

Anti-trafficking efforts by Myanmar

Today, the menace of trafficking in persons has become one of the top priorities in the international agenda. This issue is a complex and widespread problem where basic human rights have been abused and exploited in many forms.

The Asia Pacific Regional Ministerial Meeting on Trafficking in Persons and Transnational Organized Crime was held in Bali in February 2003. The Second Ministerial meeting was also held in Bali in April 2003. Myanmar delegation attended all the meetings.

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. Myanmar has attended the Ministerial and Senior Officials meetings while concerned law enforcement officials participated on workshops on identification of travel documents in New Zealand and Thailand.

Beijing Declaration

Trafficking in persons came into the lime light for Myanmar during the 1995 World Women Conference which was held in Beijing. The Conference issued the “ Beijing Declaration” comprising future work programs such as prevention and protection of women and children from trafficking in persons; to implement tasks on enhancement of development and security of women’s lives. In accord with the stipulations contained in the Beijing Declaration, the Myanmar National Committee for Women Affairs (MNCWA) was formed in 1996. Since then, human trafficking has been continuously combated and the problem has been prioritized as a National Cause.

Existed legislations

The Anti Trafficking in Persons Law was enacted in Myanmar on in 13 September 2005. Before enacted this Law, there are 10 legislations in place already. They are also relevant to fight the human trafficking problems. (see slide - a)

Existing Laws related to Trafficking in Persons are as follow;

1. 1861 - *The Penal Code*
2. 1947 - *The Immigration (Emergency Provisions) Act*
3. 1948 - *The Suppression of Corruption Act*
4. 1949 - *The Suppression of Prostitution Act*
5. 1993 - *The Child Law*
6. 1999 - *The Overseas Employment Law.*
7. 2002 - *The Control of Money Laundering Law*
8. 2003 - *The Blood and Blood Products Law*
9. 2004 - *The Mutual Assistance in Criminal Matters Law*
10. 2004 - *The Body Organ Donation Law*

The 2005 Myanmar Anti Trafficking in Persons Law has stated the following important points -

1. to prevent and suppress the TIP as a national duty as it damages Myanmar's pride and pedigree
2. to pay special attention to women, children and youth
3. to enable effective and speedy investigation and take action against perpetrators and to give effective and deterrent punishment
4. to liaise and coordinate with international, regional, intergovernmental organizations
5. to perform effectively the functions of rescuing, receiving, safeguarding, rehabilitation and reintegration into society of trafficked persons.

The law has ten chapters with the following headings; (see slide - b)

1. *Title, Jurisdiction and Definition*
2. *Aims*
3. *Formation of the Central Body and Functions and Duties Thereof*
4. *Functions and Duties of the Working Groups*
5. *Safeguarding the Rights of Trafficked Victims*
6. *Special Protection of trafficked Victims, Women, Children and Youth*
7. *Repatriation, Reintegration and Rehabilitation*
8. *Establishment of the Fund*
9. *Offences and penalties*
10. *Miscellaneous*

Its details can be studied in the Book itself that made available before the meeting.

Policy frameworks implemented to combat human trafficking

In order to carry out the prevention and suppressions of TIP, **the Myanmar National Committee for Women Affairs (MNCWA)** and different levels were formed in July 1996. Through its committees, measures were taken as priority to protect women and children from being trafficked.

In 1997, a **National Task Force** was formed with representatives from governmental departments and non-governmental organizations. The Task Force raise awareness by sharing information through pamphlets, videos, plays etc in different ethnic languages also.

In 2000, to cooperate with the UNIAP, the **Myanmar National Committee for Women's Affairs** was formed. with a **Mobile Training Team on Trafficking in Persons** with representatives from relevant departments. This team trained to more than 500 service providers which includes officials from the various departments handling trafficking issues at all the States and Divisions.

In 2001, the **Central Supervision Committee on Illegal Migration** was formed. This was led by the **Director General of Myanmar Police Force**. It was formed with subsequent sub committees at state, district, township and village levels to prevent people from leaving the country illegally which serves as a main cause for trafficking in persons. Since its formation on 23 September 2001, the committee was able to educate 1119,253 persons, prevent 23,159 persons from illegal migration and take legal action against 2,567 brokers.

Myanmar Establish Receiving Centre too. The Myawaddy Receiving Centre near the border with Thailand was opened on 18 February 2002 to receive returnees who have been encountered various difficulties in aboard. This centre was formed and operated by the relevant six ministries, From the date of opening, there were a total of 27,266 persons received and returned back home. A total of 525 Myanmar trafficking victims repatriated back from different destinations.

In July 2002, **Working Committee on Anti-Trafficking in Persons** was formed and this Committee was led by the Deputy Minister of Home Affairs. This Working Committee is to identify and prosecute traffickers and to provide special protection to the victims.

National Seminar on the Anti-Trafficking in Persons are conducted on 25-26 May 2003 in Yangon. The seminar was conducted with the cooperation from MNCWA, COMMIT, UNIAP, UNICEF and Save the Children (UK). At that seminar, important recommendations were adopted for future implementation.

50.3% of the Myanmar population is made up of women. For that, **Myanmar Women's Affairs Federation** was formed on 20 December 2003, to ensure the advancement and security of women's life.

The MoU was signed between the government of Myanmar and the government of Australia to form the **Anti-Trafficking Task Force** on 22 December 2003 to implement the project on "Asian Regional Cooperation to Prevent People trafficking". **Anti-Trafficking Unit** was established in June 2004 with 40 police officers who were trained under the project. At present, there are 21 local Anti-Trafficking Task Forces established under the Anti-Trafficking Unit in strategic locations through out the country.

Promulgation of **Anti-Trafficking in Persons Law** – In January 2004, a working group for formulating and reviewing exiting laws and legislations related to trafficking in persons was formed with the aim to promulgate a specific law on human trafficking to be in line with international treaties and standards. The Anti-Trafficking in Persons Law was finalized and promulgated on 13 September 2005.

The Central Body and Working Groups for Suppression of Trafficking in Persons was formed on 11th February 2006. On 27th February, Working Group on Prevention of Trafficking in Persons and Protection of Trafficking Victims, Working Group on Legal Framework and Prosecution

Measures and Working Group on Reintegration and Rehabilitation of Trafficking Victims were established in the states/ divisions, districts and at township levels.

For the public and responsible persons to be fully aware of the Anti-Trafficking in Persons Law , the National Seminar was conducted in Yangon from 28 February to 1 March 2006. This was jointly organized by the Ministry of Home Affairs and UNIAP. Similar workshops to promote awareness on the Law were held at major cities which cover to all States and Divisions. The Seminar was attended by the criminal justice sector, civil organizations, governmental departments and non-governmental organizations.

Plans of Actions

The Annual Work Plan for 2008 has been carried out in accordance with the following ‘two strategies’ and ‘three tactics’ which were adopted by the Myanmar Five-Year National Plan of Action to Combat Human Trafficking in Myanmar. (see slide- c)

(a) Two Strategies

- i. Prevention and suppression of trafficking in persons as a national duty is necessary since trafficking damages the pride and pedigree of Myanmar nationality that should be valued and safeguarded by all Myanmar citizens.*
- ii. In preventing and suppressing trafficking in persons, particular attention is to be paid to women, children and youth.*

(b) Three Tactics

- i. To take effective measures, as necessary, in prevention, prosecution, protection and rehabilitation for those who are involved in human trafficking.*
- ii. To promote activities in cooperation with the concerned government departments, organizations, INGOs, NGOs, and private sector.*
- iii. To enhance cooperation with regional and international agencies in combating transnational trafficking in persons.*

International and Regional Co-operation

As Myanmar has given priority to international cooperation, the MoU was signed with the Australian government to implement the “**Asia Regional Cooperation to Prevent People Trafficking Project**” which includes Myanmar, Thailand, Cambodia and Lao PDR. The signing was on 22 December 2003. The phase II ARTIP Project has commenced its 5 Year Plan in August 2007. The project’s main objective is to strengthen Criminal Justice response to trafficking in the region.

Cooperation with ASEAN member countries - At the ASEAN-SUMMIT which was held in Lao PDR in November 2004, a **Declaration against Trafficking in Persons Especially Women and Children** was adopted. According to the provisions of the declaration, ASEAN member countries are cooperating together in implementing anti-trafficking measures.

Cooperation with Asia-Pacific Countries - In 2002, Australia and Indonesia headed the Asia-Pacific countries to implement the resolution of the Bali Process. Myanmar actively participated and cooperated in implementing the resolution of the process.

Cooperation with the BIMSTEC member countries - BIMSTEC (Bay of Bengal Initiative Multi-Sectoral Technical and Economic Cooperation) was formed in 1997. The present member countries are Myanmar, Bangladesh, India, Sri-Lanka, Thailand, Bhutan and Nepal. Under this initiative, all the member countries are addressing all forms of transnational crimes including trafficking in persons.

Cooperation with **COMMIT (Coordinated Mekong Ministerial Initiative against Trafficking)** – The COMMIT process was launched by attending ministerial representatives from six GMS countries and signed the COMMIT MoU on 29 October 2004 in Yangon. The Sub-Regional Plan of Action was adopted at the 3rd Senior Officials meeting held in Hanoi, Vietnam in March 2005. In cooperation with UNIAP as the Secretariat to the COMMIT Process and other UN and International agencies, Myanmar, along with other member countries, has implemented activities set forth under the SPA. Myanmar attended the regional trainings, workshops and meetings where experiences and the best practices was share between the six countries.

Member of the **UN Convention against Transnational Organized Crime and its Protocols** - Myanmar became a member of the UN Convention against Transnational Organized Crime and its Protocols on 30 March 2004. Myanmar has implemented initiatives to combat trafficking in persons as a member country of the convention and its protocols.

Ratification of the related Conventions by Myanmar on the Anti-Trafficking in Persons

(see slide-d)

Myanmar has ratified the following International Instruments.

- (a) *Convention on the Rights of the Child (CRC)1991*
- (b) *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1993*
- (c) *Forced Labor Convention No. 29 (ILO.29) 1955*
- (d) *UN Convention against Transnational Organized Crime (CTOC) 2004*
- (e) *Protocol to Prevent, Suppress and Punish Trafficking in Persons; Especially Women and Children (TIP) 2004*
- (f) *Protocol against the Smuggling of Migrants, Land, Sea and Air (SOM) 2004*
- (h) *ASEAN Treaty on Mutual Assistance in Criminal Matters (MLAT) 2009*
- (g) *UN Convention against Corruption (CAC) (signed) 2007*

Bilateral Co-operations (MOUs)

Implementation of Activities under the Area of Policy and Cooperation

Development and signing of the bilateral *MoU* on Human Trafficking between Myanmar and Thailand

- (a) Necessary measures were taken for the development and signing of the memorandum of understanding on human trafficking between Myanmar and Thailand and task force for drafting the *MoU* led by the joint-Secretary of the Central Body for Suppression of Trafficking in Person was formed.

- (b) The final draft of the MoU was submitted to the Myanmar Foreign Affairs Policy Committee. The MoU will be signed at the ministerial level in the near future. In this process, the Central Body for Suppression of Trafficking in Persons was cooperated with UNIAP¹, UNICEF², ARTIP³, IOM⁴, WV⁵, SC⁶, and AFXB⁷.

Development and Signing of the bilateral *MoU* on Anti-Human Trafficking between Myanmar and China

- (a) The first meeting of the senior officials to combat human trafficking between Myanmar and China was held on 5-11-2005 in Bagan. The second meeting was held on 16-11-2006 in Kunming and the third meeting was on 29-2-2008 at Naypyitaw. After the third meeting, the final draft of the MoU was developed and submitted for approval to the meeting of the Foreign Affairs Policy Committee. The MoU will be signed at the ministerial level in the near future. This process was assisted by UNIAP, UNICEF, ARTIP, IOM, WV, SC, and AFXB.

Responsible Ministries and key UN Agencies & INGOs as partners (see slide- e)

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| ■ <i>Government Organizations</i> | - | <i>MOHA, MSWRR, MOI, MOFA, AGO, Supreme Court</i> |
| ■ <i>NGOs</i> | - | <i>MWAF, MMCWA</i> |
| ■ <i>INGOs, UN Agencies</i> | - | <i>UNICEF, UNIAP, IOM, ARTIP, SC (Myanmar), World Vision, AFXB</i> |

Central Body set up

(See slide- f)

¹ United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP)

² United Nations Children's Fund (UNICEF)

³ Asia Regional Trafficking in Persons Project (ARTIP)

⁴ International Organization for Migration (IOM)

⁵ World Vision (WV)

⁶ Save the Children (SC)

⁷ Association Francois-Xavier Bagnoud Myanmar (AFXB)

The following are the Significant Strategic Plans on Myanmar's efforts to combat Human Trafficking -

1. Mobile teams has set up for Prevention of the human trafficking. The are service providers which reached to 500 numbers. These service providers contribute effectively and systematically in the Prevention area of human trafficking by publishing and distribution of the booklets regarding training .
2. Millions of Kyats were utilized to create micro credit schemes for those in severe hardship for making livings. MWAF had been the leading advocator to channel these funds for the women of needs.
3. The education on combating and prevention of human trafficking was included in the basic education syllabus. The Police Academy and the Police Central Training institutes are using in teaching this syllabus.
4. Since 2006, 21 Anti Human Trafficking Special Forces were established and they were being deployed in the widespread hotspot areas where human trafficking cases were active.
5. In the area of Prosecution, it is expected to establish TIP Courts at two big cities in 2009. The Courts will be specialized for the prosecution of human trafficking cases.
6. At the Myanmar –China border, two Myanmar Border Liaison Offices(BLO) were set up at Muse and Lweje. Also, at the China side, two Border Liaison Offices were opened at Shweli and Kyan Phone. With the support of the ARTIP Project, the staff members from those offices were given Joint Training by ARTIP Project
7. Singing MoU between Myanmar-China and Myanmar-Thailand on enhanced cooperation on anti human trafficking are in the pipe line. As part of the MOU, the Plan of Action will be incorporated and Joint Working Group will be formed to collaborate closely.
8. Myanmar ratified the ASEAN Treaty of Mutual Legal Assistance on 22-1-2009. This treaty supports Myanmar's active participation and collaboration with the countries in the region to fight the Transnational Organized Crime including the human trafficking problems.

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