

# Migration and trafficking: putting human rights into action

Nikolas Win Myint

**Across Myanmar people are on the move, both inside the country and across its borders, either pushed by necessity or pulled by the prospect of a brighter future. For many, these hopes are at least partially fulfilled. For some, however, this migration brings them face-to-face with exploitation, abuse, disease and even death.**

Human trafficking – the modern-day slave trade in women, children and men – occurs around the world but the limited data available shows south-east Asia to be a particular hub. Within this region, Myanmar is a key country of origin, with people being trafficked into both Thailand and China. It is not known how many people fall victim to this crime each year but estimates range from 3,000 to 30,000.

*This Burmese woman, who escaped after being trafficked into a garment-making sweatshop, is now learning traditional crafts in the government-run Baan Kredtrakarn shelter in Bangkok, Thailand.*

Few perhaps would expect much to be done about this crime in Myanmar. Not only is human trafficking driven by poverty and relative economic differences, which are not easily remedied, but fighting human trafficking also requires a complex response, including respect for human rights and the rule of law, across many government departments and non-governmental service providers. In its annual report on human trafficking, the US State Department gives Myanmar the lowest grade, a Tier 3 placement, stating that the government had failed to address human trafficking. Yet a small group of anti-trafficking workers, along with supportive government policies, have been able to make a significant difference in recent years.

In the Convention against Transnational Organized Crime, trafficking is defined as consisting of three distinct elements: firstly, the act of trafficking, which can be recruitment, transport or harbouring of a person; secondly, the means of trafficking, which must involve either

coercion (force or the threat of force) or deception; and, thirdly, the purpose of trafficking, which is exploitation, be it sexual or labour exploitation.<sup>1</sup> We speak of trafficking only when all three of these elements are present.<sup>2</sup>

Using this definition, trafficking is not always a clear-cut crime. Often people may move willingly, even into labour situations that might be considered exploitative, as a relative



*Key Chermush for the US State Department.*

improvement over their present situation. Alternatively, people might be deceived into situations with lower pay, longer hours or worse conditions than those they agreed to; yet as long as they stay in these circumstances without being forced to, it is not legally trafficking. Conversely, people may initially migrate voluntarily but later fall into a trafficking situation. Implementing this legal definition in practice has been a central challenge of anti-trafficking interventions. Nonetheless, it is imperative to do so to ensure that protection and assistance are available to those most in need.

## Migration and trafficking

There are many different ways in which people are exploited, and just as many ways in which people are trafficked. Trafficking is fundamentally a crime against an individual, and, as with other crimes of this nature (murder, rape, kidnapping), it is difficult to generalise about it. Nonetheless, based on interviews with trafficking victims and perpetrators as well as victim service agencies and law enforcement personnel, an overall picture of trafficking in Myanmar emerges, which is mainly one of migration gone wrong.

Myanmar, located at the nexus of ancient trading routes, has long seen migration. Today, economic

disparities in the region fuel cross-border migration by many young people in search of more promising futures. Most of this migration does not lead to trafficking. For some, however, the migration process goes terribly wrong and they find themselves at the mercy of traffickers. Sometimes these are brokers that take people to destinations different than those agreed; sometimes they are employers who coerce victims into exploitative work. While the sexual exploitation of women through forced prostitution has garnered

many of the headlines, there have also been reports of trafficking for labour exploitation involving both women and men in factories, as well as of men into the fishing industry.

Alleviating poverty at home may remove some of the impetus to migrate but much migration is driven by the perception of relative economic differences, the gap between opportunities at home and perceived opportunities abroad. The goal of responsible anti-trafficking interventions should thus not be to stop movement but to stop trafficking.

Recent years have seen a number of encouraging developments in this regard in Myanmar. Significant progress has been made both in keeping migrants safe and in providing support for victims of trafficking. Myanmar's Anti-Trafficking in Persons Law, enacted in September 2005, provides specific legal protections for victims of trafficking, including immunity from prosecution and legal, financial and medical assistance as needed. The law also aims to make it easier for victims to access assistance, while reducing fear of police and immigration officials.

At the same time, since 2005, a number of prevention campaigns have been initiated on long-distance buses and at highway bus terminals. Trained facilitators are educating people not only about the risks and dangers of trafficking but are also providing information about basic rights, useful contacts and key phrases. Initially begun in bus stations around Yangon, this has now been expanded to the city of Mawlamyine, a transit hub near the Thai border. Trafficking videos are shown and pamphlets distributed to passengers on buses bound for the border. In 2006, this initiative reached over half a million people.

In parallel with these efforts to make migration safer, efforts are also underway to increase the protection and assistance available to victims of trafficking. One promising initiative has been an effort to build on the Border Liaison Offices (BLOs) – border offices established through cooperation with the UN Office on Drugs and Crime (UNODC) to combat drug trafficking – to extend their mandate to cover human trafficking. In this task, the primary focus is not on stopping people from crossing the porous borders but rather to facilitate cross-border cooperation between government agencies to help victims of trafficking return home safely. Working with immigration, police and social welfare officials on both sides of the border, the BLOs now provide services to victims of trafficking to help them on their journey.

At the end of that journey, local and international NGOs are being encouraged and given the necessary

space to provide assistance to trafficking victims, through counselling, financial and medical support, family tracing and vocational and livelihood training. With training provided to a wide range of community-based organisations, local communities are increasingly empowered to combat the trafficking taking place in their midst.

### Lessons learned

Dedicated workers at all levels – community organisers, government officials, UN and NGO workers – have brought this system to life and have made it work. Yet a key condition for bringing human trafficking out of the shadows was to secure acknowledgement by the Myanmar government of this problem – and the desire to do something about it. Both are in some measure linked to an innovative regional process in which the six governments of the Mekong Sub-region, supported by technical experts provided through the UN, pledged to work together to combat the problem of human trafficking. This process, known as the Coordinated Mekong Ministerial Initiative against Trafficking, or COMMIT Process, was formally launched in October 2004 by Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam.<sup>3</sup>

COMMIT served not only as official recognition of human trafficking as a pressing problem in Myanmar but, by bringing the country into a regional partnership to address the problem, it also provided a platform for action. The COMMIT process built up a network for government officials from across the region to share their experiences and thus facilitated early adoption of international best practices in Myanmar. This has provided the necessary space for NGOs and UN agencies to work on human trafficking in Myanmar and has also created support inside the government for a victim-centred approach, including far-reaching provisions for the protection of trafficking victims. Finally, by including regular evaluations of progress at inter-governmental meetings, the process led to competition among the six governments which has proven useful in maintaining momentum in the fight against trafficking.

While these are encouraging developments, much remains to be done. The challenges ahead for the anti-trafficking community in Myanmar are, at least, three-fold:

- Ensure that help is targeted towards those who need it the most.
- Reduce the number of people trafficked through effective prevention interventions: debate continues as to whether the focus of prevention should be at source or destination, along transit routes or at border towns and other points between.
- Coordinate anti-trafficking activities to ensure complementarity in approaches: the Myanmar government has drafted a National Plan of Action in consultation with UN agencies and victim protection agencies.

Much remains to be done in the fight against human trafficking, and the current response is far from perfect. Nonetheless, in an environment where humanitarian assistance faces a challenging operational and political environment, the initiatives against human trafficking are a welcome ray of light. The fight against human trafficking is also a fight against HIV, against corruption and against organised crime. Even more importantly, it is a fight for human rights, for personal freedoms and for the rule of law. Progress may be slow, and it may be small – but it should not go unnoticed.

*Nikolas Win Myint worked in Myanmar from 2003 to 2007, most recently as Country Programme Manager for the UN Inter-Agency Project on Human Trafficking in the Greater Mekong-Subregion (UNIAP [www.no-trafficking.org](http://www.no-trafficking.org)). This article is written in a personal capacity and does not necessarily reflect the views of the UN.*

1. Complete definition at: [www.unodc.org/unodc/en/treaties/CTOC/index.html](http://www.unodc.org/unodc/en/treaties/CTOC/index.html) See also FMR 25 on 'People trafficking: upholding rights and understanding vulnerabilities' at [www.fmreview.org/FMRpdfs/FMR25/FMR25full.pdf](http://www.fmreview.org/FMRpdfs/FMR25/FMR25full.pdf)

2. The exception to this are children under the age of 18, where the means becomes irrelevant as governments decided in the Convention that minors cannot consent to such actions, nor anyone on their behalf.

3. See article by Susu Thatun of UNIAP 'Mekong sub-region committed to ending trafficking', FMR 25, [www.fmreview.org/FMRpdfs/FMR25/FMR2509.pdf](http://www.fmreview.org/FMRpdfs/FMR25/FMR2509.pdf)