

# Stolen Lives

Human trafficking from Palaung  
areas of Burma to China

## Terms and Acronyms

CBTIP*	Central Body for Suppression of Trafficking in Persons
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COMMIT	The Coordinated Mekong Ministerial Initiative Against Trafficking
GMS	Greater Mekong Sub-region
KWAT	Kachin Women's Association Thailand
MoU	Memorandum of Understanding
MWAF*	Myanmar Women's Affairs Federation
NGO/INGO	Non Governmental/International Non Governmental Organisation
PNF	Palaung National Force
PSLA	Palaung State Liberation Army
PSLF	Palaung State Liberation Front
PWO	Palaung Women's Organization
TIP	Trafficking in Persons
TNP	Ta'ang National Party
TSYO (PYNG) Network	Ta'ang Student and Youth Organisation (formerly Palaung Youth Group)
UNIAP	United Nations Inter-Agency Project on Human Trafficking
USD	US Dollars
USDP*	Union Solidarity and Development Party
<i> viss</i>	A unit of measuring weight equivalent to 3.6 pounds

\* State bodies or programs

An average exchange rate of USD 1 = 1,000 kyat and USD 1 = 6.5 Yuan was used

The Palaung people use the word Ta'ang to refer to themselves.

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# Map of Trafficking Area



## Executive Summary

The Palaung Women's Organization (PWO) has documented 72 cases of actual or suspected trafficking involving 110 people, which took place along the China-Burma border, mostly during the past six years. The majority of those trafficked were young Palaung women from tea farming communities in Namkham, Namhsan and Mantong townships.

PWO surveys in villages from which women have been trafficked show that up to 41% of the population have migrated to work elsewhere. Large scale migration began after the surrender in 2005 of the Palaung State Liberation Army, which had controlled Palaung areas under a ceasefire agreement since 1991. There has been a surge of Burma Army troops and proxy militia into the area since the surrender, who have imposed increased controls and taxes on agriculture and trading. Together with rising prices of food commodities from Central Burma, and increasing costs of health and education, this has meant that tea farmers can no longer earn a living and young people have to leave home to survive. This has led to an alarming increase in the incidence of trafficking of women, men and children, mainly to China.

Most of those trafficked were tricked into travelling to China by being offered well-paid jobs on farms or in factories. In 25% of the cases, women were forced to marry Chinese men, with brokers receiving up to 25,000 Yuan (approx 3,800 USD) for the transaction. 10% were forced into the sex trade. Some ended up being used as live feed for leeches. Known destinations were mainly in Yunnan province, but some ended up as far east as Shandong.

A disturbing trend is that eleven of the cases were children under ten, five of whom were under one year old. Most were boys. Some of these children were simply kidnapped from their homes, but others were sold by parents who were alcohol or drug users. As highlighted by PWO in earlier reports, opium cultivation in Palaung areas has skyrocketed in recent years due to the profits being made by the Burma Army and its militia from the drug trade. This has led to increasing addiction among Palaung men, who not only sell off all their possessions to buy drugs but also their children.

In only eleven cases were the trafficked persons able to escape, some after years of forced marriage to Chinese men. Family members seeking to trace trafficked persons sought help in vain from local Burmese authorities and social organizations. In some cases perpetrators were arrested and jailed, but several paid bribes or fines and were then released.

The Burmese military regime has passed anti-trafficking legislation since 2005 and set up special anti-trafficking units, including at Muse on the China-Burma border. However, these measures appear to have had little effect, due to failure to address the structural root causes driving human trafficking.

The situation looks set to worsen following the November 2010 elections. Burma's military rulers ensured that their cronies won in the Palaung areas, including well-known druglord Kyaw Myint, who is now an MP for Namkham. Militarization has continued unabated, and new military offensives by the regime against ethnic ceasefire groups have ignited fighting once again in northern Shan State. Even before the new parliament was convened, a new national budget was approved which continued to prioritize military spending far above education and health.

Radical structural political changes are thus urgently needed to address the problem of human trafficking and migration in Burma.

PWO therefore makes the following recommendations:

**To the military government**

- To restore national reconciliation and genuine peace in Burma, the military government should immediately begin political dialogue with representatives of the pro-democracy forces and the ethnic nationalities
- To immediately implement a nationwide ceasefire and stop military offensives in the ethnic areas
- To review the policies of anti-trafficking in Burma to ensure they are addressing the root causes of the trafficking problem
- To lift all restrictions on activities of community based organisations, including those assisting trafficked persons

**To the international community**

- Not to recognise the undemocratic military-backed government in Burma
- To increase pressure on the military government to immediately start political dialogue towards genuine peace and democracy in Burma

**To UN agencies, INGOs and NGOs**

- To evaluate the effectiveness of anti-trafficking programs which are being supported inside Burma, and to monitor whether they are transparent and accountable
- To provide more support for civil society organisations, including those working cross-border, which provide direct assistance to those affected by trafficking

**To the Chinese government**

- To re-evaluate China's economic and diplomatic support of Burma's military government, whose policies are continuing to sink Burma's people deeper into conflict and poverty, causing mass migration and fuelling human trafficking to China

**To local communities**

- To accept trafficking survivors back into their community and to provide necessary support to them so that they can rebuild their lives

## **Methodology**

The evidence for this report comes from cases of human trafficking collected since 2007 by field workers from PWO's Information Documentation and Research Department, who work across the Palaung area in the northern part of Shan State. Some trafficking cases were recorded at the crisis centre operated by PWO's Eliminating Violence Against Women program. The report also draws evidence for its findings from interviews with Palaung migrant workers in China, a survey of migration patterns in Namkham conducted in early 2011, and interviews with local villagers. Secondary research and reports published by Ta'ang Students and Youth Organisation and PWO have also been useful in drafting this report.

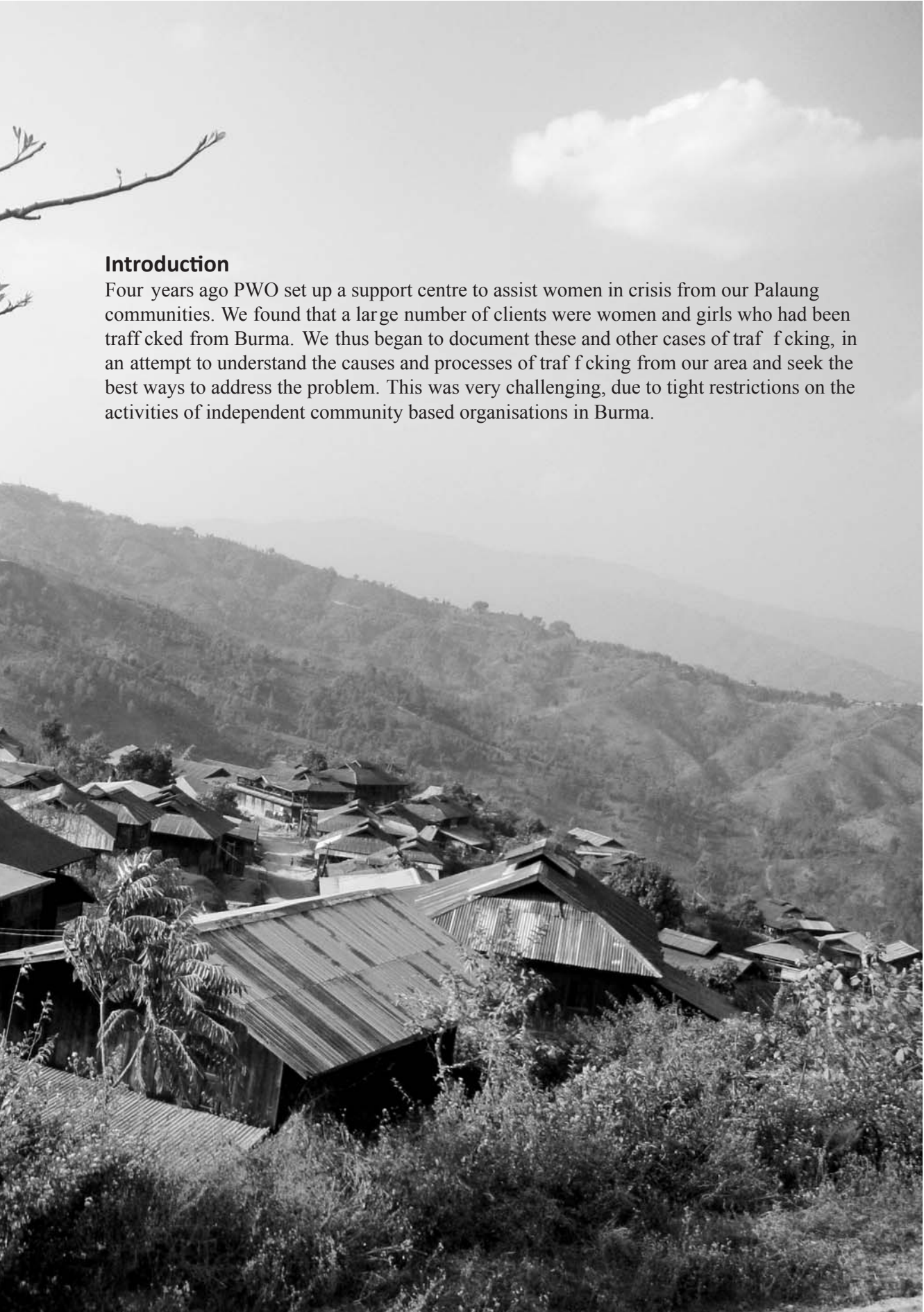
It should be noted that obtaining accurate statistics for human trafficking is extremely difficult. In the Palaung community extra-marital sex is stigmatised and the prevailing belief is that trafficking is synonymous with sex work. As a result, survivors of human trafficking are often reluctant to admit that they have been trafficked, and many Palaung women who escape from trafficking do not return to their village in order to avoid being shamed by the local community. Even when survivors are willing to tell their story they often cannot provide exact details about where they were trafficked to and by whom, due to having been deceived during the process. Collecting information about the perpetrators of human trafficking is also challenging; as trafficking in persons is a clandestine criminal activity, human traffickers do their best to conceal their identity and ways of operating.

As a result of these and other factors, it is likely that the cases of human trafficking documented in this report represent only a fraction of the number of Palaung women trafficked in northern Shan State.



*Palaung village in Burma*



A black and white photograph of a village with corrugated metal roofs on a hillside, with mountains in the background. The image is partially obscured by a text box on the left side.

## **Introduction**

Four years ago PWO set up a support centre to assist women in crisis from our Palaung communities. We found that a large number of clients were women and girls who had been trafficked from Burma. We thus began to document these and other cases of trafficking, in an attempt to understand the causes and processes of trafficking from our area and seek the best ways to address the problem. This was very challenging, due to tight restrictions on the activities of independent community based organisations in Burma.

# BACKGROUND

## ***The Palaung people***

The Palaung people are one of the indigenous nationalities residing within the multi-national Union of Burma. There are more than one million Palaung in Burma, most of whom live in the mountains of north-western Shan State, but also reside in the south and east of the state. The Palaung are descended from the Mon-Khmer, who migrated from Mongolia to Burma via China. They enjoyed a long history of self-rule under their own kings (Sawbwar) until the beginning of the 19th century. They have a distinctive traditional culture, with their own language and literature. The Palaung are predominantly Buddhist, and less than ten percent of Palaung are animist or Christian.

The Palaung lands are rich in minerals including silver, zinc, gold and aluminium. There are also many ruby and sapphire mines in the Palaung region, including the famous Mogok mine. However, the Burmese military government has modified state boundaries so that the Mogok area no longer belongs to Shan State and is instead a part of Mandalay Division. Palaung tea, grown in the upland farms of northern Shan State, is famous throughout Burma for its high quality. The Palaung also grow a variety of temperate climate fruit crops such as apples, plums, avocados and pears, which are highly valued in the lowland areas.

## ***The Palaung liberation movement***

Burma gained independence from Britain in 1948 as a result of the Panglong Agreement which established the Union of Burma. Although many ethnic nationalities were dissatisfied with the terms of the new federal union, they attempted to regain their rights through a system of parliamentary democracy. However, in 1962, the Burma Army seized power, establishing military rule. This led many ethnic nationalities, including the Palaung, to take up arms against the military regime.

The Palaung National Force (PNF) was set up on January 12, 1963, later transforming into the Palaung State Liberation Army (PSLA). The PSLA waged armed struggle for almost 30 years, until fierce offensives by the regime forced the PSLA to enter into a ceasefire agreement in April 1991. This granted the PSLA the autonomous administration of what the junta called 'Palaung Special Region No.7', encompassing the areas of Namhsan, Mantong, Western Kyaukme, Western Hsiphaw, Namtu and Namkham townships.

The ceasefire lasted for 14 years, until further pressure from the regime forced the PSLA to surrender their arms on April 29, 2005. Since then, the PSLA have been denied any control in the Palaung region, where a state of lawlessness prevails until the present day. The Palaung State Liberation Front (PSLF), founded at the Thai-Burma border on January 12, 1992, by a PSLA delegation to the ethnic armed alliance, the National Democratic Front, continues to struggle for Palaung national liberation.

## ***Militarization and abuses in the Palaung area***

Over the past twenty years, the military regime has steadily built up its military infrastructure in the Palaung areas. In the early 1990s, only four Burma Army battalions were based in Namhsan, Namtu, Moe Meik and Namkham townships, with several mobile military units operating in adjoining townships, as well as ten pro-junta militia units. Today there are a total

of 15 infantry battalions and more than 30 mobile military units stationed in the Palaung region and over 20 pro-junta militia units.

The increasing militarization has caused local people to suffer from an array of human rights violations. This includes arbitrary taxation; large-scale confiscation of land - mainly farms and tea plantations - for army camps and military plantations; forced unpaid labour as military porters, sentry guards, and workers on army barracks and plantations; and forcible recruitment of young men and boys into the Burma Army. Women have also suffered rape and other forms of sexual violence from the growing number of armed units in the area.

### ***Decline of Palaung tea industry***

Growing and selling tea is a key business for Palaung people and essential to their survival. Traditionally, the Palaung region produced high-quality tea, which was traded in exchange for rice and essential items from central Burma. However, following the surrender of the PSLA, and the Burma Army takeover of Palaung areas, they started to monopolise the tea industry, forcing local people to sell their tea to military supported companies at very low prices.<sup>1</sup> Falling prices of tea caused Palaung people to struggle to make ends meet due to high inflation, and the lack of alternative earning opportunities in their area.

The situation became even more critical in March 2009, when the Ministry of Health suddenly banned 100 brands of pickled tea leaf (a popular snack throughout Burma) for being tainted with a chemical dye called “Auramine O.” The order was issued without any government efforts to mitigate the impacts of the ban on the hundreds of thousands of Palaung who relied on tea as their main source of income.

*Sorting tea for market*



### ***Increased opium cultivation and drug use***

As detailed in PWO's earlier reports, *Poisoned Flowers* (2006) and *Poisoned Hills* (2010), there has been a huge increase in drug production in Palaung areas in recent years. PWO field surveys in Namkham and Mantong townships revealed a fivefold increase in opium cultivation between 2007 and 2009 in areas under the control of the military regime, which is allowing local pro-junta militia to profit from the drug trade in exchange for policing against resistance activity.

Palaung farmers unable to earn a living from tea cultivation are increasingly turning to opium growing, which is far more profitable. This in turn is leading to soaring rates of drug abuse among men, which is having a devastating impact on their families.



*Burma Army soldiers in Palaung area*

### ***Druglords and military cronies brought to power in 2010 elections***

As in the rest of Burma, Palaung voters were cheated of their democratic rights in the 2010 election. Fraudulent practices ensured that the military-backed party the Union Solidarity and Development Party (USDP) won in most key Palaung areas, including Namkham, Muse, Kutkai, Namtu, and Kyaukmae townships, beating the newly formed Ta'ang (Palaung) National Party (TNP). This included vote-buying, threats of violence if people did not vote for USDP, classification of votes for TNP as invalid, and extra counting of pro-USDP "pre-votes."

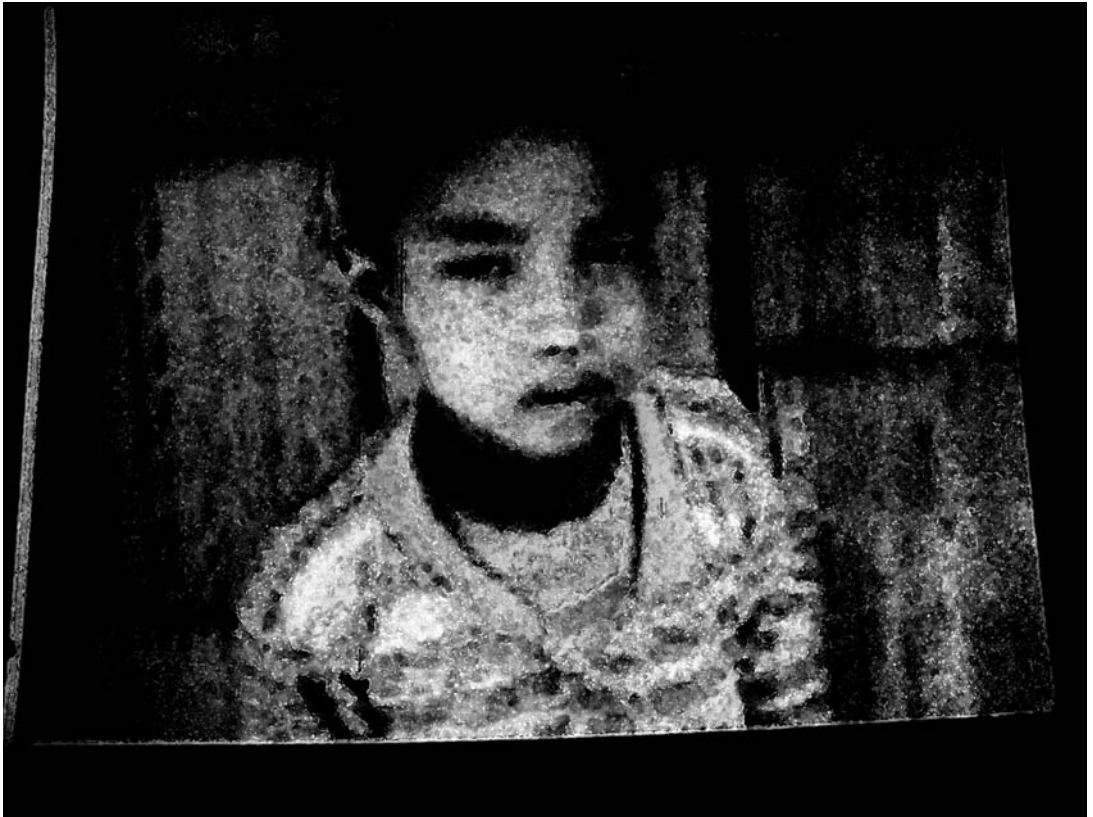
Notorious druglord Kyaw Myint won a seat in Namkham running for USDP. While campaigning, he promised that if people voted for him, they would be able to grow opium freely for five years.

In the Ta'ang self-administered zone of Namhsan and Mantong, no voting took place, as the regime struck a deal with its cronies within the USDP and TNP to represent this zone in the national Parliament. One of these is former military officer U Maung Maung Swe, half-brother of the wife of General Maung Aye, the regime's former vice-chairman. In his new post as USDP MP for Namhsan, he has again been appointed the Minister of Social Welfare and Relief, a post he also held in the former military government.<sup>2</sup>

### ***Renewed civil war brings fresh abuses in northern Shan State***

Prior to the November 2010 election, the regime had pressured all former ceasefire groups to come under the Burma Army as Border Guard Forces. However, the main ceasefire groups had refused to do so. Immediately after the election, Burma Army troops began fighting a faction of the Democratic Karen Buddhist Army which refused to become a Border Guard Force. On March 13, 2011, after months of military build-up, the regime also launched an offensive against the Shan State Army-North, breaking its 22-year-old ceasefire agreement. The fighting has spread across northern Shan State, including into Palaung areas, where civilians are being forcibly recruited as porters by the Burma Army.

This continuing use of military aggression to address political grievances of the ethnipeoples shows little has changed in Burma despite the handover of power to a new "civilian" government.



### ***Human trafficking from Burma***

Evidence that human trafficking from Burma is a growing problem has been published in several reports by the Kachin Women's Association Thailand,<sup>3</sup> which attribute the problem directly to failed state policies which are driving large-scale migration and increasing vulnerability to trafficking. They have called for political reform in Burma as the only way to seriously address the issue.

Burma is a party to a number of international conventions prohibiting trafficking in persons, and in 2005 enacted its Anti-Trafficking in Persons Law. In 2006, it established its Central Body for Suppression of Trafficking in Persons (CBTIP), as well as State, Divisional, District and Township Bodies for the Suppression of Trafficking in Persons. It has set up anti-trafficking units in 12 trafficking hotspots since 2007, and in 2009 set up a Border Liaison Office in Muse on the China-Burma border to enhance cross-border cooperation to enforce anti-trafficking legislation. The state media regularly announces prosecution of traffickers and assistance given to trafficking victims.

Burma also cooperates with the United Nations Inter-Agency Project on Human Trafficking (UNIAP) Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process, and in 2004, signed an MoU against trafficking in persons with other nations in the Greater Mekong Sub-Region (GMS). In 2009, Burma also signed an MoU with China on Cooperation to Combat Trafficking in Persons.

However, despite this, Burma has persistently ranked poorly in the US State Department’s annual *Trafficking in Persons* report. As the June 2010 report stated,

*“The government has yet to address the systemic political and economic problems that cause many Burmese to seek employment through both legal and illegal means in neighboring countries, where some become victims of trafficking.”*

The report also questioned the regime's statistics of prosecutions of traffickers, citing the absence of rule of law and pervasive corruption in Burma.



*Poster warning young women of the dangers of trafficking*

### **Traditional gender roles and trafficking**

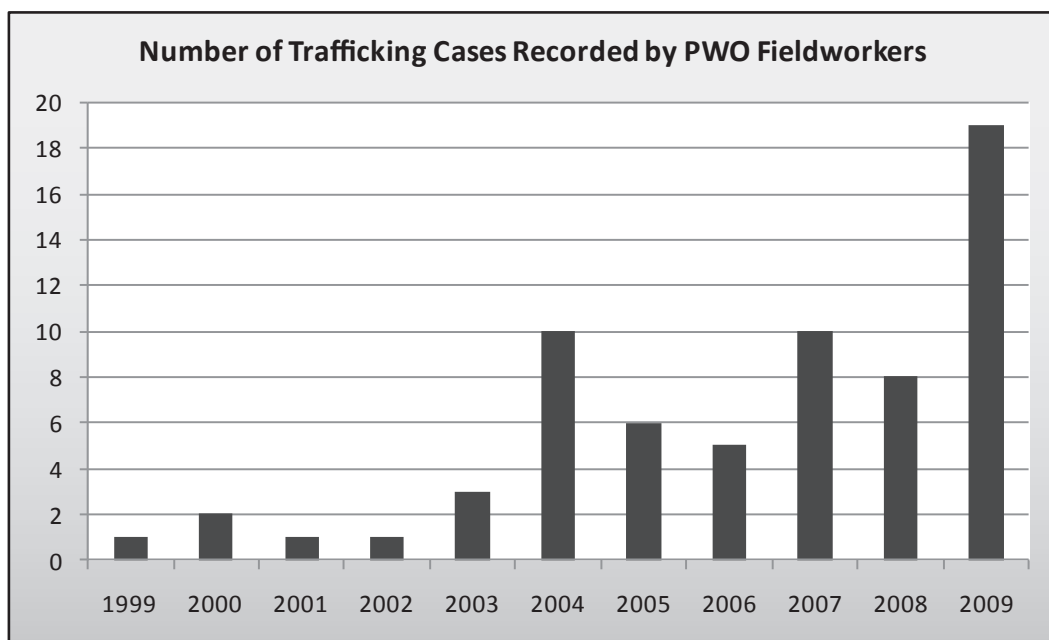
There is strong gender discrimination in traditional Palaung society. Women are traditionally regarded as family caretakers, responsible for all domestic tasks and child-care, yet working the same number of hours on farms as their male counterparts. Women do not receive a family inheritance, and it is men who control family resources. In the event of divorce, women must relinquish everything, including their children, to their husbands. Parents prioritize their sons’ education, as they assume their daughters will rely on their husbands.

As a result, many Palaung women have little formal education, and have little experience outside their homes. They also have a very limited knowledge of sexual and reproductive health and family planning. Thus, when they are forced to leave their homes in search of work, they are particularly vulnerable to trafficking, as well as unwanted pregnancies and sexual diseases.

## FINDINGS

### Rising incidence of trafficking

PWO has documented 72 cases, involving 110 people, of actual and suspected human trafficking occurring predominantly in the Palaung area of Northern Shan State between March 1999 and February 2011. Figures indicate an increase in the incidence of trafficking in recent years, corresponding to patterns of increased migration from Palaung areas.



Note: Data for cases of human trafficking occurring from 2010 onwards is still being compiled. The figures presented in this chart do not represent the total number of trafficking cases taking place during this time period.

### Who is being trafficked?

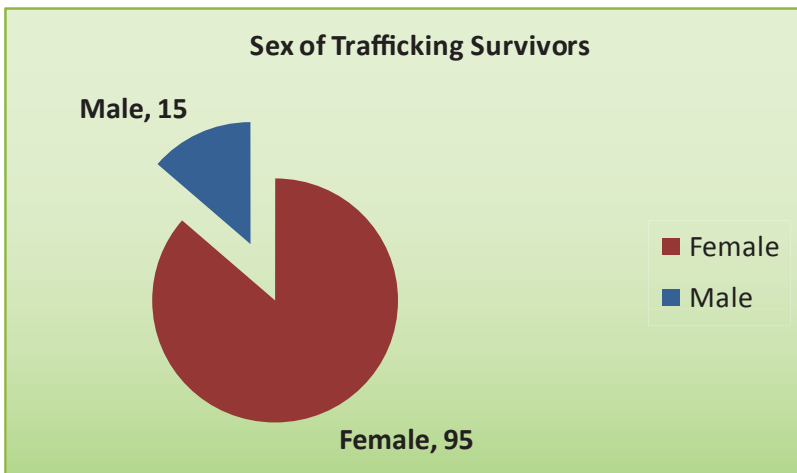
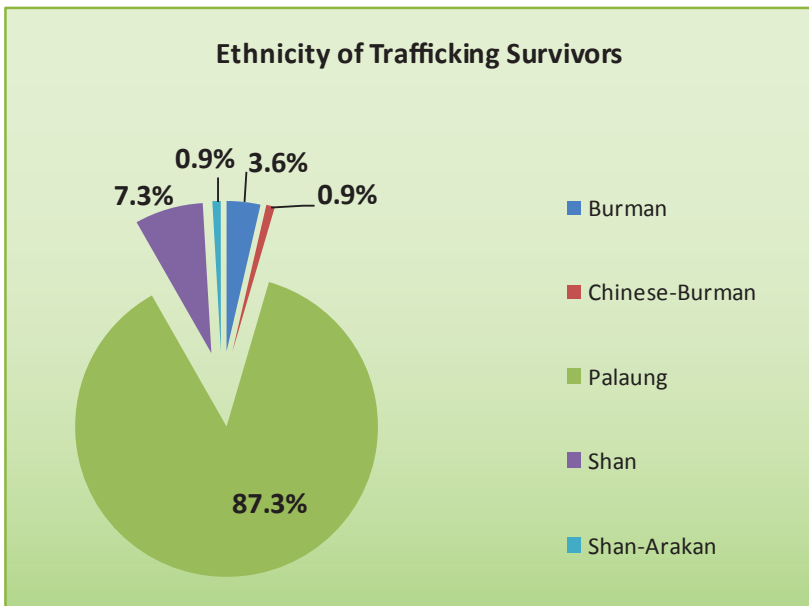
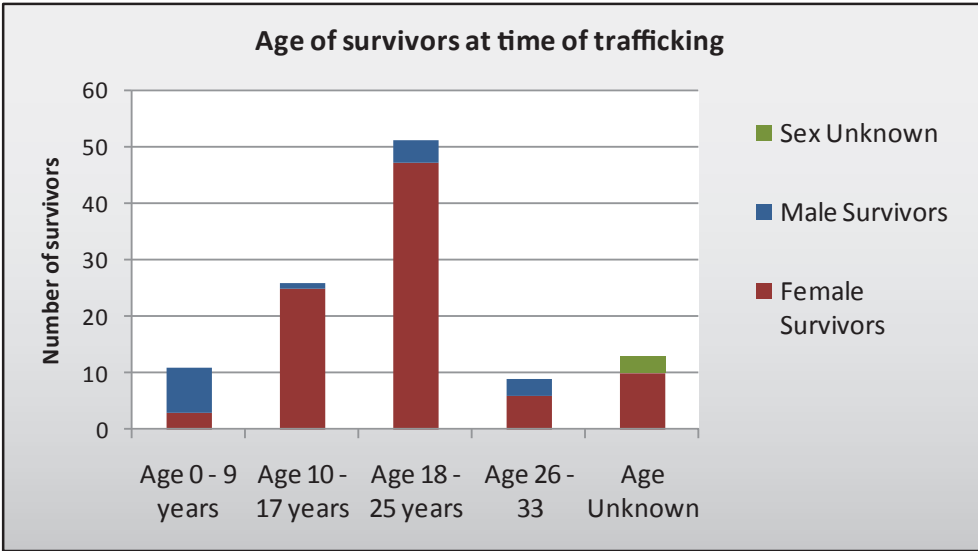
#### *Young women main targets*

Of the 110 people trafficked, 95 were female and 15 male. Survivors of trafficking were aged between 3 months and 33 years old. Young women are the primary target group for human trafficking in the Palaung area. The majority of trafficking cases involve female survivors aged between 10 and 25 years old.

A large proportion of the males trafficked were young boys, but there were also some young adult men, who were promised jobs in China, but ended up in debt-bondage or in captivity.

#### *Child trafficking*

A particularly disturbing new trend is the high number of children under aged ten who have been trafficked. There were five separate incidents reported in 2009 alone. The majority of young children trafficked were male (8 out of 11). Five were babies under one year old.





In three of the cases, the children were simply kidnapped by traffickers. In five cases, the traffickers pretended to ‘adopt’ the children, but actually then sold them in China. In the other cases, poverty and/or drug or alcohol abuse caused the parents or guardians to sell the children.

In most of the cases, the costs received for the children is unknown, but in one case in 2008, where a five-year-old boy was abducted from outside his house in Namkham, the husband of the couple who abducted him was arrested and admitted they had sold the boy for 7,600 Yuan (1,170 USD).

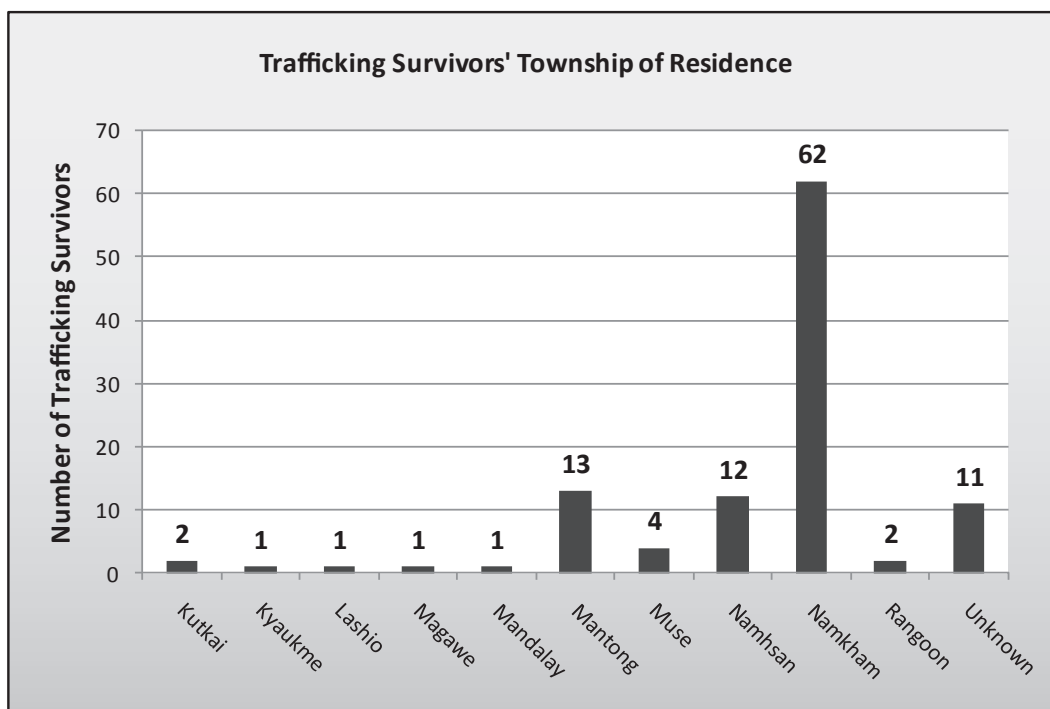
### ***Farmers trafficked***

Based on those cases where the survivor’s occupation was recorded, the majority of survivors worked on a farm or tea farm prior to being trafficked. Some of the younger survivors were dependent on their families for survival.

### ***High incidence of trafficking from Namkham***

As expected, since the PWO survey was focused on Palaung areas, most of the trafficking survivors were of Palaung ethnicity. But there was also a range of other ethnicities, including Shan, Burmese and Chinese-Burmese who were trafficked.

56.4% of all trafficking survivors were residents of Namkham township, while 22.7% of survivors were residents of the Palaung townships of Mantong and Namhsan. Several cases involved survivors trafficked from Rangoon and Mandalay in central Burma. The village and district of residence of eleven of the survivors (9.4%) is unknown. The high number of cases recorded from Namkham reflects its close proximity to the China border, as well as the worsening economic conditions described in the migration section in this report.

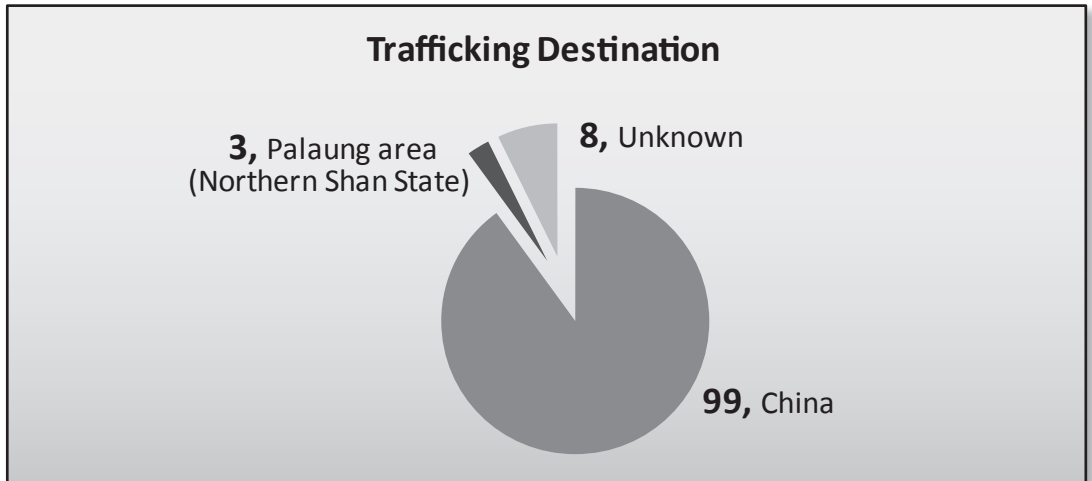




*Border checkpoint at Jiegao, China*



*Beggars in Ruili, China*



### Headed for China

The majority of people (90%) were trafficked to China. As discussed later in the migration section, this is due to the high numbers of people migrating to China in search of jobs. After being promised well paid jobs in factories or farms, they crossed the border with brokers, and did not realise they were being trafficked until it was too late for them to escape from the situation. They often lacked the financial resources or language skills to return to their village, or were simply held captive by their employers, ‘husbands’ or the brokers who trafficked them.

Most of the known destinations in China were in Yunnan, with 16.4% trafficked to Ruili on the China-Burma border, and almost 11% trafficked to Kunming, but some ended up as far away as Shandong in eastern China. In many cases, the person trafficked has disappeared and his or her final destination is therefore unknown.

### Who is doing the trafficking?

It is evident that cross-border trafficking involves a wide network of people. The perpetrators identified by PWO were mostly just the initial recruiters or brokers, who brought the trafficked persons across the border and then passed them on to further contacts. From the 72 cases of human trafficking collected by PWO’s field workers, information was recorded on 100 of these recruiters/brokers.

65 of the 100 perpetrators were female and 27 were male. The sex of the remaining eight is unknown. The age of the perpetrators ranged from 19 to 54 years old. The age of female perpetrators ranged from 22 to 50 years old. The ethnicities varied and included Palaung, Shan, Chinese, Burman and Kachin.

Just over 10% of perpetrators were farmers, just under 10% made a living as traders, 4% were government personnel or members of the police force, and 3% were businesspeople. One perpetrator was a nun.

Many of the perpetrators were residents of Namkham in northern Shan State. Some were from China, and some from central Burma.

## Situations to which people were trafficked

The chart adjacent shows the different situations into which people were trafficked. Unfortunately, this is unknown for only about half (53.6%) of the cases. This is either because the person being trafficked escaped before discovering what they would be forced to do, or because no information is known about what happened to them after being trafficked and they cannot be traced. There is no information at all about what has happened to the babies and young children who have been trafficked.

### ***Forced into the sex trade***

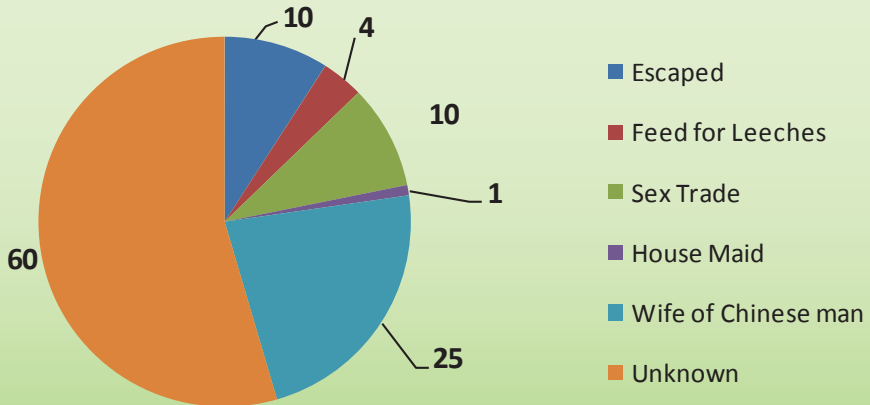
10% of the persons trafficked ended up in the sex trade in China. One 18-year-old Palaung woman was forced into sex work by her own mother-in-law.

“A. had already been married and living with her Chinese husband for approximately one year. In December 2005, her mother-in-law asked her to visit a city in China. When she arrived there she was forced to work in a nightclub, and was subsequently sold to the nightclub by her mother-in-law. After she escaped from the nightclub, her mother-in-law trafficked/sold her again, this time into prostitution. Finally, she was sold back to her Chinese husband.”



*A nightclub in Ruili*

### Situations into which people were trafficked\*



\* Chart shows number of individuals trafficked.

### Forced to marry Chinese men

Just under 25% of all people trafficked were sold to be wives of Chinese men. This reflects a trend exposed by the Kachin Women's Association Thailand in their reports,<sup>4</sup> which has resulted from the demand in China for foreign brides as a result of China's one-child policy.

According to China's one-child policy, government employees and families in urban areas are restricted to one child per family.<sup>5</sup> Families in rural areas are generally allowed a second child when their first child reaches five years of age, however, this sometimes only applies if the first child is a girl.<sup>6</sup> Heavy fines, confiscation of belongings and dismissal from work are amongst the penalties meted out to those who do not comply with the policy.<sup>7</sup> The one-child policy has led to a scarcity of females amongst the Chinese population, as traditional son preference has led Chinese families to seek sex-selective abortions.<sup>8</sup> Ultimately, this lack of females has resulted in the kidnapping



and trafficking of women for marriage and an increased number of commercial sex workers? Women from Burma are particularly sought after as brides because they are generally sold more cheaply than Chinese women. In one trafficking case documented by PWO, a fifteen-year-old Palaung girl was sold to a Chinese man as his wife for just 1,200 Chinese Yuan (185 USD). However, in another case a man paid 25,000 Yuan (3,847 USD) for his wife.

In some of the cases researched by PWO, the parents of the woman or girl were in agreement with the marriage, and received money directly from the broker. However, in one case the broker deceived a trafficked woman's mother by sending her a picture of her daughter with a 'handsome' young husband, and a small amount of money (350,000 kyat, or 350 USD), when the daughter had in fact been forced to marry an old widow. The trafficker was then able to persuade the mother to send her other daughter, aged 17, with her to China, after which they both disappeared.

One very disturbing pattern highlighted in our research was that some Chinese men are able to make a profit from selling their "wives" to new "husbands." A 22-year-old woman from Rangoon had the following experience:

"After we married, I went back with him to his native town in Yunnan. When we arrived at his home, we stayed there for three days and then he said that he did not like me any more and that he could not marry me. He planned to transfer me to another man but I told him that I would not marry the other man and that I would rather return to Yin Jiang. However, my husband and a Kachin woman named J. said that I would have to pay them 14,000 Yuan (2,154 USD) in compensation if I returned to Yin Jiang without marrying the man. They said that if I could not pay, I would have to marry the man they arranged for me and that those were my two choices - marry him or pay them 14,000 Yuan. I gave them all the money I had which was about 2,200 Yuan (338 USD) which I had saved up and they said they would send me home but they did not."

In the following case, an underage girl was sold to four different "husbands" before managing to escape:



*Bus station in Ruili, China*

K. was trafficked to China when she was 11 or 12 years old and escaped when she was 17 years old. She was found in Muse on the 24th April 2010. After escaping from Yin Jiang in China where she had been trafficked, K. found her way to the bus station in Muse and was trying to get back to her home town in Kyaukse District. While she was asking for help at the Muse bus station, a local woman saw her and tried to help her. The local woman asked K. who she was and where she wanted to go. K. told the local woman what had happened to her. The woman asked K. her parents' names and realised that by coincidence she knew the girl's father. With the help of the local woman, K. was able to be reunited with her family. When she was reunited with her family, K. and her mother cried a lot and hugged each other. According to K., she was trafficked by a woman and taken to Yin Jiang. After arriving in Yin Jiang, K. was transferred from place to place and forced to marry four different men during the time she was trafficked. K. was deeply traumatized by her ordeal.

### ***Food for leeches***

Two particularly disturbing cases, one in 2004 and one in 2006, involved keeping people in captivity as live feed for leeches, which are reared for medicinal purposes in China.

The case in 2004 involved three Palaung men from Namkham, who were tricked into travelling to China after being offered work on an orange farm, but ended up being used as feed for leeches. The three men have never returned to their village.

In 2006, a 21-year-old woman from a village near Namkham was invited by a Chinese woman to visit Ruili, and ended up being taken by another Chinese woman to Lingu city in Shandong, eastern China. She described her experience as follows:

“When I arrived there I had to stay in a flat in a high building. I was on the seventh floor. There were many rooms on that floor. They told me not to open the doors of the other rooms. I had to stay alone in my room. They gave me injections and fed me good food every day. I could not go outside. They did nothing to me, just asked me to stay in the room.

One day I secretly left my room and looked into one of the other rooms. I saw some people in that room in pools of water. They were all fat, but looked lifeless and were not moving. Then I saw that there were leeches sucking those people's blood. I was terrified. I realized that I was going to be fed to leeches.

I can say I was very lucky because before they put me in a pool of water to feed leeches, the Chinese police came and found me in the room I was staying. The police also sent me back to the China-Burma border at Ruili. My parents came and picked me up at in Ruili police station and I went back to my village. I feel afraid whenever I think about my experience.”

## Escape from being trafficked

Unfortunately, in the vast majority of the cases, the people trafficked have been unable to escape or have simply disappeared. In only eleven cases were women able to escape while being trafficked, usually at the China-Burma border. Some were able to phone to friends or family to come and help them. In only one case did the Burmese police help with the escape, after being alerted by some PSLA members. Several women simply escaped on their own from buildings where they were being held.

In four of the cases, the women or girls were able to escape or were allowed to return home several years after being trafficked. For those trafficked to remote locations in China, it was very difficult to return back to Burma.

In the case below, the woman was drugged by injections, but escaped by pretending to go to the toilet.

“I came to Muse with my aunt to work at the S. store for a salary of 25,000 kyat (25 USD) per month. I worked there for 15 days and then I met K. who is Chinese-Burman. She asked me to leave my job to go and work in a Chinese restaurant, for 400 Yuan (62 USD) a month.

K. told me that it would take around 20 minutes to get from my place to the restaurant. After that, K. took me from Muse to a Kachin agent in L. village, Jing Hong, in China. I had no idea that they were trying to traffic me. I stayed there for 2 days but I was given no job to do.

I asked K. and the Kachin woman about the job they had promised me and they replied that they would have to find the job for me first. Chinese men came to see me one after another. Then K. and the Kachin agent asked me to marry a Chinese man from Kunming, and said that if I married him I would receive 5,000 Yuan (769 USD) and some gold. I refused and told them that I had come to China to work, not to marry.

Then K. and the Kachin agent took me into a room and gave me three injections at once, two in my hips and one in my arm. They told me that the injections were to give me energy. However, after receiving the injections I got very weak and just wanted to lie down. I didn't want to do any work. One of the men from Kunming came to see me and paid 5,000 Yuan as an advance for me – K. and the Kachin woman sold me for about 10,000 Yuan (1,538 USD) altogether.

They planned to transport me on March 17 (2009), so on the March 16, I pretended to go to the toilet and ran away. I hid at the home of some Burmese people living in the area. K. and a group of Kachin women were searching for me on their motorbikes.” (The Burmese people contacted PWO, who arranged for the woman to be returned to home.)

A 33-year-old woman was released by her Chinese husband after three years but took the wrong bus home and ended up in North-East China. There she was arrested by Chinese police, and jailed for over a month before being sent back to the Burmese border. This is her story:





*People crossing unofficially through a fence in the Chinese border town of Jiegao*

T. was born in Moulmein. She had one son, but unfortunately her husband died. As she didn't have a job, T. was unable to feed her son so she gave him up for adoption, and begged for food and money for herself.

On June 20, 2006 while she was begging at a bus station in Rangoon, T. met with two women who asked her if she wanted a job, and told her to follow them to North Oke Ka Lar Pa park. There they gave T. a train ticket to Mandalay. When they arrived, T. asked where they were going and they replied that they would travel to Muse. By the time the three women arrived in Muse, T. still had not realised that she was being trafficked.

The three women crossed the border into China illegally and stayed in U.K.'s home in Ruili. U.K. is a 48 year-old Chinese man. The two women told T. to stay in the bedroom while they talked to U.K. in the living room. When T. went into the living room, the two women had already left. After that T. was forced to work as a housemaid in U.K.'s home for one month without being paid any salary.

After one month, T. was trafficked again by U.K. to Shandong in China. U.K. told her that she must get married and she would be paid 3,000 Yuan (462 USD). As T. did not know where else to go she went along with the arrangements. However, T. did not receive any money from U.K. and was trafficked to Shandong, where she was forced to marry a 40 year-old Chinese man. During the three years of marriage T. could not conceive a child so her Chinese husband paid her 1,000 Yuan (159 USD) to return to her own village.

As T. did not know where to go she asked her Chinese husband if he would send her to the bus station but he told her that he could not. T. wanted to go to Yunnan, but bought the wrong ticket and ended up in 'Dong Bei' (N.E. China). By this point T. didn't have any money left, so she took a job as a dish washer there. One day, a Chinese policeman who was eating in the restaurant saw T. when he went to the toilet and, because of her darker skin tone, he suspected her of being an illegal migrant worker. The case was taken to court and T. was sentenced to 15 days in prison. Her case was then re-examined and she was sentenced to one more month in prison.

After T. had completed the additional one month in prison she was put on a plane to Ruili by two policeman. When T. arrived in Jiegao she was angry with U.K. and tried to find him but he was not there. When T. asked a man on the road near to U.K.'s house where he was, he told her that U.K. had moved house. When T. told the man that she had been trafficked he contacted the PWO Crisis Centre, who helped her return to her home.

## Limited recourse to assistance and justice

When parents discovered or suspected that their children had been trafficked, they tried every possible means to try and trace them, including seeking help from anyone travelling outside their communities to follow up on news of their children. They also approached local authorities and social organisations to help arrest the perpetrators and find their missing children. This included police, village leaders, pro-government militia, ethnic armed groups, as well as the local Palaung Literature and Culture Committee, the PWO and the international NGO Save the Children. In only two cases was it learned that parents had sought help from the government's local anti-trafficking units, even though these have been set up especially for this purpose by the regime.

In only nine cases were the perpetrators arrested by local authorities, and in one of these cases the perpetrator paid a bribe of 3,000 Yuan (462 USD) to the police to be released. Two women also paid a bribe of 800,000 kyat (800 USD) to a pro-government militia leader in Mantong to avoid arrest.

Some of the perpetrators were jailed, but some were simply asked to pay compensation to the parents of those trafficked. A couple who had sold a young woman for 25,000 Yuan (3,846 USD), were simply ordered to pay compensation of 170,000 kyat (170 USD).

In several cases, the authorities did nothing at all to help, and unfortunately, in no cases have any of the authorities or organisations, including the anti-trafficking units, been able to trace people once they have been trafficked beyond the China-Burma border.

Significantly, none of the survivors or their families mentioned trying to contact or being helped by the Myanmar Women's Affairs Federation, the nationwide government-sponsored women's organization, which is also tasked to carry out anti-trafficking activities.



*MWAF office in Lashio Shan State*

### **The Myanmar Women's Affairs Federation**

One of the stated objectives of the government-sponsored Myanmar Women's Affairs Federation (MWAF) is 'to reduce and finally eliminate trafficking in women and children as a national task.'<sup>10</sup> According to the regime's claims to CEDAW, MWAF is combating human trafficking by 'conducting awareness-raising programs, opening counselling centres...and disseminating knowledge about the laws which protect women.'<sup>11</sup> Official government statistics claim that as a result, 830,000 people have been educated by MWAF about the dangers of human trafficking.<sup>12</sup>

However, PWO found little evidence of MWAF conducting any such activities in Namkham, despite the area being a trafficking hotspot. According to an interview with a member of MWAF group in Namkham: "We have carried out few activities related to human trafficking, as hardly any trafficking victims come to contact us. Few local people report cases to us. They don't dare to. We haven't carried out awareness raising activities about trafficking in the Namkham area, and we are not aware of other MWAF branches doing so either. Our work mainly involves welcoming high officials visiting our area, and then following their orders."

## Problems facing trafficking survivors on their return home

Women who have escaped from trafficking situations and return to their communities face great difficulty returning to a 'normal' life. They are often traumatized and find it hard to trust others, even their relatives. At the same time, they face discrimination from local community members who assume they have been doing sex work, despite the fact they were trafficked.

Women even face censure from their own families, who try not to let neighbours or other community members know what has happened to their daughters. Some women have restrictions placed on them and are not allowed to go outside the home without their family's permission. Some families do not want their daughters back in their homes because it will bring "shame" on their other daughters.

This has discouraged women from taking action against perpetrators. A 19-year-old Palaung woman from Namkham who managed to escape from being sold as the wife to an old Chinese man, was too "ashamed" on her return to her village to seek charges against the woman who trafficked her.

Due to the stigma, women are also unwilling to seek medical help for sexually transmitted diseases contracted after being trafficked. Even if they can overcome their shame and visit a clinic, it is difficult for them to afford the cost of medical treatment. For people with HIV, the stigma is even worse, and some communities will not accept them back to live in their village.

Some families of trafficking survivors also do not find it easy to accept the children born as a result of their daughters' forced marriage to a Chinese man. These children are often discriminated against, while their mothers are looked down on by the community for having given birth to the child of a Chinese man.

Many trafficking survivors feel uncomfortable visiting public places or participating in community events, and become depressed and withdrawn. Some respond to this pressure in ways that are harmful to themselves. For example, some have developed an alcohol abuse problem and use drugs such as methamphetamine or heroin, which creates further conflict with their community.

In one of the cases, a young Palaung woman who returned to her village from being trafficked into sex work in China faced so much censure from her community that she ended up taking her own life.

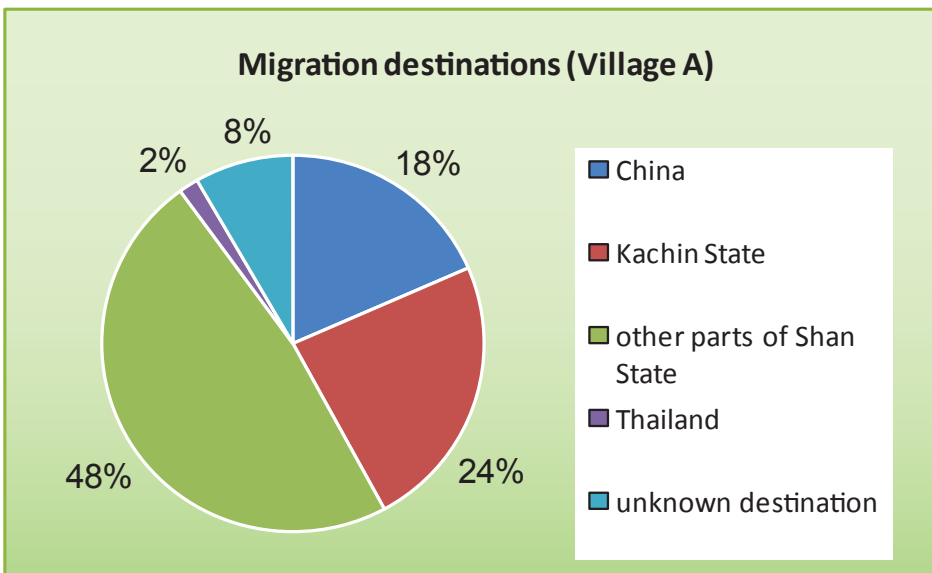
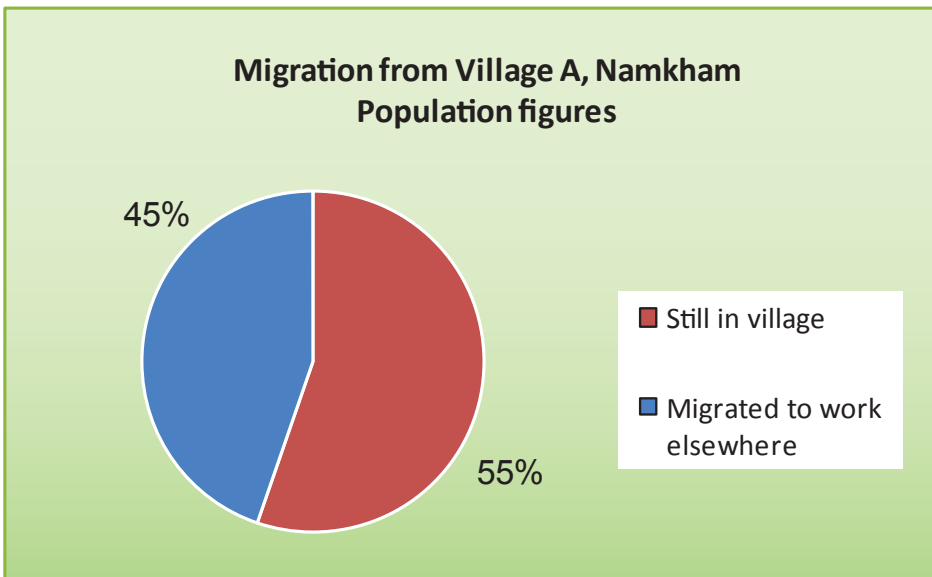
As a result of these problems, some women are unable to return to their community after being trafficked. Instead, they try to work elsewhere and start a new life.



## Large-scale migration from Palaung areas

In early 2011 PWO conducted household surveys in two Palaung villages, each in separate tracts of Namkham township, where cases of trafficking had been reported. It was asked how many members of each household had moved to work outside the village (and were currently not present) and where they had moved to.

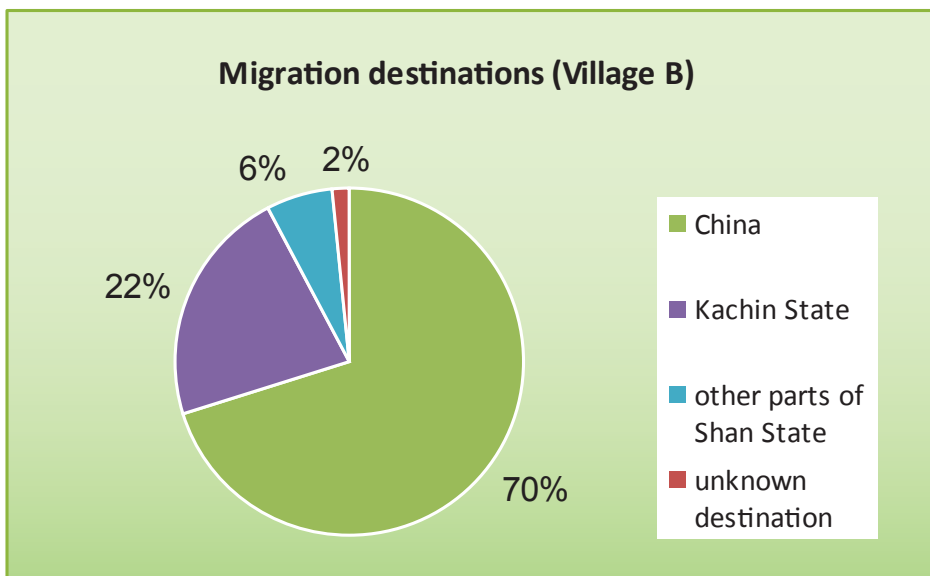
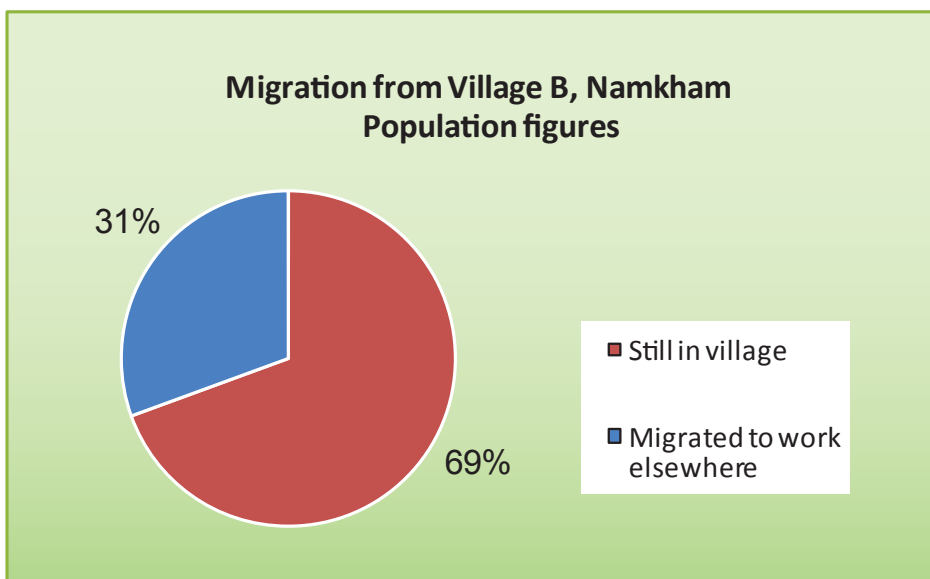
In Village A, which had 44 households (with an original population of 266 people), 45% of the population, or 119 people (65 male and 54 female) had migrated elsewhere over the past five years.



In Village B, which had 37 households (with an original population of 209 people), 31% of the population, or 64 people (31 male and 33 female) had migrated elsewhere over the past five years.

In Village B, every single household had at least two members who had migrated. In Village A, all but two households had members that had migrated. The age of those migrating was mostly between 16 and 40. Those remaining in the village were mainly older people and children.

The three main destinations to which people were migrating were China, Kachin State and other parts of Shan State.





*“When we work in Burma, there are no well-paying jobs. If we work on a farm, we have to bring our own lunch, and we get less than 2,000 kyat (2.00 USD) a day. It is not enough for our family. Here in China, I can earn 750 Yuan (115 USD) a month, and my boss gives me food for the whole day. So I can save my extra money and support my family. I am happy to work here.”*  
Factory worker, Muse

*Jade polishing factory in Ruili*

Higher wages, on farms, construction sites and in factories, were the key “pull factor” attracting migrants to China. While workers from Burma are paid less than Chinese, the wages are still far higher than those in Burma. As one young Palaung woman working in a gem-polishing factory in Jeigao (opposite Muse) explained:

The villagers migrating to work in other parts of Shan and Kachin were mainly finding work as labourers on opium plantations in Shan and Kachin State. Other villagers had gone to work as labourers in mining areas such as Phakant or Mong Su.

*“In the village, people only get about 2,000 kyat (2 USD) a day. That’s why they go to work on poppy fields at the Pan Say area, where they get about 3-4,000 kyat (3-4 USD) a day.”* Farmer, Namkham

### ***Abandonment of tea farming***

*“If a farm produced 100 viss of tea in the past, now it only produces 60 viss.”* Farmer, Namkham

In areas surveyed, the main livelihood had formerly been tea farming. Farmers explained that ten years earlier, the price of tea had still been high enough to survive, but various factors had meant this was no longer the case.

One main factor was the surrender of the PSLA in 2005, and the resulting expansion of Burma Army into the area, who in turn set up new pro-junta militia to police the area. These armed units are given authority to extort taxes on all economic activity including trading and transport of agricultural products, placing greater burdens on local populations.

The markets for Namkham tea, which is of lower quality than the tea grown in Namsan, were also shrinking. Farmers had formerly been able to sell tea to both Burmese and Chinese

markets, but around 2006, some traders mixed in other kinds of leaves to the tea sold in China, and when this was discovered, Chinese buyers stopped purchasing Palaung tea.

Namkham tea farmers thus became reliant on markets in Central Burma. High transportation costs, including the need to buy transport permits and kick-backs at numerous checkpoints, cause traders to pay less to farmers for their tea.

The tea farmers also became vulnerable to market trends in lowland Burma. After Cyclone Nargis hit the Irrawaddy Delta in May 2008, causing widespread damage and impoverishing huge numbers of delta dwellers, the market for tea plunged as people could barely afford rice, and stopped buying non essential items such as tea.

The regime's sudden banning of 100 brands of pickled tea in 2009, due to suspected contamination by the chemical dye "Auramine O", also had a severe impact on tea farmers in Namkham. Tea trading was badly disrupted and tea prices plummeted that year.

Meanwhile, prices of other food commodities have been steadily rising. Palaung farmers grow little rice and are reliant on imports of rice from lowland Burma. High transportation costs push up the price of rice and other commodities such as oil and salt. The decreasing income from tea has meant that farmers can no longer afford to feed their families, and have needed to look for other sources of income. With migration of labour out of the area, the tea plantations are increasingly being left untended.

*"There are only old people and children in the village because the rest of the people are leaving the community to work in other areas."* Farmer, Namkham



## **Charcoal production no longer profitable**

Many villagers in Namkham had also formerly relied on charcoal for subsidiary income. They would produce charcoal from trees around their villages and either take this themselves or sell to traders to market in China, where there is a large demand for this fuel.

However, with increasing charcoal production, trees have become more and more scarce, and villagers wanting to produce charcoal have had to travel to more remote mountain areas. This means having to invest more to produce the charcoal and to transport it past checkpoints, so that it is no longer a viable source of income.

*“The income from charcoal is now very low. This is partly because we have to pay taxes at every checkpoint, and also we have to spend a lot of money on food and transportation while we are making it in the forest. It is not worth it. We are left with nothing.”* Farmer, Namkham

## **Rising health and education costs**

Farmers also complained that they cannot afford the spiralling costs of health and education. These sectors have been chronically under-funded by the government.

There are few government health facilities in Namkham. Apart from the main hospital in the town, there are only a few clinics in the rural areas – approximately only one for every thirty villages – which are poorly staffed and equipped. In all the facilities, patients must pay for all treatment and medicines. As costs have risen, people are less able to pay for treatment.

*“In the past, if you had 50,000 kyat (50 USD) you could go to hospital. Today, even if you have at least 100,000 kyat (100 USD), you don't dare to go to hospital.”* Farmer, Namkham

*“10 years ago, if you gave birth, you didn't have to spend a lot of money. But it's not the same now. If you give birth naturally, you have to pay 20,000 kyat (20 USD) but if you have surgery you have to spend at least 500,000 kyat (500 USD), including the cost of the nurse, water and electricity. It's a public hospital so nothing is free.”* Farmer, Namkham

Government education facilities are similarly neglected, and there is a serious shortage of schools, teachers and school supplies in the Palaung area. Many villages have no schools at all, and those that exist are usually small, old and in need of repair. Teachers are grossly underpaid and villagers often have to contribute to teachers' salaries despite their own poverty.

Farmers described how education costs have increased over five-fold in recent years.

*“In 2000 we spent about 500 to 1,000 kyat (0.5-1 USD) for each student to enrol at primary school, but now it costs about 5-10,000 kyat (5-10 USD) for the enrolment without text book fees. Ten years ago, each student only spent around 10-20,000 kyat (10-20 USD) for the whole year whereas they have to spend almost 100,000 kyat (100 USD) today because they have to pay for tuition, extra class fees and other kind of fees.”* Farmer, Namkham





*Some migrants find well paying jobs while others end up sifting through garbage to survive*

## Social factors fuelling trafficking

Various factors have been identified as fuelling migration from Palaung areas. Our research revealed that some of these factors also directly increase vulnerability to trafficking.

### ***Lack of education***

In cases where the educational background of the trafficked persons was recorded, it was learned that most had received little or no formal education, indicating that lack of education is a factor that increases vulnerability to trafficking. In one of the cases in Namhsan, it was discovered that the trafficking perpetrator was deliberately searching out young women who were “uneducated” as he was afraid that if they were educated they would know how to run away and come back home.

As discussed earlier, women’s low levels of education is both a result of government neglect of the education sector, which has made it difficult for poor families to afford school fees, as well as gender discrimination, which causes families to prioritize their sons’ over their daughters’ education in times of economic difficulty.

### ***Lack of health services***

Government underfunding of health services, which has made health costs prohibitive, is also a factor that has driven people directly into the hands of traffickers. In one of the trafficking cases documented by PWO, a Palaung woman desperately in need of money for cancer treatment was tricked into sending her 17-year-old daughter to work in China. This was her experience:

“I have cancer and I needed money for medical treatment. Mai D said that if my daughter accepted a job working for his sister then he would give me money for my medical treatment. On the 29th of September he took my daughter and I to Namkham but he did not send me immediately to the hospital. Mai D said that after he had found a job for my daughter he would send me to a hospital.

On 1st October 2009, he took my daughter to work for his sister in Jing Hong in China. When he returned, Mai D gave me 500 Yuan (77 USD) for medicine and told me that he would give me more money later if I needed it. Later when I asked him for more money for medicine he gave me a very small amount of money, and claimed that this money was my daughter's earnings. I then began to suspect that something was wrong and asked for my daughter to be returned to me but Mai D did not return my daughter to me. I then asked him to take me to my daughter, so Mai D took me to his sister's home. His sister said, ‘Your daughter is not here, my brother did not bring your daughter to stay here.’ When Mai D and I arrived at his sister’s home he ran away. I didn't know what to do. I went to rest at Mai D’s relative's house before I returned to Namkham Township, and told the relative what had happened to my daughter. Mai D’s relative also suspects him and his sister of trafficking. The relative told me that both Mai D and his sister were traffickers, and that both of them left the family home a long time ago.

I heard that the two perpetrators sold my daughter for 25,000Yuan (3,846 USD). I went once more to China to find my daughter but Mai D and his sister had moved out of the house where they had taken me. I do not know where they trafficked my daughter to.”

## ***Increased opium production and addiction***

Increased levels of opium addiction are directly contributing to the problem of human trafficking in the Palaung area. In several of the cases, children were trafficked by fathers who were drug users. One 45-year-old man from Namkham sold off all his belongings and then finally trafficked his 25-year-old daughter and one-year-old nephew to China to obtain money for drugs. Another 48-year-old drug user from Namkham trafficked his 12-year-old son to China.

As described in PWO's earlier reports, due to falling tea prices, opium farming is now much more lucrative than tea farming, and many former tea farmers have now turned to opium farming as a means of survival. Consequently, drug trafficking, substance abuse and drug related problems have escalated to dangerous levels in the Palaung region. In every village in the Palaung area, rates of heroin, amphetamine and raw opium abuse are dramatically increasing. Many young people, constituting as much as 80% of the population, have fallen victim to narcotics abuse as drugs are readily available in their villages. Many drug dealers are in some way related to local government authorities, military and militia leaders, and as a result no sanctions are brought against them for selling drugs.<sup>13</sup>



As the problems of opium growing, drug addiction and drug trading increase, so does their impact on women and children. Apart from drug addicts selling off all their possessions in order to make money for drugs, they are also more likely to resort to domestic violence. In one of the cases of human trafficking collected by PWO, a woman subjected to domestic violence trafficked her child in the belief it would allow her to escape the violence.

The local community traditionally places the blame for a husband's opium addiction on his wife; they believe that it is her fault for not being a good wife. As well as struggling with this stigma, those Palaung women whose husbands are opium users have to single-handedly provide financial support for their whole family. In this way, the increase in opium farming and drug abuse has forced some Palaung women to migrate in search of work, and therefore exposed them to the risk of human trafficking.

However, despite these severe social impacts, the regime's own political and economic benefits from the drug trade are preventing it from taking any effective action to solve the problem of opium production or addiction in the Palaung area.

## Conclusion and Recommendations

This report provides evidence that human trafficking from Palaung areas of northern Shan State is a growing problem, and is being fuelled by large-scale migration and the current economic crisis in Burma. This migration is a direct result of the regime's policies, in particular its tightened military control of ethnic areas. Increased numbers of Burma Army troops and proxy militia are imposing increased restrictions and taxes on agriculture and trading, which are strangling traditional production of tea. These controls, rising prices of food commodities from Central Burma, and increasing costs of health and education, due to government underspending, have meant that Palaung tea farmers can no longer earn a living and young people have to leave home to survive.

Increased opium cultivation in Palaung areas, due to the profits being made by the Burma Army and its militia from the drug trade, has also caused increased drug abuse and poverty, and directly fuelled the incidence of trafficking.

The situation looks set to worsen following the November 2010 elections. Burma's military rulers ensured that their cronies won in the Palaung areas, including well-known druglord Kyaw Myint, who is now an MP for Namkham. Militarization has continued unabated, and new military offensives by the regime against ethnic cease fire groups have ignited fighting once again in northern Shan State. Even before the new parliament was convened, a new national budget was approved which continued to prioritize military spending far above education and health.

Radical structural political changes are thus urgently needed to address the problem of migration and human trafficking in Burma.

PWO therefore makes the following recommendations:

**To the military government**

- To restore national reconciliation and genuine peace in Burma, the military government should immediately begin political dialogue with representatives of the pro-democracy forces and the ethnic nationalities
- To immediately implement a nationwide ceasefire and stop military offensives in the ethnic areas
- To review the policies of anti-trafficking in Burma to ensure they are addressing the root causes of the trafficking problem
- To lift all restrictions on activities of community based organisations, including those assisting trafficked persons

**To the international community**

- Not to recognise the undemocratic military-backed government in Burma
- To increase pressure on the military government to immediately start political dialogue towards genuine peace and democracy in Burma

**To UN agencies, INGOs and NGOs**

- To evaluate the effectiveness of anti-trafficking programs which are being supported inside Burma, and to monitor whether they are transparent and accountable
- To provide more support for civil society organisations, including those working cross-border, which provide direct assistance to those affected by trafficking

**To the Chinese government**

- To re-evaluate China's economic and diplomatic support of Burma's military government, whose policies are continuing to sink Burma's people deeper into conflict and poverty, causing mass migration and fuelling human trafficking to China

**To local communities**

- To accept trafficking survivors back into their community and to provide necessary support to them so that they can rebuild their lives

## Appendix 1 – Selected Cases

### Case 13

Date trafficking incident occurred: November 2004

Location of Trafficking Incident: Namhsan Township, northern Shan State

Destination trafficked to: China

Persons Trafficked: Lway G, Palaung female, 18 years old

Lway H, Palaung female, 18 years old

Perpetrator: Mai A, male, 23 years old



*Sorting tea in the village*

Mai A asked two eighteen year-old Palaung girls from Namhsan Township to go with him to Mai Pore township, near the China-Burma border. Mai A told the girls that he would give them jobs when they arrived in China, so they agreed to go with him. Like most people in their village, they were unemployed and wanted to make enough money to support their families. Although some families in the village

own tea farms, their trade has suffered greatly because the authorities reduce the buying price of tea. This makes it increasingly difficult for tea farming communities to make ends meet, and most people from the village want to work in other places where they can earn higher wages.

Mai A's wife was living in Mai Pore and when the two young women arrived there, Mai A and his wife would not let them out of their house. Eventually Mai A's wife sent the two girls to her brother in China, who sold them to Chinese men. Mai A continues to try and traffic women from the village, however, many villagers are now aware that Mai A is a trafficker. The parents of the two victims frequently asked Mai A for news of their daughters and he responded that they were working as tailors in China, however their parents did not believe him. As they knew the address of Mai A's wife in Mai Pore they decided to go there to look for their daughters but they could not find them. It was after this that they discovered that their daughters had been trafficked. The head of the village ordered people to arrest Mai A but he was aware of the situation and left the village and has not returned.

## **Case 17**

Date trafficking incident occurred: 2004

Location of Trafficking Incident: Namkham Township, northern Shan State

Destination trafficked to: Kunming, China

Persons Trafficked:     Lway A, Palaung female, 23 years old  
                              Lway B, Palaung female, 20 years old  
                              Lway C, Palaung female, 20 years old  
                              Lway D, Palaung female, 21 years old  
                              Lway E, Shan female, 20 years old

Perpetrator:             Lway F, female, age unknown

On June 20th 2004, four Palaung women and a Shan woman were trafficked into China. As a result of the economic situation in the Palaung area, the five young women had decided to travel to other towns in search of work. Whilst looking for work, they met a woman who told them there was a lot of demand for workers in the orange and sugar fields in Kunming Township in China. She promised the five young women that she would arrange jobs for them if they went with her to China, so they agreed to go. However, Lway F sold them as wives to Chinese men. When the five young women did not return home, their parents began looking for Lway F, and later found out that she was a trafficker and had already sold their daughters. The people in the village wanted to arrest Lway F, however, Lway F heard about this and has not returned to the village as a result. She is currently living in China with her husband.

## **Case 32**

Date trafficking incident occurred: May 2007

Location of Trafficking Incident: Kutkai Township, northern Shan State

Destination trafficked to: Unknown

Persons Trafficked:     Lway BB, Palaung female, 22 years old  
                              Lway CC, Palaung female, 17 years old

Perpetrator:             Lway DD, female, 35 years old

In May 2007, Lway BB was allowed by her mother to go with Lway DD to get a job, however she ended up being trafficked and forced to marry a Chinese man. When Lway BB left with Lway DD her parents did not know exactly where she was going, although they understood that it would take five or six days to travel from Muse to their daughter's workplace. When Lway BB arrived at her destination she had her photograph taken with a handsome boy and was married to him, although in reality she had been deceived; she was not married to the young boy but was instead married to an old widowed man. The photograph of Lway BB and the handsome boy were sent to her mother along with 350,000 kyat (350 USD). As her mother did not realise her daughter had been trafficked she was pleased to receive the money. In July 2008, Lway DD took Lway BB's sister, Lway CC, again under the pretence of finding her a job. This time the girls' mother did not receive any news of her young daughter or any money and has not had any contact with either of her daughters since they were trafficked.

## Case 69

Date trafficking incident occurred: September 2010

Location of Trafficking Incident: Namkham Township, northern Shan State

Destination trafficked to: China

Persons Trafficked: Lway X, Palaung female, 20 years old

Perpetrator: Lway Y, female, age unknown  
Lway Z, female, age unknown  
Lway AA, female, age unknown

In September 2010, a 20 year-old girl from Namkham Township was trafficked. As Lway X could not find a job in her home town she decided to look for work elsewhere, but during her search for a job she was deceived by Lway Y and two other women. The survivor, Lway X, recounts her experience as follows:

“My mother was helping me to look for a job and in doing so asked for the advice of many local people. When she arrived at Lway Y’s house, she was told by Lway Y that her husband's relative in Namkham could give me a job. My mother took me to meet Lway Y and returned to the village, and I went to Namkham with Lway Y. When we arrived in Namkham, Lway Y and her two friends took me to China to find me a job. When we arrived at the river crossing at the China border, the two other women were talking on the phone about selling me to someone else. Fortunately, I can understand Chinese and upon hearing the two women's telephone conversation, I refused to travel to China to work and asked to return to my village. They pleaded with me and offered me a lot of money to go with them but I refused and I returned to my village.”



*River crossing at Ruili*



## Case 62

Date trafficking incident occurred: 4th September 2009

Location of Trafficking Incident: Namkham Township, northern Shan State

Destination trafficked to: Wan Tain, China

Persons Trafficked: Lway EE, Palaung female, 29 years old

Perpetrator: Lway FF, female, 44 years old

Mai B, male, 42 years old

On the 4th September 2009, Mai B and Lway FF, a couple living in Namkham Township, asked Lway EE to come and work for them in Mine Baw Township making charcoal. Mai B and Lway FF told Lway EE that when they had finished burning the charcoal they would give her half of their profits. On the 4th of September, the three of them left to travel to Mine Baw Township, the location of the charcoal business, but when they arrived, Mai B claimed that he had left something at home and went back to his village alone, leaving Lway EE and Lway FF in Mine Baw Township. Around four days after Mai B left Mine Baw, Lway FF also left, leaving Lway EE with an old Chinese man. She told Lway EE that this man was her business partner and that she needed to return to her village to find her husband. It was reported by a villager that Lway FF sold Lway EE to the Chinese man for about 25,000Yuan (3,846 USD). The villager said:

I saw Mai B in Namkham. I thought he was back home at that time. He told me that he was waiting for his wife. He told me to pay him. I went back home. Later, I heard some news from the village that Lway EE didn't go to work in the charcoal business but that she went to work in another place. Moreover, I heard more news that she has disappeared. I found out from a woman in Mine Baw that Lway FF trafficked Lway EE for about 25,000 Yuan.

When the perpetrators returned to their village, the village chairman called them and asked them what had happened to Lway EE. They repeatedly denied that they had deceived and trafficked Lway EE. However, when they were told that evidence could be obtained from a woman in Mine Baw, they admitted that they had indeed trafficked Lway EE. The village chairman ordered them to pay 170,000 kyat (170 USD) in compensation.



*Signboards at official border checkpoints*

## Appendix 2

### Complete List of Trafficking Cases

Case #	Date of Trafficking Incident	Location trafficked to	# of People Trafficked	Sex	Age	Ethnicity	Township of origin
1	Mar-99	China	1	F	20	Palaung	Namkham
2	2000	China	1	F	10	Palaung	Namkham
3	2000	China	1	M	1	Palaung	Namkham
4	1-Feb-02	China	1	M	6	Palaung	Mantong
5	Jan-03	China	1	F	25	Shan	Namkham
6	June-03	China	2	F	25	Palaung	Namkham
				M	1.5	Palaung	Namkham
7	July-03	China, Ruili	2	F	18	Palaung	Namhsan
				F	18	Palaung	Namhsan
8	10-Mar-04	China, Zheng Feng	1	F	13	Palaung	Muse
9	1-Mar-04	China, Zheng Feng	1	F	28	Palaung	Muse
10	June-04	China	3	F	10	Shan	Namkham
				F	10	Shan	Namkham
				F	10	Shan	Namkham
11	June-04	China	1	M	7 months	Shan	Namkham
12	10-Aug-04	China, Kunming	1	F	22	Palaung	Mantong
13	Sep-04	China	5	F	20	Palaung	Namkham
				F	23	Palaung	Namkham
				M	27	Palaung	Namkham
				M	30	Palaung	Namkham
				M	30	Palaung	Namkham
14	Nov-04	China	2	F	18	Palaung	Namhsan
				F	18	Palaung	Namhsan
15	12-Dec-04	China	1	F	16	Palaung	Namkham
16	2001 2004	China	2	F	25	Palaung	Namkham
				F	20	Palaung	Namkham

	<b>Summary of Case</b>
	A 20-year-old girl was sent by her father, a heavy gambler, to China, where she was sold to a Chinese man.
	The perpetrator was previously found guilty of human trafficking and jailed. After her release she continues to traffic people.
	A one-year-old baby boy was abducted and sold in China before his parents discovered their son was missing.
	A six-year-old boy was taken to China by his aunt, where she is suspected to have sold him.
	The survivor was sold to a Chinese man as his second wife after being taken to China to find work. She is not allowed to leave his home and is repeatedly raped.
	A drug user sold his daughter and nephew into China to make money for drugs.
	Two girls followed a woman to China in search of work, but when they arrived they were sold to a brothel.
	A 13-year-old girl was abducted and trafficked in Zheng Feng town in China.
	The survivor was persuaded to go to China in search of a job but was trafficked. She suffered physical and psychological damage as a result of her experience.
	Three 10-year-old Shan girls were abducted and trafficked into China.
	A seven-month-old baby boy was abducted and sold in China. The perpetrator had previously trafficked four other children.
	The girl was offered a job in China, but was then sold to a Chinese man in Kunming.
	Two girls and three men went with a local women to work in China. Upon arrival, the girls were sold to a brothel and the three men were used as feed for leeches.
	Two girls were promised jobs in China, but were sold to Chinese men.
	The survivor was taken to China where she worked for two months, but she was then sold to an old man.
	A 20-year-old girl was promised a job in China but was then trafficked. The perpetrator had previously trafficked her own sister.

Case #	Date of Trafficking Incident	Location trafficked to	# of People Trafficked	Sex	Age	Ethnicity	Township of origin
17	2004	China	4	F	18/19	Palaung	Namkham
				F	18/19	Palaung	Namkham
				F	18/19	Palaung	Namkham
				F	18/19	Palaung	Namkham
18	2004	China, Kunming	5	F	23	Palaung	Namkham
				F	20	Palaung	Namkham
				F	20	Palaung	Namkham
				F	21	Palaung	Muse
				F	20	Shan	
19	10-Mar-05	China	1	F		Palaung	Mantong
20	28-Mar-05	China, Kunming	1	F	25	Palaung	Namkham
21	25-June-05	China	2	F	20	Palaung	Namhsan
				F	19	Palaung	Namhsan
22	10-Dec-05	China, Kunming	1	F		Palaung	Namhsan
23	Dec-05	China	1	F	18	Palaung	Namkham
24	2005	China, Yin Jing	1	F	12	Burman	Kyaukme
25	2006	China, Qujing	1	F	21	Palaung	Namkham
26	20-June-06	China, Shandong	1	F	33	Shan-Arakan	Rangoon
27	July-06	China	1	F	20	Shan	Namkham
28	10-Oct-06	China	1	F	20	Palaung	Namkham
29	Oct-06	China	1	F	15	Palaung	Mantong
30	5-Feb-07	China, Kunming	1	F	15	Palaung	Namkham
31	Feb-07	China	1	F	20	Palaung	Namkham
32	May-07	China	1	F	18	Palaung	Namkham
33	May-07	China	2	F	22	Palaung	Kutkai
				F	17	Palaung	Kutkai
34	1-June-07	China	1	F	16	Palaung	Muse

	<b>Summary of Case</b>
	Four girls were abducted and traff icked into China, where they were sold to Chinese men.
	Five young girls were persuaded to go and work in China but when they arrived they were sold to Chinese men.
	The woman was persuaded to go to China to work, but 10 days after arriving in China it is suspected that she was sold to a Chinese man.
	The perpetrator asked the woman to go and work with her in a chopstick factory in China. She then took her to Kunming and traff icked her into sex work.
	The two women were promised jobs in China but were then traff icked by a nun and sold to an old Chinese man.
	The woman was persuaded to go to China to work, but was then traff icked by another woman.
	The woman was sold by her mother-in-law to a nightclub. After she escaped, she was sold by her mother-in-law into sex work. Finally, she was sold back to her Chinese husband.
	The survivor was traff icked to China when she was 11 or 12 years old and escaped when she was 17 years old.
	The survivor was taken to Ruili and then to Qujing. After one week, she realised that she had been traff icked and would be fed to leeches. Fortunately, the survivor was rescued by Chinese police and returned to her village.
	The woman travelled with two other women to China in the hope of f nding work but was then traff icked to be the wife of a Chinese man, and subsequently sold to another man.
	A child with special needs was sold to a Chinese man by her parents.
	The woman was forced by her parents to marry a Chinese man.
	The perpetrators promised the girl that they would give her a well paid job, so she agreed to follow them. PSLA leaders and the police intervened and rescued the young girl.
	The girl was sold as a wife to a Chinese man in Kunming.
	The woman was persuaded to go and work in China but was sold to a Chinese man.
	The woman was promised a job in China by her aunt, but was then forced to work as a sex worker and house maid.
	The two were allowed by their mothers to go with a local woman to get a job, however, they ended up being traff icked and forced to marry a Chinese man.
	The girl’s mother and the Chinese woman who owned the restaurant where she worked agreed to sell her to a Chinese man to be his wife.

Case #	Date of Trafficking Incident	Location trafficked to	# of People Trafficked	Sex	Age	Ethnicity	Township of origin
35	25-Aug-07	China, Kunming	1	F	19	Palaung	Namkham
36	25-Aug-07	China	1	F	16	Palaung	Namkham
37	26-Aug-07	Muse, Northern Shan State, Chinese house	1	F	17	Palaung	Namkham
38	9-Sep-07	China, Lin Cang	1	F	19	Palaung	Namkham
39	17-Sep-07	China, Jing Su	2	F	19	Shan	Namkham
				M	20	Chinese	Namkham
40	5-May-08	China	2	F	19	Palaung	Namkham
				F		Palaung	
41	7-July-08	China, Quijing Tong	1	F	16	Palaung	Namkham
42	3-Aug-08	China, Zheng Feng	1	F	13	Palaung	Namkham
43	Sep-08	China, Ruili	9	F	29	Palaung	Namkham
				F	14	Palaung	Namkham
				F		Palaung	
				F		Palaung	
				F		Palaung	
				F		Palaung	
				F		Palaung	
				M		Palaung	
44	Oct-08	China	3	F	15	Palaung	Namhsan
				F	16	Palaung	
				F	17	Palaung	
45	11-Nov-08	China	1	M	4	Palaung	Namkham
46	20-Dec-08	Muse, Northern Shan State	1	F	2	Palaung	Lashio

	<b>Summary of Case</b>
	The woman was promised a job at a cafe in China, but when she arrived she was forced to work as a sex worker.
	The survivor was abducted by two women but managed to call her parents and was rescued by the authorities.
	The girl was forced to work in a Chinese house.
	The woman was promised a job in China but was transported to an unknown location and was traff icked.
	The two women were promised a job at a factory in China but it was later discovered that they had been traff icked.
	Both women were sold to Chinese men; the aunt of one woman had told her she had found her a job in China.
	The girl was unemployed and was offered a job in China, but once in China she was sold to a Chinese man.
	The girl was promised a job in China, but then disappeared.
	Eight women and one man were traff icked to Ruili District in China. Six women and one man escaped, but the other two women were traff icked.
	The girls were told that they would be given jobs by a local woman, but the three girls never returned to their village.
	A four year-old boy was abducted whilst playing outside his home and then sold in China.
	A young girl was sold by her mother. Her mother believed that this would allow the child to escape from her husband’s abusive behaviour.

Case #	Date of Trafficking Incident	Location trafficked to	# of People Trafficked	Sex	Age	Ethnicity	Township of origin
47	21-Dec-08	China, Manshi	1	F	18	Palaung	Namkham
48	2-Jan-09	China, Ruili	1	F	18	Palaung	Namkham
49	16-Jan-09		1	F	5	Palaung	Namkham
50	14-Feb-09	China	1	M	12	Palaung	Namkham
51	21-Feb-09	China	2	M	18	Palaung	Namkham
				M	20	Palaung	Namkham
52	26-Feb-09	China	1	F	7 months	Palaung	Mantong
53	8-Mar-09	China, Ruili and Zheng Feng	1	F	16	Palaung	Namkham
54	10-Mar-09	China, Kunming, via Zheng Feng	1	F	20	Burman	Meikhtilar
55	14-Apr-09	China	1	M	5	Palaung	Namkham
56	4-May-09	China	2	F	18	Palaung	Mantong
				F	16	Palaung	Mantong
57	2-June-09	China, Ruili	1	F	25	Burman	Magwe division
58	1-July-09	China, Kunming	1	F	20	Palaung	Mantong
59	1-July-09	China	1	M	3 years	Palaung	Namkham
60	15-June-09	China, Ruili	1	F	17	Palaung	Namkham
61	June-09	China	3	F	17	Palaung	Mantong
				F	20	Palaung	Mantong
				M	19	Palaung	Mantong
62	Aug-09		1	M	3 months	Palaung	Namkham
63	4-Sep-09	China, Wan Tain	1	F	29	Palaung	Namkham
64	1-Oct-09	China	1	F	17	Palaung	Namkham



	<b>Summary of Case</b>
	The woman was abducted from her home and then sold to a Chinese man.
	The woman went to work in China but then disappeared. It is suspected that she was traff cked.
	A f ve-year-old girl was deceived and persuaded to leave her village. She has not returned home since.
	A 12-year-old boy was sold by his father who needed money to buy drugs.
	The women were taken to work in China but were then forced to work there under debt bondage.
	A seven-month old baby was given up for adoption by her mother but was then sold in China.
	A 16-year-old girl went to China with her mother to look for work, but was then sold by her mother.
	The woman was persuaded to travel to China, but was then sold to a Kachin agent and subsequently a Chinese man.
	A f ve-year-old boy was sold by his father to a couple who traff cked the child into China.
	The girls were sold by their friend who deceived them, asking them to go and work with him in another town.
	The woman was promised a well-paid job in China but was traff cked to a Chinese couple who tried to sell her to a Chinese man or as a sex worker.
	The woman was sent to see a local woman’s sister who traff cked her.
	A three-year-old boy was given up for adoption by his father; he was a drug user and could not look after the child. However, the boy was sold by the couple who ‘adopted’ him.
	The girl was led to believe that she was being taken to work in a local village but was then traff cked in China.
	The three young women were promised good jobs in China but were then traff cked.
	A three-month-old baby boy was traff cked by two women who pretended to adopt the child. The two perpetrators paid bribes to the police in order to escape arrest.
	The woman was offered a job making charcoal but was then traff cked in China.
	The girl was promised a job in China, but was traff cked shortly after arriving.

Case #	Date of Trafficking Incident	Location trafficked to	# of People Trafficked	Sex	Age	Ethnicity	Township of origin
65	29-Nov-09	China	1	F	28	Palaung	Namkham
66	12-Nov-09		3	F	unknown	Palaung	Namhsan
				F		Palaung	Namhsan
				F		Palaung	Namhsan
67	13-Feb-10	China, Ruili	1	F	19	Palaung	Namkham
68	15-Aug-10	China, Sar Ei Shyan	1	F	22	Burman	Rangoon
69	Sep-10	China	1	F	20	Palaung	Namkham
70	Jan-11	China	1	F	21	Palaung	Namhsan
71	1-Feb-11	China, Nongdao	1	F	16	Palaung	Namkham
72	Feb-11	China, Ruili	2	F	26	Palaung	Mantong

	<b>Summary of Case</b>
	The woman travelled to the China border in search of work. She asked another woman for help but was then traff icked by her.
	Three girls were traff icked. Later, the perpetrator returned to the township and was arrested, but was later released after paying a bribe to the police.
	The woman was promised a job in China but was then traff icked to be married to an old Chinese man.
	The woman travelled to China to look for work, and then married a Chinese man. She was then traff icked by her husband.
	The woman was looking for work outside of her home town but was deceived by the perpetrators who tried to traff c her into China.
	The woman went to go and work with her friend in China, but was traff icked at the China border.
	The girl was offered a job making charcoal but was then transported to the China-Burma border and forced to marry a Chinese man.
	The woman was led to believe that she was going to China to work but was then sold as a bride to a Chinese man. Several months later, her sister was also traff icked by the same perpetrators.

## Appendix 3

### Legal Context of Human Trafficking

#### ***International Law – what is human trafficking?***

Trafficking in persons is a grave violation of human rights.<sup>14</sup> The United Nations Convention against Transnational Organised Crime (UNTOC) is the primary legal instrument governing transnational organised crime. In December 2003, two protocols were adopted to supplement the Convention which deal directly with the issue of human trafficking.<sup>15</sup> They are:

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
- The Protocol against the Smuggling of Migrants by Land, Sea and Air

The adoption of the UNTOC and its Protocols, to which Burma has acceded, was an important development in the fight against human trafficking. Until the adoption of the UNTOC and its Protocols, the term ‘trafficking’ had never been explicitly defined in international law.<sup>16</sup> The Convention’s drafting process therefore allowed Member States to reach a common understanding of the definition of ‘human trafficking’ and to formally entrench that definition in international law.

According to Article 3, Paragraph (a) of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;<sup>17</sup>

By specifically addressing human trafficking, the Convention counteracts the tendency to confuse trafficking with other related issues such as illegal migration and migrant smuggling. As Parties to the Convention, Member States are legally bound by this common definition of human trafficking, and are encouraged to develop or modify their domestic anti-trafficking laws to reflect this definition.<sup>19</sup> Ultimately, the aim of the Protocol is to foster greater compatibility between States’ domestic anti-trafficking laws, which will in turn increase their ability to tackle the transnational nature of human trafficking.<sup>20</sup>

Other international laws prohibiting trafficking in persons to which Burma is a signatory or has acceded:<sup>21</sup>

- Convention on the Rights of the Child
- International Labour Organisation Convention concerning Forced or Compulsory Labour (ILO 29)

## ***Human Trafficking and CEDAW***

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the single most important instrument used in international law to defend the human rights of women.<sup>22</sup>

Article 6 of CEDAW refers directly to the human trafficking of women:

“States Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.”<sup>23</sup>

The inclusion of Article 6 in CEDAW acknowledges the role of gender in trafficking patterns. Although both sexes are trafficked, human trafficking is a human rights violation which disproportionately affects women and girls.<sup>24</sup>

## ***Domestic Law***

Human trafficking is a crime in Burma, punishable by sentences of up to life imprisonment.<sup>25</sup>

The Anti-Trafficking in Persons Law, enacted in September 2005, defines human trafficking as:

‘the recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of persons after committing any of the following acts for the purpose of exploitation of a person with or without his consent’:

- (1) threat, use of force or other form of coercion;
- (2) abduction;
- (3) fraud;
- (4) deception;
- (5) abuse of power or of position taking advantage of the vulnerability of a person;
- (6) giving or receiving of money or benefit to obtain the consent of the person having control over another person.<sup>26</sup>

Whilst the primary function of the legislation is to ‘prevent and suppress...trafficking in persons’, the law states that particular attention should be paid to the trafficking of women, children and young people.<sup>27</sup> The definition of human trafficking in Burma’s domestic law therefore closely reflects the internationally accepted legal definition, as set out in The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the UN Convention against Transnational Organised Crime.

In 2006, the Central Body for Suppression of Trafficking in Persons (CBTIP) was established in accordance with the 2005 Anti-Trafficking in Persons Law, as well as State, Divisional, District and Township Bodies for the Suppression of Trafficking in Persons which operate under the Central Body.<sup>28</sup> The CBTIP is chaired by the Minister for the Ministry of Home Affairs.<sup>29</sup>

## **Regional Agreements and Initiatives**

### **UNIAP-COMMIT**

The United Nations Inter-Agency Project on Human Trafficking (UNIAP) is responsible for coordinating anti-trafficking efforts within the Mekong region, where human trafficking is widespread.<sup>30</sup>

On the 29th October 2004, Burma signed a multilateral Memorandum of Understanding against trafficking in persons with the governments of the five other nations in the Greater Mekong Sub-Region (GMS), Cambodia, China, Lao PDR, Thailand and Vietnam.<sup>31</sup> In signing the MoU, the government of Burma committed itself to respond to the problem of human trafficking in a way which meets international standards, and to cooperate with other governments and NGOs in the Greater Mekong Sub-Region to address the multi-faceted and transnational nature of human trafficking.<sup>32</sup>

Other relevant Memoranda of Understanding concerning trafficking in persons:

- Memorandum of Understanding between Myanmar and China on Cooperation to Combat Trafficking in Persons (2009)

## **Rule of Law and Corruption in Burma**

### **Rule of Law**

The Burmese government's commitment to internationally binding legal instruments such as the UNCTOC and its Protocols, as well as the creation of Burma's Anti-Trafficking in Persons Law in 2005, must be considered in the context of the rule of law in Burma and the prevailing culture of impunity.<sup>33</sup>

Burma has been widely criticised for its weak rule of law and its lack of an independent judiciary. Rule of law is especially weak in ethnic rural areas and in remote mountainous areas,<sup>34</sup> such as those areas of Northern Shan State populated by the Palaung. In his report of March 2010, the UN Special Rapporteur on the situation of Human Rights in Myanmar stated that:

*'the lack of independence of the judiciary and weak rule of law are also preconditions for this pattern [of widespread and systematic human rights violations which has existed for many years and still persists]'*<sup>35</sup>

The Special Rapporteur also commented on the failure of the State to make the perpetrators of human rights violations accountable to the law. This has allowed a pervasive culture of impunity to flourish within Burma's state apparatus:

*'the lack of accountability...is an indication that those human rights violations are the result of a State policy, originating from decisions by authorities in the executive, military and judiciary at all levels.'*<sup>36</sup>

Unless the rule of law and the independence of the judiciary are established in Burma, neither the State nor its citizens will be held accountable to the Anti-Trafficking in Persons Law

or international treaties such as UNCT OC and CEDAW which safeguard women's human rights. Indeed, the former Special Rapporteur on Violence Against Women stated that by failing to protect women's civil, political, economic and social rights, states were responsible for creating the conditions which foster human trafficking.<sup>37</sup>

### **Corruption**

Corruption can be defined as 'the abuse of entrusted power for private gain.'<sup>38</sup> Corruption is present at every level of Burma's government, which continues to foster 'a culture of corruption and disrespect for the rule of law and human rights.'<sup>39</sup>

Reports of the complicity of government officials in trafficking operations are numerous.<sup>40</sup> Such occurrences are bolstered by the culture of impunity which prevails within the Burmese government; when high-level officials are charged with trafficking offences their cases are inadequately investigated and are often simply dismissed.<sup>41</sup> When trafficking cases involve civilian perpetrators, law enforcement officials repeatedly accept bribes in exchange for releasing the perpetrators from custody, allowing organised criminal networks to operate with impunity.<sup>42</sup>

Corruption presents a major obstacle to the reduction of human trafficking in Burma, and severely hampers the enforcement of domestic law.<sup>43</sup> According to the Kachin Women's Association of Thailand (KWAT), corruption pervades every level of Burma's justice system.<sup>44</sup> This makes it virtually impossible for trafficking victims from poor rural areas to seek justice. That these victims are frequently women who lack access to resources, and that Burma's state apparatus has vast resources at its disposal further compounds the problem. In this way, a corrupt judiciary serves to perpetuate discrimination against women and problems such as human trafficking which disproportionately affect women.<sup>45</sup>

## Endnotes

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- <sup>6</sup> "The Effect of China's One-Child Family Policy after 25 years," Hesketh, T. & Xing, Z. W, in *The New England Journal of Medicine*, 2005, 353:1171-1176.
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- <sup>8</sup> Ibid.
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- <sup>10</sup> Combined second and third report of Myanmar to the CEDAW Committee, September 4, 2007, p. 13.
- <sup>11</sup> Information provided by the Government of Myanmar in follow-up to the concluding observations of the CEDAW Committee, October 25, 2010, p.2
- <sup>12</sup> Combined second and third report of Myanmar to the CEDAW Committee, September 4, 2007, p. 20.
- <sup>13</sup> *Poisoned Hills*, Palaung Women's Organization, 2010.
- <sup>14</sup> Report of the Special Rapporteur on Trafficking in Persons, especially Women and Children to the UN Human Rights Council, February 20, 2009, p.9.
- <sup>15</sup> The third Protocol is "The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition."
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- <sup>23</sup> *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*, Part I, Article 6. United Nations Division for the Advancement of Women website <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article6> Accessed February 4, 2011.
- <sup>24</sup> Gender and Development Discussion Paper Series, No.17, ESCAP, 2005, p.11-12.
- <sup>25</sup> *Anti-Trafficking in Persons Law*, Chapter IX, The Union of Myanmar State Peace and Development Council Law No. 5/ 2005, 2005.
- <sup>26</sup> *Ibid.*, Chapter I.
- <sup>27</sup> *Ibid.*, Chapter II.
- <sup>28</sup> *The Mekong Region Country Datasheets on Human Trafficking 2010*, UNIAP, September 2010, p.23
- <sup>29</sup> *Ibid.*
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- <sup>31</sup> *Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region*, October 29, 2004, p.1-6.
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- <sup>34</sup> "Chapter 6: Trafficking and Smuggling," *Burma Human Rights Yearbook*, 2008, p.243.
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- <sup>40</sup> *Ibid.*, p.276.
- <sup>41</sup> *Ibid.*, p.267.
- <sup>42</sup> *Ibid.*, p.268.
- <sup>43</sup> *Ibid.*, p.245-276.
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Published in 2011

## **About Palaung Women's Organization**

The Palaung Women's Organization (PWO) was established in the year 2000 in response to the lack of women actively participating in Palaung organisations within Burma's pro-democracy movement. It was perceived that the female members of such groups lacked the opportunities, skills and self-confidence necessary for direct and active participation. Cultural factors determined that men had greater access to training, better English language and computer skills, greater self-confidence and more leadership opportunities. PWO was formed with the intention of educating and empowering women so that they could develop and strengthen their own self-determination and achieve equality of participation.

## **PWO's Mission Statement**

We are Palaung women who will advocate and advance the status of women in all fields of development and work towards achieving gender equality, justice, peace and a democratic society.

## **PWO's Objectives**

- To actively work towards the elimination of all forms of violence against women
- To advance the status of Palaung women and encourage their active participation in the political sphere
- To advocate for improvement in the health and well being of the Palaung people
- To increase local, regional and international awareness of human rights violations in the Palaung area, and to encourage action at all levels to address these human rights violations
- To preserve the Palaung language, literature and cultural traditions

PWO's work is structured around 3 key programs, 1 department and 1 project:

Key Programs, Projects and Departments

1. Women's Political Development Program
2. Eliminating Violence Against Women Program
3. Health Program
4. Information and Documentation and Research Department
5. Income Generation Project

PWO's work on human trafficking is a project of the Eliminating Violence Against Women Program.

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## **ACKNOWLEDGEMENTS**

PWO sisters would like to thank the Palaung community, and all the individuals who cooperated to assist researchers in collecting authentic information. We valued the input of local people throughout the process of producing this report.

We are also grateful to the Burma Relief Center for technical assistance. Special thanks are extended to the International Women's Development Agency (IWDA) for their financial support to implement our research and publish our report.

We would like to thank Ta'ang Student and Youth Organisation (TSYO) and Palaung State Liberation Front (PSLF) members for their cooperation and dedication in helping to create maps of the Palaung area and translate the report. Finally, we would like to thank Voluntary Service Overseas (VSO) volunteer Jane who worked together with us to complete the report.

A photograph showing several women working in a tea plantation. They are wearing traditional woven hats and carrying large wicker baskets. The background is a lush green tea field with a line of trees in the distance under a clear sky.

*Stolen Lives* documents how worsening political and economic conditions in Burma's northern Shan State are fuelling an alarming increase in human trafficking to China. Unable to sustain their traditional tea-growing livelihoods, Palaung youth are increasingly abandoning their communities in search of work, with men, women and children falling prey to traffickers.