

# How to Read a Country Narrative

This page shows a sample country narrative. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see page 404), during the reporting period. This truncated narrative gives a few examples.

The country's tier ranking is based on the government's efforts against trafficking as measured by the TVPA minimum standards.

## COUNTRY X (Tier 2 Watch List)

Profile of human trafficking in recent years.

Country X is a transit and destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Men and women from South and Southeast Asia, East Africa, and the Middle East voluntarily travel to Country X as laborers and domestic servants, but some subsequently face conditions indicative of involuntary servitude. These conditions include threats of serious harm, including financial harm; job switching; withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports and travel documents and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; false charges; and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Country X are wholly different from those they agreed to in their home countries. Individuals employed as domestic servants are particularly vulnerable to trafficking since they are not covered under the provisions of the labor law. A small number of foreign workers transit Country X and are forced to work on farms in Saudi Arabia. Country X is also a destination for women who migrate and become involved in sex work, but the extent to which these women are subjected to trafficking is unknown.

Synopsis of government efforts.

The Government of Country X does not meet the minimum standards for the limitation of trafficking. The government shows evidence of overall significant efforts to do so. The government has enacted its sponsorship law, including through the government's requirement that one migrant laborer without permission from his sponsor. Although the government has not yet enacted necessary anti-trafficking legislation, during the reporting period it reaffirmed its commitment to this goal over the next year. Despite these efforts, the government did not show evidence of overall progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking; therefore, Country X is placed on Tier 2 Watch List.

Guidance on how the government can improve its performance and obtain a better tier ranking.

**Recommendations for Country X:** Enact the draft comprehensive anti-trafficking legislation; significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; institute and consistently apply formal procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution; enforce the sponsorship's law criminalization of passport-withholding and mandate that employees receive residence cards within one week; abolish or significantly amend provisions of Country X's sponsorship law that require migrant labor of migrant workers or strongly implement measures to make up for the law's shortcomings; implement the national plan of action, and disseminate counter-trafficking law.

Summary of the government's legal structure and law enforcement efforts against human trafficking.

**Prosecution**  
The Government of Country X made minimal efforts to investigate and prosecute trafficking offenses during the reporting period. Country X does not prohibit all acts of trafficking, but it criminalizes slavery under Section 321 and forced labor under Section 322 of its criminal law. The prescribed penalty for forced labor – up to six months' imprisonment – is not sufficiently stringent. Article 297 prohibits forced or coerced prostitution, and the prostitution of a child below age 15 even if there was no compulsion or redress; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other serious crimes, such as rape. Draft revisions to the penal code have not yet been enacted. An unconfirmed report indicates that four traffickers were charged with fraudulently issuing visas to workers who they then exploited. Two were reportedly deported, and two were reportedly convicted. The government did not confirm nor deny the existence of this case. The government did not report any investigations, prosecutions, convictions, or sentences for trafficking complicity of public officials.

### Protection

Country X made minimal progress in protecting victims of trafficking during the reporting period. Although health care facilities reportedly refer suspected abuse cases to the government anti-trafficking shelter for investigation, the government continues to lack a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported that the MOI has a process by which it refers victims to the trafficking shelter; however, this process is underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance. Country X commonly fines and detains potential trafficking victims for unlawful acts committed as a direct result of being trafficked, such as immigration violations and running away from their sponsors, without determining whether the individuals are victims of trafficking. The government did not routinely encourage victims to assist in trafficking investigations or consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

Country X sometimes offers temporary relief from deportation so that victims can testify as witnesses against their employers. However, victims were generally not permitted to leave the country if there is a pending case. The government did not routinely encourage victims to assist in trafficking investigations or consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

### Prevention

Country X made modest progress in preventing trafficking in persons during the reporting period. Agencies continued to produce and distribute informational anti-trafficking brochures in several targeted languages, distributed posters in different languages, given radio and TV interviews and commercials in regional media outlets, and a media campaign entitled "No to Trafficking." In March, Country X hosted a two-day regional workshop meant to establish dialog between scholars, government officials, and stakeholders; to discuss regional and international efforts to combat TIP; and how to help victims.

While the government made no apparent effort to amend provisions of Country X's sponsorship law – enacted in March 2009 – to help prevent the forced labor of migrant workers, the government did start to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require foreign workers to request exit permits from their sponsors in order to leave Country X. Although this may increase migrant workers' vulnerability to forced labor, the law created a new category of laborer who was not granted an exit permit. In circumstances that can seek one by the government, the government reported that two workers – one of whom was a victim of trafficking – since the past reporting period has a national plan of action to address trafficking, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not make any efforts to reduce the demand for commercial sex acts in Country X, but the government convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

Summary of the government's efforts to ensure that trafficking victims are identified and provided adequate protection.

TVPA Minimum Standard 4(2) – whether the government adequately protects victims of trafficking by identifying them and ensuring they have access to necessary services.

Summary of the government's efforts to prevent human trafficking.

TVPA Minimum Standard 4(3) – whether the government is making adequate efforts to prevent human trafficking.

TVPA Minimum Standard 4(7) – whether the government has made adequate efforts to address the involvement in or facilitation of human trafficking by government employees.

TVPA Minimum Standard 4(1) – whether the government vigorously investigates and prosecutes trafficking offenses and convicts and punishes trafficking offenders and provides data on these actions.

TVPA Minimum Standard 4(11) – whether the government has made efforts to reduce the demand for commercial sex acts, and, if applicable, participation in international sex tourism by its nationals

## BURMA (Tier 3)

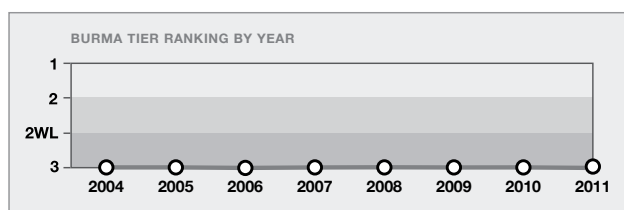
---

Burma is a source country for men, women, and children who are subjected to forced labor and for women and children subjected to sex trafficking in other countries. Burmese children are forced to labor as hawkers and beggars in Thailand. Many Burmese men, women, and children who migrate for work in Thailand, Malaysia, China, Bangladesh, India, and South Korea are subjected to conditions of forced labor or sex trafficking in these countries. Poor economic conditions within Burma have led to increased legal and illegal migration of Burmese men, women, and children throughout East Asia and to destinations as far as the Middle East, where they are subject to forced labor and sex trafficking. For example, men are subjected to forced labor in the fishing and construction industries abroad. Some Bangladeshi trafficking victims transit Burma *en route* to Malaysia, while Chinese victims transit Burma *en route* to Thailand. The government has yet to address the systemic political and economic factors that cause many Burmese to seek employment through both legal and illegal means in neighboring countries, where some become victims of trafficking.

Trafficking within Burma continues to be a significant problem, as the military engages in the unlawful conscription of child soldiers and continues to be the main perpetrator of forced labor inside the country. Burmese civilian and military authorities' use of forced or compulsory labor remains a widespread and serious problem, particularly targeting members of ethnic minority groups. Complainants to the ILO during the year indicated a trend of forced farming accompanied by threats of fines, loss of farmers' land, and imprisonment for those refusing to comply. Beneficiaries of these actions are the Burmese military, defense-owned commercial interests, and large private corporations; these arrangements are facilitated by local government authorities, who maintain that such activities are carried out in line with the law. A study published during the year found an acute problem in Chin State where 92 percent of over 600 households surveyed reported at least one episode of a household member subjected to forced labor, including being forced to porter military supplies, sweep for landmines, or build roads, with the Burmese military imposing two-thirds of these forced labor demands. Because authorities refuse to recognize members of certain ethnic minority groups (including the Rohingyas) as citizens and provide them with identification documentation, they are more vulnerable to trafficking. Military and civilian officials have for years systematically used men, women, and children for forced labor for the development of infrastructure and state-run agricultural and commercial ventures, as well as forced portering for the military. Government authorities use various forms of coercion, including threats of financial and physical harm, to compel households to provide forced labor. Those living in areas with the highest military presence, including remote border areas populated by ethnic groups, are most at risk for forced labor. The regime's treatment of ethnic minorities makes them particularly vulnerable to trafficking.

Military and civilian officials subject men, women, and children to forced labor, and men and boys as young as 11 years old are forcibly recruited to serve in the Burma army as well as the armed wings of ethnic minority groups through intimidation, coercion, threats, and violence. Some observers estimate that thousands of children are forced to serve in Burma's national army as desertions of men in the army continue. Children of the urban poor are at particular risk of conscription. UN reports indicate that the army has targeted orphans and children on the streets and in railway stations, and young novice monks from monasteries for recruitment. Children are threatened with jail if they do not agree to join the army, and are sometimes physically abused. Subsequent to cyclone Giri in October 2010, there were verified reports of underage recruitment in cyclone-affected areas by the Burmese armed forces. Children are also subjected to forced labor by private individuals and groups, in tea shops, home industries, agricultural plantations, and as beggars. Exploiters subject girls to sex trafficking, particularly in urban areas. Anecdotal evidence suggests that a small number of foreign pedophiles – normally long-term residents in Burma – occasionally exploit Burmese children in the country.

The Government of Burma does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Authorities continued efforts to address the cross-border sex trafficking of women and girls, but the forced labor of civilians perpetrated by regime officials and the conscription of child soldiers by military officials remained serious problems. The Burmese regime's gross economic mismanagement and human rights abuses, coupled with the Burma military's continued widespread use of forced and child labor as well as recruitment of child soldiers, remain the driving factors behind Burma's significant trafficking problem, both within the country and abroad. The climate of impunity and repression and the regime's lack of accountability in forced labor and the recruitment of child soldiers represent the top causal factors for Burma's significant trafficking problem. Although the government of Burma took some steps to address cross-border sex trafficking, it has not demonstrated serious and sustained efforts to clamp down on military and local authorities who are themselves deriving economic benefit from forced labor practices. On key human trafficking issues, most notably the complicity of public officials and the use of forced labor, the Government of Burma is not making significant efforts to comply with the minimum standards for the elimination of trafficking, warranting a ranking of Tier 3.



**Recommendations for Burma:** Cease the use of forced labor by civilian and especially military entities; cease the unlawful conscription of children into the military and ethnic armed groups; increase efforts to investigate

and sanction, including through criminal prosecution, government and military perpetrators of internal trafficking offenses, including child soldier recruitment and other such crimes; actively identify and demobilize all children serving in the armed forces; continue improving UN access to inspect recruitment centers, training centers, and military camps in order to identify and support the reintegration and rehabilitation of child soldiers; cease the arrest and imprisonment of children for desertion or attempting to leave the army and release imprisoned former child soldiers; end the involuntary detention of adult victims of trafficking in government shelters; release and drop the charges against the four citizens imprisoned for their role in reporting cases of forced labor to international organizations; increase partnerships with local and international NGOs to improve victim identification and protection efforts, including victim shelters; develop and implement formal victim identification and referral procedures; and focus more attention on the internal trafficking of women and children for commercial sexual exploitation.

### Prosecution

While the Government of Burma reported continued law enforcement efforts against trafficking of women and girls across international borders during the year, including for forced marriages, it failed to demonstrate discernible progress in investigating, prosecuting, and convicting perpetrators of internal trafficking – particularly the military's forced conscription of soldiers, including child soldiers, and use of forced labor. The government continued to incarcerate four individuals who reported forced labor cases involving the regime to the ILO or were otherwise active in working with the ILO on forced labor issues. This included two complainants in forced labor cases involving over 500 farmers in Magwe Division, 18 of whom were prosecuted and jailed by local authorities for their role in reporting forced labor perpetrated by local government officials, as reported during the previous reporting period. In addition, the advocacy licenses of two lawyers associated with the ILO complaints have remained revoked by the Bar Council since 2007. Burma prohibits sex and labor trafficking through its 2005 Anti-Trafficking in Persons Law, which prescribes criminal penalties that are sufficiently stringent and commensurate with those prescribed for rape. The recruitment of children into the army is a criminal offense under Penal Code Section 374, which could result in imprisonment for up to one year, or a fine, or both. The continued primacy of the Burmese military in the regime significantly limited the ability of civilian police and courts to address the recruitment of child soldiers and military-perpetrated forced labor – the most severe forms of trafficking prevalent in the country. Burmese law enforcement officials generally were not able to investigate or prosecute cases of military-perpetrated forced labor or child soldier recruitment absent assent from high-ranking military officers. While the military prosecuted several of its uniformed members for complicity in child soldier recruitment during the previous reporting period, it did not report any such prosecutions during the reporting period.

The police focus on cases that are within their authority to pursue, namely cross-border trafficking. While forced labor is widely considered to be the most serious trafficking problem in Burma, authorities reported that most trafficking cases investigated and prosecuted continued to involve women and girls subjected to forced marriage or recruited and transported with the intention to be subjected to forced marriage, typically in China. Some of these cases, however, may have involved Burmese women voluntarily working with brokers to attempt to cross into China with the understanding that they would be married to Chinese men. The Burmese regime reported investigating 173 cases of trafficking, and convicting 234 offenders in 2010; however, these statistics include cases of abduction for adoption, rather than human trafficking. Additionally, Burmese court proceedings are not open, and lack due process for defendants. Burma lacks rule of law and an independent judiciary, and the regime rules arbitrarily through its unilaterally imposed laws. International organizations and NGOs were not able to verify the statistics provided by the regime. Additionally, limited capacity and training of the police coupled with the lack of transparency in the justice system make it uncertain whether all trafficking statistics provided by authorities were indeed for trafficking crimes. Corruption and lack of accountability remain pervasive in Burma, affecting all aspects of society; Burma continues to be consistently rated among the most corrupt nations in the world. Officials frequently engage in corrupt practices with impunity. Police can be expected to self-limit investigations when well-connected individuals are involved in forced labor cases. Nevertheless, authorities reported punishing four police officers who were members of the Anti-Trafficking Task Force in Mawlamyaing for taking money from Burmese attempting to gain employment overseas; one police captain was forced to retire, two police lieutenants were demoted, and one policeman lost one year's seniority. These punishments were insufficient. During the year, a foreign donor provided some training on human trafficking to police officials.

In 2010, the ILO continued to receive and investigate forced labor complaints; 333 complaints were received during the year. The ILO submitted 354 cases to the Burmese government for action in 2010. The government resolved 161 cases; 159 cases are pending resolution and 34 cases were closed with an "unsatisfactory outcome" according to the ILO. Of the total, 194 complaints were for recruitment of child soldiers, representing a more than two-fold increase over 2009, according to the ILO. Victims of forced labor cases are not protected from countersuit by regime officials. The central government did not intervene with local authorities to stop the politically motivated harassment, including lengthy interrogations, of forced labor complainants in one prominent case. Such unaccountable harassment and punishment presumably discouraged additional forced labor complaints.

### Protection

The regime continued some efforts to assist repatriated victims of cross-border sex trafficking, though it exhibited no discernible efforts to identify and protect victims of internal trafficking and transnational labor trafficking. In

forced labor cases, some victims were harassed, detained, or otherwise penalized for making accusations against officials who had forced them into labor. The government did not report the number of victims identified during the year. Authorities reported assisting 348 Burmese victims identified and repatriated by foreign governments in 2010, including 183 from China and 134 from Thailand. Seventy-five of the 348 repatriated to Burma were male victims of trafficking. This represented a decrease from 425 victims repatriated to Burma by foreign authorities in 2009. Victims were housed, some against their will, in Department of Social Welfare (DSW) facilities for a mandatory minimum of two weeks, which stretched into months if authorities could not find an adult family member to accept responsibility for the victim. Some victims were sent to one of eight residential vocational training centers, which offered limited facilities for training and education. The government allocated scant resources to longer-term support for trafficking victims. Victims in DSW shelters were not free to leave, either with or without supervision. While in government facilities, victims received basic medical care and had access to counseling, which was often substandard. Victims had very limited access to social workers. There remained no shelter facilities available to male victims of trafficking. NGOs were sometimes allowed access to victims in government shelters, but the regime continued to bar NGOs from operating shelters for trafficking victims. The regime did not have in place formal victim identification procedures. While the government reported that it encouraged victims to assist in investigations and prosecutions, it did not appear to provide financial support or other assistance to victims to serve as incentives to participate in the prosecution of their traffickers. Burmese law provides for the financial compensation to trafficking victims from the disposal of seized assets, but there were no known cases where victims received such compensation. Similarly, victims have the right to file civil suits against their traffickers, but the government did not provide access to legal assistance to enable victims to do so. The ILO received 201 complaints of under-age recruitment in 2010. The regime continued to cooperate with the ILO on the military's conscription of child soldiers and released 70 child soldiers in 2010. However, this number is extremely small when compared to the large number of children who undoubtedly continue to serve in the Burma Army and in ethnic militias. The government has done little to help international organizations assess the scope of the problem. Additionally, some child recruits have been prosecuted and sentenced for deserting the military and remain in prison.

### Prevention

The Government of Burma continued limited efforts to prevent international trafficking in persons over the last year, but made few discernible efforts to prevent the more prevalent internal trafficking, particularly forced labor and child conscription by regime officials and ethnic armed groups. The Women's Affairs Federation, a government-linked entity, conducted educational sessions for women around the country to discuss trafficking risks associated with emigrating for employment. The government continued awareness campaigns through billboards, flyers, and public talks during the reporting period. The Burmese

government reported forming a new anti-trafficking unit in Chin Shwe Haw during the year. The National Task Force on Anti-Trafficking in Persons helped coordinate activities among domestic and international organizations. The government, in conjunction with the ILO, published a brochure on trafficking disseminated widely throughout the country. Additionally, informational billboards were posted at bus and railway station to increase public awareness. UN sources reported increased access to military recruitment centers during the year, and conducted training courses for military and civilian officials. During the year, authorities reported convicting one foreigner for conspiring to procure children for sexual exploitation, and sentenced him to 10 years' imprisonment. The government did not make any discernible efforts to reduce the demand for forced labor inside Burma during the reporting period.