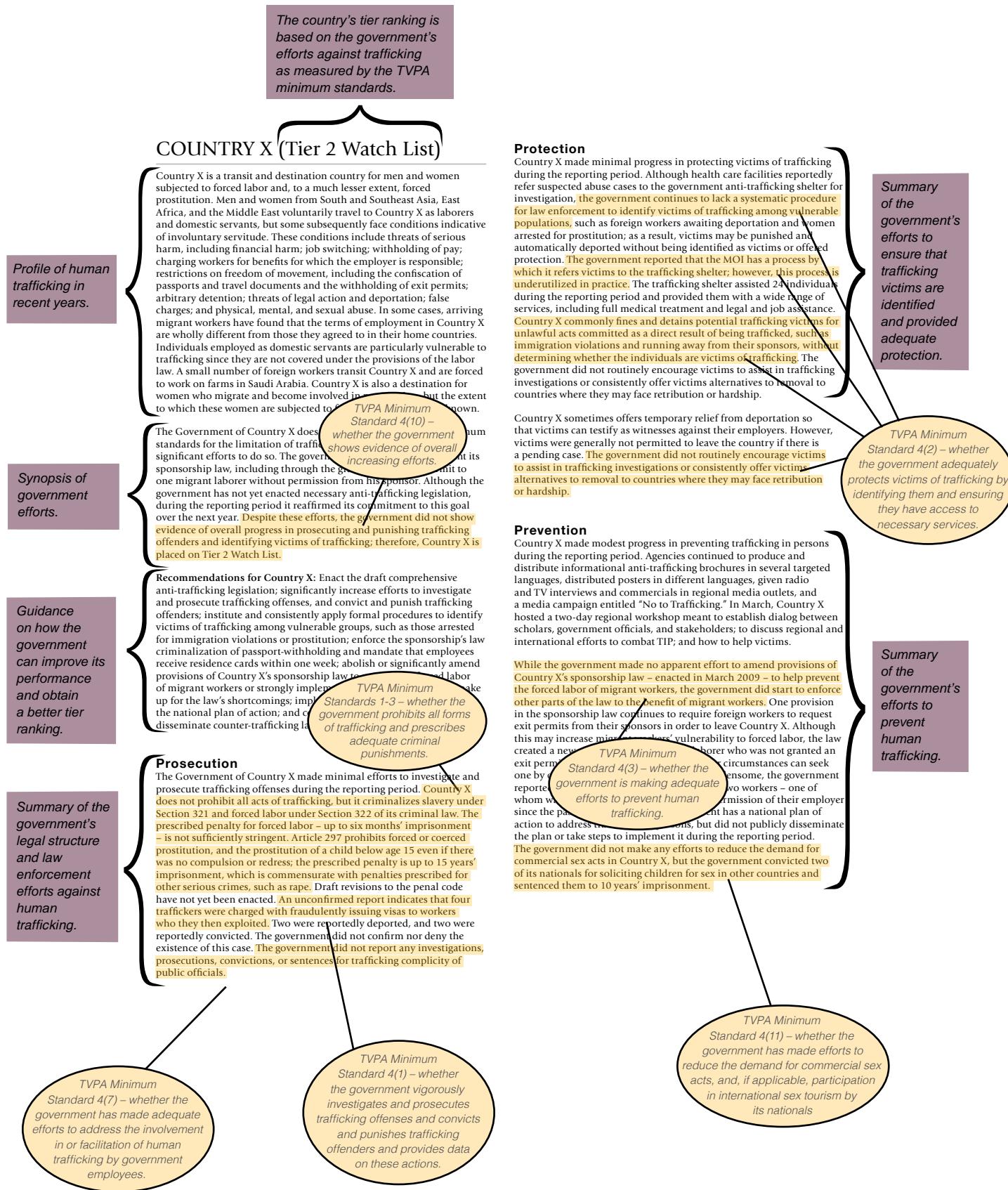


How to Read a Country Narrative

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.



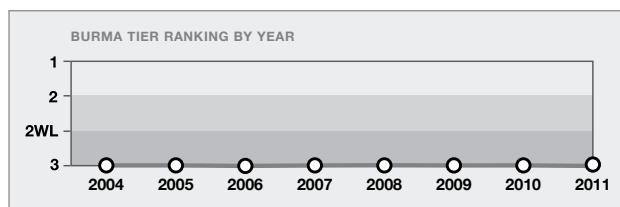
BURMA (Tier 3)

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.