organizations.

The government of Myanmar views trafficking in persons as a grave issue confronting humankind. Human trafficking is absolutely unacceptable to Myanmar society and such a crime tarnishes the dignity and prestige that Myanmar people value and preserve. Thus, anti-human trafficking campaigns are being launched across the nation. In order to suppress human trafficking, the government has implemented NPA, promulgation of new laws, forming the CBSTP at state and regional levels, giving punished against traffickers and offering protection, rehabilitation and reintegration to the victims. Furthermore, law enforcement officials are being mobilized for providing efficient the training measures. On the other side of local organizations, MNCWA and MWAF strenuously take concerted measures and actions to combat trafficking in persons. These measures and actions comprise protection activities, prevention activities and assistance to trafficked victims. Myanmar has achieved progress to some extent in prevention, protection, prosecution and rehabilitation of the victims. Moreover, Myanmar has also cooperated with regional organizations to combat trafficking in persons. Myanmar government, in addition, values international cooperation by signing various international conventions.

However, we have also discussed possible negative aspects of different approaches implemented by Myanmar government at national level. Thus far, this study reveals that Myanmar has good cooperation at regional and international levels of actions.

Summary and conclusion

Trafficking in persons is, by all accounts, a global issue. It is the third largest organized crime in the world and affects all the corners of the world, East or West, North or South. Nowadays, human trafficking has become the fastest growing business, it is more lucrative and relatively risks free. The non-traditional threats come in the form of terrorism, drug trafficking human trafficking, communicable diseases, piracy, environmental insecurity, economic and financial insecurity and information insecurity. Among them, trafficking in human beings has been one of the most heated topics in international criminological discourse. Human trafficking is not only the loss of human rights of one person or one group but also in connections with the nation and its citizens. The problem of human trafficking is challenging many countries around the world. This issue could cause threat to the security not only for Myanmar but also for its neighbors.

The seriousness of this crime and the growing number of its victims have put the international community, government, non-governmental organizations as well as the civil society at alert and take measures to wage for a zero tolerance to this crime. As the Secretary General of the United Nations has describes in 2002, trafficking in human beings "is one of the gravest human rights violations of our time" (United Nations Information Service 2002). Thus, trafficking has become "one of the top priorities on the international agenda". This issue has to be handled by every nations of the world at all levels. The clandestine nature of the crime makes it extremely difficult to give an exact estimation about number of victims worldwide.

No region or country including Myanmar is immune from this trade crime. Human trafficking is rife in Asia, as it is in Eastern Europe and as is in the America and in Africa. In collaboration with international community, national governments as well as civil society have rose up to the call for a combat against this hideous trade in people. In particular, in Asia, organizations have come together to undertake a number of initiatives to combat this issue. A number of factors gave rise to the revival of the issue not least among them globalization, inequity, instability among groups and others. In the world today, there is a growing disparity between countries as a result of differentials in development, a disparity in terms of employment opportunity, discriminations and egalitarianism of rights and hence increase in both legal and illegal migration. In turn, human security gets its bone broken, as the victims would experience physical and psychological consequences; discrimination prevails in the society and many other socio-economic factors. In this respect, Myanmar government has to realize that trafficking in human beings as undermining

dignity of individual, harmful to state peace, and a barrier to development. To break down, it causes, if not all, health and personal insecurities. It has negative social impact on young girls who are victimized and seriously undermines the integrity of the nation. Hence, combating trafficking is to be taken up seriously as a national cause in Myanmar.

The causes of human trafficking issue along Myanmar and Thailand are easy border crossing by border people, mass migration, ethnic proximity and economic incentives. Human trafficking issue along Myanmar and Thailand is in form of labor, sex trade. This issue also poses a threat to the socio-economic security of adjacent countries. Therefore, Myanmar has to combat human trafficking issue in cooperation with its neighbors. Moreover, Myanmar has actively cooperated with UN agencies and INGOs in order to suppress for the elimination of human trafficking. Myanmar appears not only in the regional meetings in the framework of GMS and ASEAN but also participates in international conventions organized by the United Nations, CEDAW as an example, and other international organization partners such as Canadian Religious Conference (CRC), UNESCO, ILO, World Vision, Save the Children, and NEXUS Institute, etc. So, it is a step for setting off to combat human trafficking. In doing so, human trafficking issue could be successfully eliminated.

Myanmar recognizes the global nature of the issue of trafficking in persons with national, regional and international level specificity. The Anti-Trafficking in Person Law was enacted. In addition, the anti-trafficking in program aims to reduce the number of trafficked persons in the country and provide victims of trafficking with support through research, capacity building, awareness raising and networking. Myanmar also is a signatory to all types of human trafficking related Conventions.

Myanmar does not condone the practice of trafficking in persons and is constantly striving to overcome the pernicious practice. The government views trafficking in persons as a national concern and has taken significant steps through implementation of National Plan of Action, promulgation of new laws, forming anti-trafficking central body and work groups, giving punitive action against the culprits, offering protection, rehabilitation and reintegration to the victims.

The question is: what was expected has been accomplished? Let us look back the actions in theory and practice. In a position as a state actor, Myanmar government has, in a broad sense, not left a number of gaps in providing security to its citizens. In unitary actions, momentums to create a comprehensive law are absent. Reinforcement body does not uplift the importance of human welfare, a critical part of human security. Cooperation with neighboring countries is not

effective enough to downgrade criminal acts of perpetrators. Myanmar vigorously takes part in joint actions between state and non-state actors. IOs take an important role in assisting the government combat trafficking in human beings. However, IOs is suggested to make themselves a pressuring group that gives little chance for the government contesting. It is suggested that the government uses a soft policy rather than a harder one to prevent possible costly operations against trafficking in human beings through making use of resources available in place such as legal framework, cooperation between and amongst countries as well as NGOs and IOs.

To conclude, it is crucial and urgent that Myanmar government makes sure to actively protect its women and children at its best with the least flaws as possible. With involvement from non-state actors, at national level, many of the necessary Myanmar state's legal instruments and implementing entities are in place. However, it is the question whether the government is committed itself to enforcing, abiding by the human rights code of conducts. Most of the government's actions focus on state security other than human security. A lot of domestic issues regarding gaps are reported in the legal enforcement, both on paper and practice. Reports reveal that Myanmar military government uses coercive measures against the minority groups of autonomous reasons. From this point, actions are more centered to maintaining hegemonic stability rather than health and individual/personal insecurities in humankind. Regional and international cooperation is an obligation that the government as a security provider sticks to. The distraction on civil strife does not oust Myanmar out of regional efforts. It actively participates in all activities held in the regions. However, issues take place in bilateral cooperation between Myanmar and Thailand where there must be a quest for a mutual effort between the two governments to effectively eradicate trafficking in persons, of course with contribution from international community and IOs/NGOs. Meanwhile, it is noteworthy that no issues, so far, have arisen in Myanmar's international cooperation.

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