



07/2022

# LURED TO DEATH, DETENTION & DISHONOUR

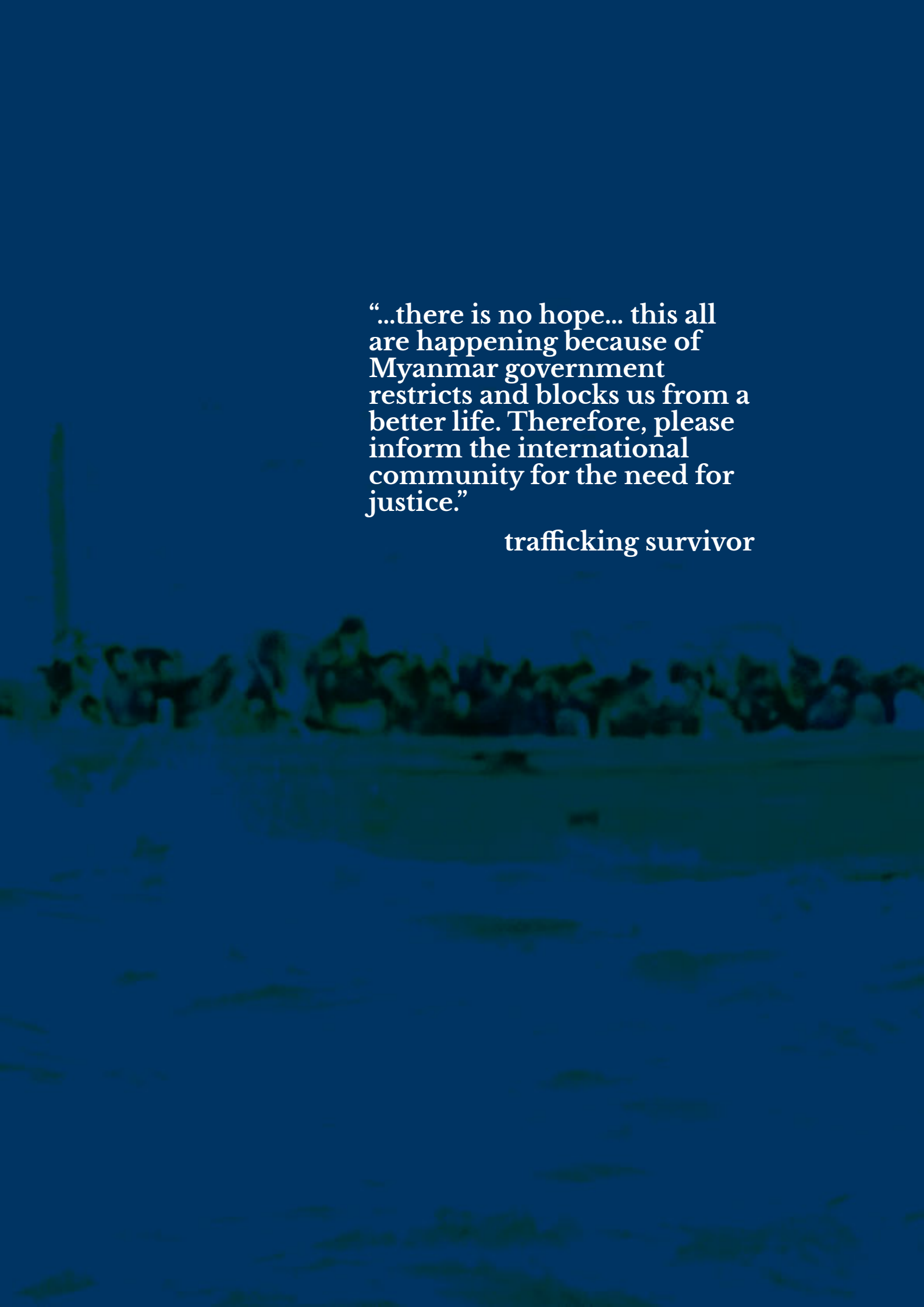
A REPORT ON TRAFFICKING IN PERSONS OF THE ROHINGYA PEOPLE



**COMMON GOOD  
FOUNDATION**  
*Dignity Rights Justice*



**LURED TO**  
**DEATH, DETENTION & DISHONOUR**  
**A REPORT ON TRAFFICKING IN PERSONS OF THE ROHINGYA PEOPLE**

A photograph of a group of people on a boat in the ocean, with a blue sky and white clouds in the background. The image is slightly blurred and has a blue tint.

“...there is no hope... this all  
are happening because of  
Myanmar government  
restricts and blocks us from a  
better life. Therefore, please  
inform the international  
community for the need for  
justice.”

trafficking survivor





## **LURED TO DEATH, DETENTION AND DISHONOUR**

### **A REPORT ON TRAFFICKING IN PERSON OF THE ROHINGYA PEOPLE**

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## **ABOUT ROHINGYA KHOBOR (RK)**

[www.rohingyakhobor.com](http://www.rohingyakhobor.com)

Rohingya Khobor is a Rohingya News and resource Portal created and led by the Rohingya people which focuses on empowering the Rohingya, particularly women and youth, developing journalists from the Rohingya community, raising awareness of the Rohingya community and challenges, translating the voice and inspiration of the Rohingya people and promoting equality, human rights, and democracy for the Rohingya and people throughout Burma.

You can follow Rohingya Khobor on on Twitter and Facebook  
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## **ABOUT THE COMMON GOOD FOUNDATION (CGF)**

[www.actwithus.org](http://www.actwithus.org)

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In addition to our featured reports, you can also take a look at our Journal in partnership with the Jersey Law Commission we produce on environmental crimes: <https://www.jerseylawcommission.org/the-resolution-journal>.

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@Commongoodfdn.

## **ACKNOWLEDGEMENTS**

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**BACKGROUND**

# I. BACKGROUND

The Rohingya of Burma have garnered the attention of the international community as a result of the recent genocidal purge that took place in August 2017. Nearly 5 years later, durable and robust solutions continue to elude the international community as the impact of the 2021 coup by the Myanmar junta, on a national and regional level have impacted the Rohingya people, in addition to many different ethnic people from Burma who continue to flee for safety in neighbouring countries.

This report focuses on human trafficking of the Rohingya people that takes place within Burma (Myanmar). The Rohingya who still are trying to survive within Burma are a community that is often forgotten within many discussions usually as a result of the junta's "closed door" policy to humanitarian access and examination by outside parties. To date, there has been no change in the policies by any government within Myanmar towards the Rohingya people within the Arakan (Rakhine). Rohingya people still are restricted in terms of their freedom of movement, freedom to marry and have a family, restricted in their ability to have an education, and are prevented in obtaining financial opportunities to provide for their loved ones. In addition, it is worth emphasising that the 1982 Citizenship Law remains in effect, causing a permanent vulnerability for the Rohingya people who are not given citizenship and not properly documented, allowing them to become a large pool of people for traffickers to abuse and take advantage of.

## GENERAL BACKGROUND ON MYANMAR AND HUMAN TRAFFICKING

The most prominent forms of human trafficking in Southeast Asia are for sexual exploitation, forced labour, and for other types of exploitative practices. These practices include "being used as beggars, forced or sham marriages, benefit fraud, production of pornography, [and] organ removal." The United Nations Office of Drugs and Crime (UNODC) reported in 2019 "in Myanmar, the number of women trafficked for the purpose of sexual exploitation more than doubled from 2013 through 2017." The US State Department issues an annual report titled the Trafficking in Persons Report in which it assigns countries a "Tier" status depending on how they combat human trafficking. A country ranked in the Tier 3 status means there is not enough attention given to address human trafficking. The US State Department ranked Burma in the Tier 3 status in its 2020 and 2021 TIP Report. In 2020 the TIP Report indicates that Burma has a "policy or pattern" of human trafficking.





## MYANMAR'S ANTI-TRAFFICKING LEGAL LANDSCAPE

Nationally, the 2008 Constitution, section 358, prohibits “enslaving and trafficking in persons.” Outside of the Constitution, the most significant piece of legislation in Myanmar is the 2005 Anti-Trafficking in Persons Law. The law created the “Central Body for the Suppression of Trafficking in Persons” which is composed of various ministers. [See Attachment A].

Regionally, Myanmar is a member of the Association of South East Asian Nations (ASEAN) and is a party to the ASEAN Convention against Trafficking in Persons, Especially Women and Children. The country is a party to the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). The Government also reports that it has signed different bilateral memorandum of understandings with China, Thailand, Laos, and India to combat human trafficking.

Internationally, Myanmar is a party to the United Nations Convention against Transnational Organised Crimes and the accompanying Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, usually referred to as the “Palermo Protocol.” In addition, Myanmar is a party to the International Covenant on Economic, Social and Cultural Rights which recognises the right to work in favourable conditions and is a party to the Convention on the Elimination of All Forms of Discrimination Against Women which in Article 6 calls upon State governments to eliminate trafficking in persons. Myanmar also ratified the Convention on the Rights of the Child (CRC) which clearly states in Article 35 that States “shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or trafficking in children for any purpose or in any form.” Myanmar also ratified the Optional Protocol to the CRC on the sale of children.

As it is applied to the situation involving the Rohingya, **the Government of Myanmar ignores all of its obligations under these laws to protect the Rohingya people from being trafficked.**





An abstract background featuring a collage of vibrant, overlapping geometric shapes and colors. The palette includes deep blues, purples, pinks, oranges, and yellows, creating a dynamic and textured visual effect. The shapes vary in size and orientation, some appearing as sharp triangles or polygons, while others are more fluid and organic in form. The overall composition is dense and layered, with a sense of depth and movement.

# METHODOLOGY









## II. METHODOLOGY

The purpose of this report is to highlight the continued presence of human trafficking within Burma of the Rohingya population. Field Researchers were asked to have open conversations with Rohingya victims in order to fully understand what conditions created the situations that they had found themselves in. Researchers conversed with victims and survivors in their native language and informed victims that their stories would be shared with the international community in a report focusing on human trafficking.

All of the cases documented in this report are from the Arakan state in Burma. The names of the victims and any other specific identifying information they may have provided has been withheld in this report for their security. Further, the authors of the report have given the uniform label of “trafficker” to anyone that was reported as a perpetrator of this heinous crime.





# SITUATIONS



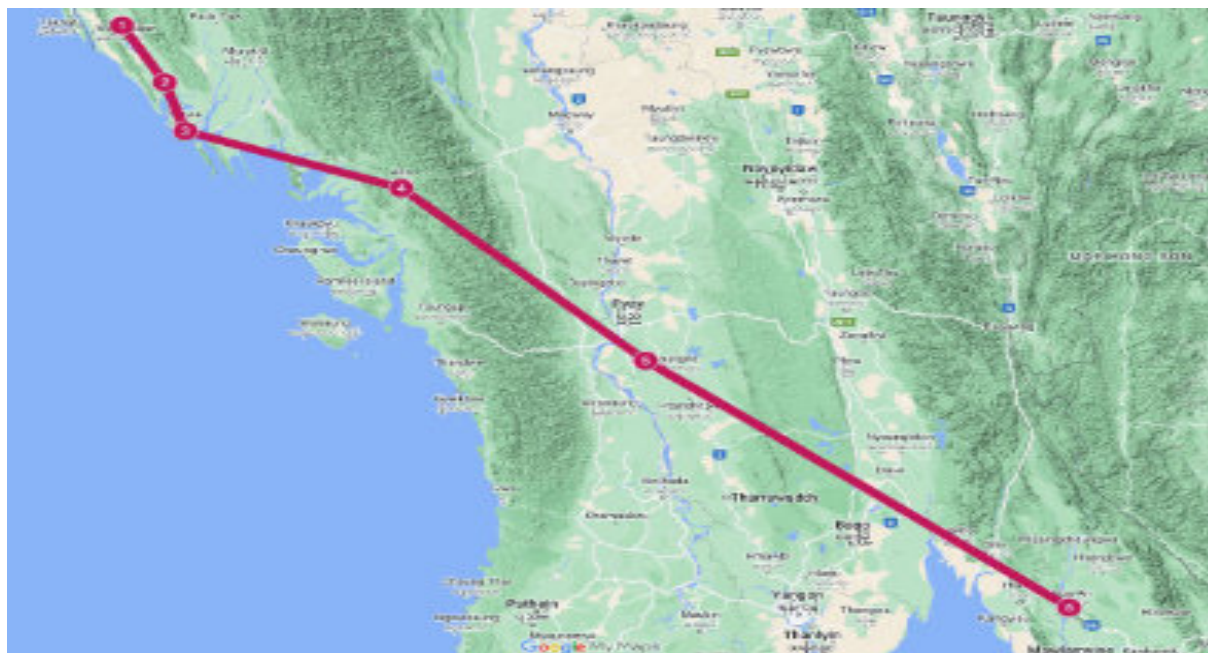
### III. SITUATIONS

The situations highlighted below cover four main themes. These themes were 1) arrest and punishment of victims of trafficking; 2) dangers of being trafficked including death; 3) sexual violence and trafficking; 4) links between traffickers and armed groups; and 5) trafficking of children.

#### SITUATION 1: ARREST AND PROSECUTION OF VICTIMS OF TRAFFICKING

Field Researchers interviewed a family of two brothers and a minor. YA, father, HA, 16 years old student who has passed 8<sup>th</sup> standard in school, and his cousin ME (father), and SA, 18 years old from the village of Pho Nyo Leik in Buthidaung Township, Rakhine State, were deceived by a human trafficker who offered transport to Malaysia. The trafficker asked MMK 45 Lakhs (4.5 Million). The family sold their land in order to pay the bill. The two men and sons had difficulty working in the country due to the lack of freedom of movement and restrictions placed on ways to obtain monetary income. The trafficker brought these men from the village of Say Oe Kyi by boat to Anouk Pyin village in Rathedaung. After one night there, they were brought to Sittwe from Anok Pyin village by another trafficker and then from Sittwe to Ann township by another trafficker.

From Ann township the traffickers took them to Bago township by car, driving approximately one day and one night. When they reached Bago township, they had been detained for 7 days there. The traffickers were detained in the Hpa An township of the Karen State while they were transporting the men with other people in their cars.



Maps of journey as described in Situation 1

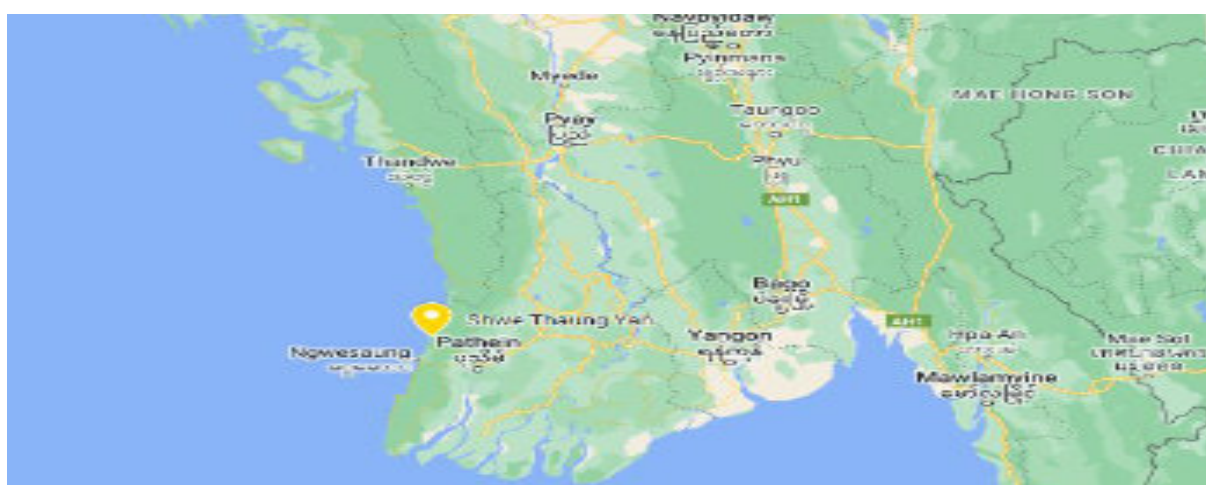


The other people who were being transported ranged in age from 16 – 65 years of age. They came from villages such as Yaing Thay, Nagara, in the Mrauk U Township. Those being transported were detained with the traffickers and all have been sentenced to two years hard labour on April 21, 2022 in the Karen state court according to the Resident Registration Act of the Union of Myanmar 1949 [See Attachment B].

In these cases, Myanmar’s 2005 Anti-Trafficking Law does not appear to be enforced. Chapter V provides safeguarding for the rights of trafficking victims. The Central Body “shall not take action against the trafficked victims for any offence under this Law.” Further, in Chapter VI, women and youth who are victims of trafficking “carry out to send them back to their parents or guardian if after scrutiny it is found that it is the best condition for them.” In addition, the sentencing guidelines for the traffickers do not also appear commensurate with the criminal activity that was undertaken.

## SITUATION 2: DEATH AT SEA

A 25-year-old woman from Baw Li Bazaar/Kyein Chaung Village Tract in Maungdaw Township shared with Field Researchers her story. Her spouse had been in Malaysia since 2016. She has been living with their two children in Baw Li Bazaar village in Maungdaw Township. Due to the difficulties for living and inability to afford for the education of their children, they arrived in Tha Mee Hla Village in Rathedaung Township, to go to Malaysia with the Rohingya trafficker from Maungdaw Township. In May 2022, they were brought to Sittwe by boat by Rakhinese traffickers. That evening, the boat they were in sank in Shwe Thaung Yan Sea, Patheingyi Township in Ayeyarwaddy division. Both of her little children, a son and a daughter died in the sea because they could not swim. She reports that it feels “like the world is collapsing for me.” Some of the women and men survived because they were able to hold on to a plastic oil gallon can. To add further to this misery, they have been detained at Shwe Thaung Yan beach in Patheingyi Township, Ayeyarwaddy division.



Location of Patheingyi Township as described in Situation 2.

Field Researchers documented another situation where the victim shared that she was brought from Rathedaung to The Mee Hla village in Rathedaung by a trafficker. In May 2022, she was accompanied by another five Rohingya victims. They were brought to Sittwe Township and were handed over to four Rakhinese traffickers and around night time on May 19, 2022 they left Sittwe by boat and arrived Ayarwaddy division three days later. The boat started to sink and her sister who had accompanied her there lost her life when the boat capsized. The victim survived because she had grabbed on to a plastic box.

Field Researchers have also noted that there have four boats capsized in the sea due to the cyclone near Shwe Thaung Yan beach and Nga Pu Taw territory under Patheingyi Township of Ayeyarwady division while the Rakhine human traffickers were bringing the people by boats as recently as of May 2022. According to our field monitoring team, it has been learnt that among 255 victims on that boat, 91 victims have survived and 160 women and children were drowned and died.

It is important to note that over the last several years many reports have indicated that the Arakan (Rakhine) is Burma's "least developed" state with a significantly high poverty level. There exists widespread poverty, poor infrastructure, and a lack of employment opportunities which also contributes to the tensions among local communities. Parents are often frustrated with the lack of any educational opportunities for their children. Restrictions on movement also make Rohingya women and children targets for traffickers. As noted by the US 2021 TIP Report,

"trafficking networks reportedly prey on girls living in Rakhine IDP camps and subject them to forced labour and sex trafficking in Malaysia. Restrictions on IDP camp residents' freedom of movement and employment, particularly among Rohingya communities, drive internal migration through irregular, unsafe channels known for trafficking vulnerabilities."

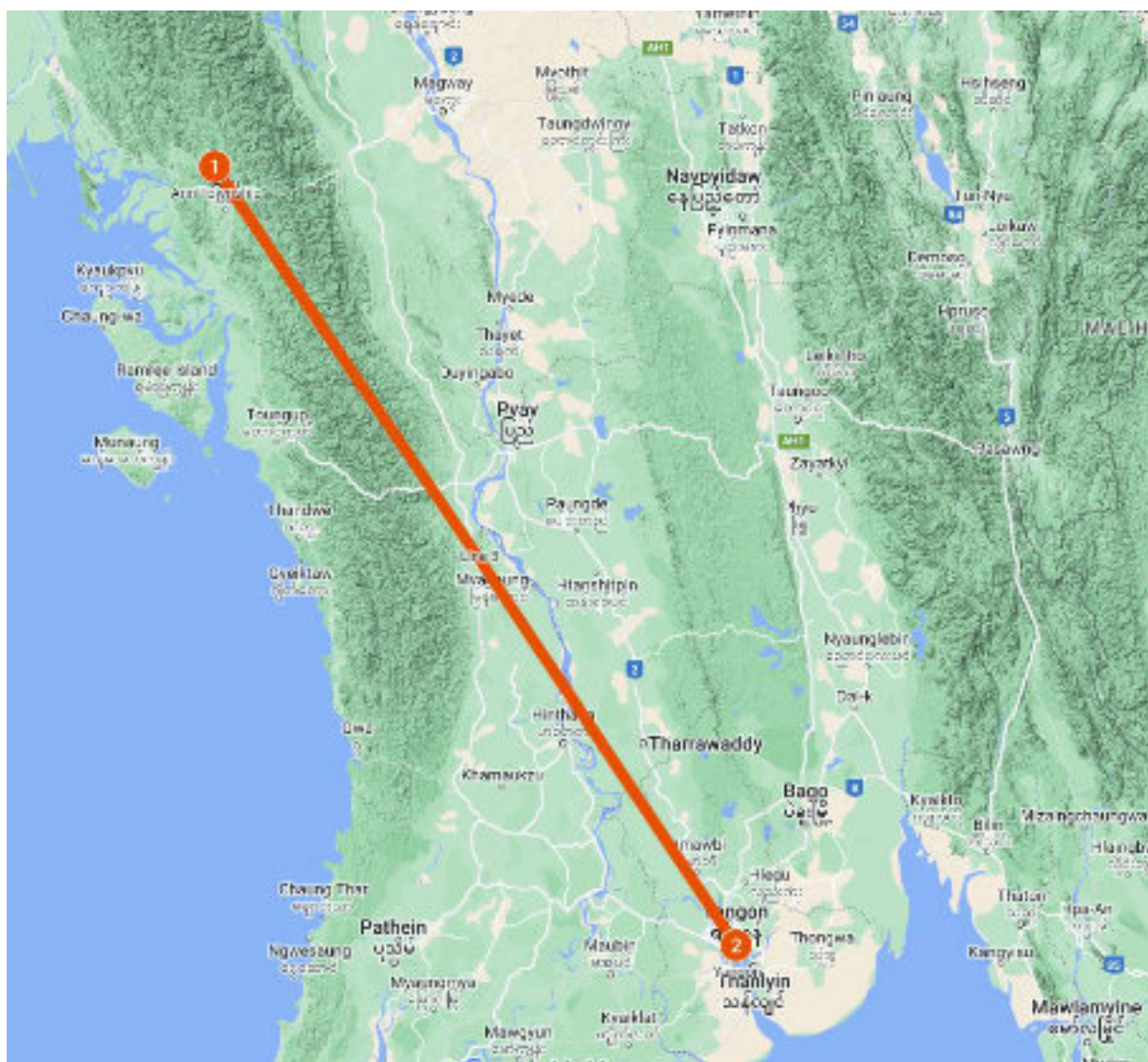
These conditions also create situations which leave many Rohingya people desperate to seek other places and then become duped by traffickers into believing that there are opportunities for them if they pay money to the traffickers or follow them.

### **SITUATION 3: TRAFFICKING OF WOMEN AND RAPE**

Field Researchers reported another set of narratives which related to sexual violence in the trafficking process. On December 12, 2021 a couple was brought by car to Mrauk U township by a Rohingya trafficker who was working with another Rakhine trafficker. There had already been 40 Rohingya people in Mrauk U township. Among the 40 Rohingya people were two women who shared that they were brought from Mrauk U township to Ann township who spent approximately 21 hours in a boat to reach the township.

The victims were kept for 60 days in the forest area of Ann township. They were bullied by armed Rakhine rebels every day. One of the women was

raped by the armed rebels. There were other women that were thrown from the vehicle when they were transported from Rakhine to Yangon. One couple expressed they had been pushed and thrown from the car as well. This couple had stated that they had paid 10,000 (ten thousand) MMK for a flat in order to stay safe from police and immigration. The wife had stated that she had to go to the doctor because she had been raped by one of the Rakhine traffickers. The doctor informed her that she was pregnant. The victim stated that there had been 35 women who had been brutally gang raped by the traffickers from Ann township as they travelled into the Hlaing Thar Yar township in the Yangon region.



Map depicting the journey of victims in Situation 3

In another situation, Field Researchers documented a 20-year-old Rohingya woman brought by Rakhine traffickers, gang raped, and became pregnant. She was thrown from the car on the way to Yangon on October 27, 2021. The woman was fortunately rescued and rescuers worked to send her back to her village in Sittwe with the assistance of the ICRC and Ministry of Social Welfare, Relief, and Resettlement.



## SITUATION 4: LINK BETWEEN TRAFFICKERS AND ARMED GROUPS OR MILITARY

Field Researchers noted that victims alleged that human traffickers from different townships throughout the Rakhine State are organised and supervised by rebel groups in the area. The Rohingya from various villages, those who are in the local “IDP” camps, and Rohingya people who have recently come back from the refugee camps in Bangladesh to settle back home in the Rakhine are being gathered and smuggled by sea or by car from Rathedaung Township.

These allegations are consistent with reporting that has been done by the UNODC, which indicates “non-state armed groups...are known to traffic victims, including children, for both combat and non-combat roles.” Ruji Auethaovrnpipat reported in the Asia Pacific Bulletin that the “trafficking of the Rohingya is clearly driven by violent conflicts in Myanmar’s Rakhine State. Without tackling this root cause, human trafficking networks may continue to operate in the shadows.” The scholar noted that the appropriate solutions to this is the “prevention of conflict and reconciliation among various groups of people in the Rakhine State.”

The 2020 US TIP report also identified the continuing role of the junta in creating conditions of trafficking and forced labour.

“The military continued to rely on local communities to source labour and supplies, thereby perpetuating conditions enabling the forced labour of adults and children. Enduring military conflict with [ethnic armed groups] in several areas in the country continued to dislocate thousands of Rohingya and members of other ethnic minority groups, many of whom were at risk of human trafficking in Burma and elsewhere in the region as a result of their displacement.”

Violence between armed groups and the junta also remains an environmental factor that contributes to trafficking. The US 2020 TIP report noted that traffickers may utilise opportunities to abduct Rohingya women and children while they are trying to flee violence.



## SITUATION 5: TRAFFICKING OF CHILDREN

Field Researchers indicated that a 16-year-old child lost her entire family during the genocidal purge which took place in 2017 where everything had been destroyed by the Burmese military and police forces. As a result of this she moved to live with her uncle in Buthidaung Township. Rakhine human traffickers took the child from Buthidaung to Rathedaung township and after to Sittwe township. From there, she was brought to Ann township by car route and then transported to Thandwe township. For four days she was held at the house of the Rakhine traffickers and afterwards she was taken by car to Yangon via Thandwe. Other victims had been taken with the young girl, she recounted approximately 16 people. They were all detained in a farmhouse belonging to a Major in the Burmese military.

Field researchers reported that according to the laws of Burma, all the children should have been sent back to their families or parents but instead they were each sentenced to 6 months of hard labour. Approximately 55 Rohingya people with nearly half under the age of 18 were sentenced.

The narratives shared by the victims corroborate findings by the most recent US State Department 2021 TIP Report,

“The Government of Burma had a policy or pattern of use of children for forced labour by the military. The international monitor-verified use of children in labour and support roles by certain military battalions increased in conflict zones, predominantly in Rakhine and Kachin States. Additionally, the military continued to rely on local communities to source labour and supplies, thereby perpetuating conditions enabling the forced labour of adults and children.”

Despite the international praise the Child Rights Law received, there has been no implementation of the law and the junta continues to disregard any type of child rights for all children. The United Nations called attention to the treatment of Rohingya children this in June, “Rohingya children have been arrested and detained for alleged migration-related offences. Torture and ill-treatment, including sexual abuse, have allegedly been inflicted on these children.” The 2022 TIP report also calls attention to the inadequacy of the Child Rights Law in Myanmar in addressing trafficking of children.





The background is a complex, abstract composition of overlapping geometric shapes in shades of orange, yellow, and blue. A central, stylized eye-like shape is prominent, with a dark pupil and a light, textured iris. The overall effect is a sense of depth and movement, with various shapes and colors creating a rich, layered visual experience.

# EVOLVING RESPONSES

## IV. EVOLVING RESPONSES

This report has highlighted some of the current challenges must be taken into account in order for a robust and appropriate response to be made to combat human trafficking within the Arakan, Burma, and throughout South Asia.

The problem in Burma is not because there is not a strong legal regime to address human trafficking. The major problem is the enforcement of those laws coupled with the arbitrary application of those laws to protect all victims of and survivors of trafficking. Further, it appears the laws are applied in a discriminatory manner depending on the ethnic identity of individuals. The 1982 Citizenship law must be repealed to allow for equality to flourish among all ethnic groups in Burma, particularly so that vulnerabilities which loan themselves to trafficking are eroded.

An inordinate amount of corruption creates the foundation for human trafficking to flourish in the Arakan and surrounding areas. This is evident because victims continue to indicate the same villages and townships they are transported through. While the components of a judiciary still seem to be in place, despite the junta's February 2021 coup, corruption has manifested in these cases and sentences are adjudicated based on ethnic

identity rather than the actual crime that has come before the court for punishment.

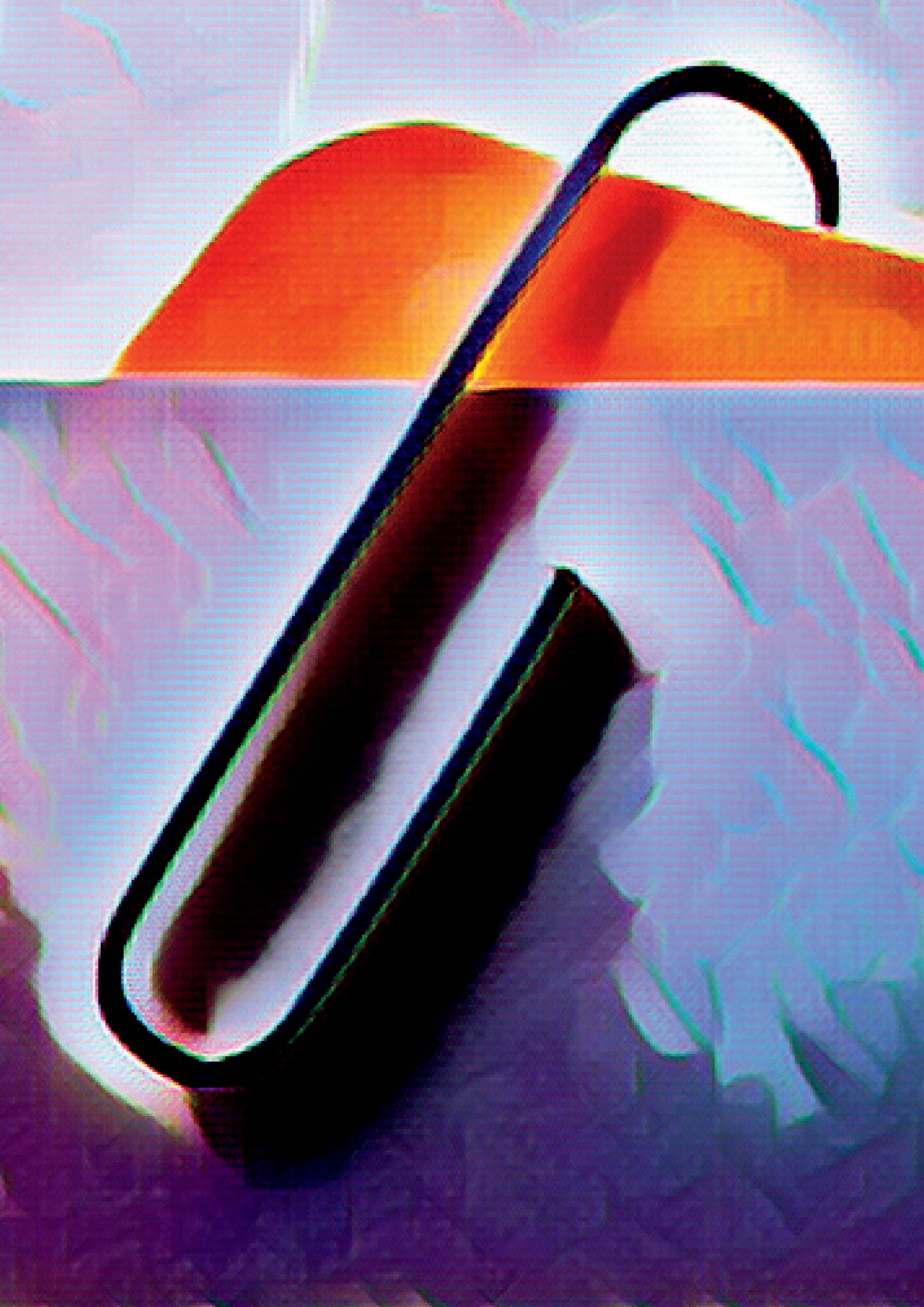
This nexus of corruption and human trafficking is further emphasised by the UNODC, “human trafficking also includes the complicity of state officials, and high levels of corruption are believed to drive human trafficking in Southeast Asia.” The UNODC has found in a recent study “corruption and lack of accountability” were “critical factors” which underpin related crimes. The US 2020 TIP report also highlighted this particular issue within Burma,

“Some government and law enforcement officers reportedly participated in, facilitated, or profited from human trafficking. Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials acting on bribes, as well as individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers in some cases.”

This report also underscores that important factors such as restrictions on the ability to live, to obtain employment or a livelihood to survive, and an education are also factors which drive people to the point of desperation to leave given the poverty that exists in the Arakan. Without appropriate coordinated humanitarian and development solutions in the Arakan, it will remain a hotbed of trafficking of Rohingya people as organised criminal networks and other corrupt individuals in different levels of government will take advantage of the situation to gain illicit revenues.

Finally, there must be a strong commitment to health initiatives, including mental health for victims and survivors of human trafficking.







The background is an abstract composition. A horizontal band of orange and yellow, resembling a sunset or sunrise, stretches across the middle. Above and below this band are textured, wavy shapes in shades of blue and purple. A dark blue horizontal bar is positioned in the center, containing the word "ATTACHMENTS" in white, bold, uppercase letters.

# ATTACHMENTS

# ATTACHMENT A: THE ANTI TRAFFICKING IN PERSONS LAW

The Union of Myanmar  
The State Peace and Development Council  
The Anti Trafficking in Persons Law  
(The State Peace and Development Council Law No.5/2005)  
(The Waxing Day of Tawthalin, 1367, M.E.)  
( ,September, 2005)

The State Peace and Development Council hereby enacts the following Law:-

## Chapter I Title, Jurisdiction and Definition

- 1 This Law shall be called the Anti Trafficking in Persons Law.
- 2 This Law shall have jurisdiction on any person who commits any offence cognizable under this Law in the Union of Myanmar, or on board a vessel or an aircraft registered under the existing law of the Union of Myanmar, or on a Myanmar citizen or foreigner residing permanently in the Union of Myanmar who commits the said offence outside the country.
- 3 The expressions contained in this Law shall have the meanings given here-under:-
- (a) Trafficking in Persons means 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.
- Explanation (1) Exploitation includes receipt or agreement for receipt of money or benefit for the prostitution of one person by another, other forms of sexual exploitation, forced labour, forced service, slavery, servitude, debt-bondage or the removal and sale of organs from the body.
- Explanation (2) Prostitution means any act, use, consummation or scheme involving the use of a person by another, for sexual intercourse or



lascivious conduct in exchange for money, benefit or any other consideration.

Explanation ( 3) Debt-bondage means the pledging by the debtor of his / her personal labour or services or those of a person under his/ her control as payment or security for a debt, when the length and nature of service is not clearly defined or when the values of the services as reasonably assessed is not applied toward the liquidation of the debt.

(b) Pornography means representation through exhibition, indecent show, publication, cinematography or by use of modern information technology of a sexual activity or of the sexual parts of a person for primarily sexual purpose.

(c) Trafficked victim means a person on whom trafficking in person has been committed.

(d) Organized criminal group means a structured group of three or more persons, for a certain period with the aim of committing a serious crime, in order to obtain directly or indirectly a benefit relating to money or material.

Explanation: Structured group means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined rules for the functions and duties of its members, continuity of its membership or a developed structure.

(e) Serious crime means an offence punishable with imprisonment for a term of four years or more under any existing law.

(f) Transnational crime means an offence committed in more than one State, or an offence committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State, or an offence in which the offenders are involved in an organized criminal group of another State or an offence committed in one State, which has affects on another State.

(g) Controlled delivery means the technique to expose and take action against the principal offenders, effect control with the consent of the relevant authority and proceed on their arrangement, when the import, export, entry, passing through or departure of illegal or suspected property or person in the Union of Myanmar or into the territory of a foreign State is found, on inspection.

(h) Property means movable property in any form, being corporeal or incorporeal, tangible or intangible, animate or inanimate or immovable property. This expression also includes legal documents evidencing title, negotiable instruments and benefits pertinent to property.

(i) Imprisonment for life means imprisonment passed on a convicted person to serve in the prison until death.

(j) Child means a person who has not attained the age of 16 years.

(k) Youth means a person who has attained the age of 16 years but has not attained the age of 18 years.

Central Body means the Central Body for Suppression of Trafficking in Persons formed under this Law.

## **Chapter II**

### **Aims**

4 The aims of this Law are as follows:

- (a) to prevent, and suppress the trafficking in persons as a national duty as it damages the pride and pedigree of Myanmar nationality that should be valued and safeguarded by Myanmar race;
- (b) in preventing and suppressing trafficking in persons to pay particular attention to women, children and youth;
- (c) to enable effective and speedy investigation to expose and take action against persons guilty of trafficking in persons and to prevent further trafficking in persons by passing effective and deterrent punishment;
- (d) to liaise and coordinate with international organizations, regional organizations, intergovernmental organizations formed between governmental organizations and non-governmental organizations in accordance with the international conventions relating to suppression of trafficking in persons which Myanmar has acceded;
- (e) to perform effectively the functions of rescuing, receiving, safeguarding, rehabilitation and reintegration into society of trafficked persons.

## **Chapter III**

### **Formation of the Central Body and Functions and Duties Thereof**

5 (a) The Government shall form the Central Body for Suppression of Trafficking in Persons comprising the Minister for the Ministry of Home Affairs as the Chairman, the Deputy Minister for the Ministry of Home Affairs, the Deputy Minister for the Ministry of Social Welfare, Relief and Resettlement and the Deputy Attorney General as Deputy Chairman, Director-General of Myanmar Police Force as Secretary and suitable persons from among the following as members:-

- (1) heads of relevant government departments and organizations;
- (2) representatives from the non-governmental organizations;
- (3) relevant experts;

(b) The Chairman of the Central Body may if necessary assign a suitable person from among the members as the Joint Secretary.

6 The functions and duties of the Central Body are as follows:

- (a) submitting suggestions to the Government for laying down a State policy and working programmed relating to suppression of trafficking in persons;
- (b) forming the required working groups to implement its functions and duties and determining the functions and duties thereof;
- (c) forming the different levels of State, Divisional, District and Township Bodies for Suppression of Trafficking in Persons and determining the functions and duties thereof;

- (d) forming the bodies comprising experts to perform research works for carrying out suppression of trafficking in persons effectively and assigning duty thereto and supervising thereof;
- (e) forming sector-wise Monitoring Mechanism and Evaluation Team comprising experts and assigning duty thereto to obtain the necessary substantive data relating to suppression of trafficking in persons;
- (f) laying down the necessary arrangements for the relief, resettlement, rehabilitation, and reintegration into the mainstream of society for the trafficked victims;
- (g) communicating and coordinating with international organizations, regional organizations, foreign States, local and foreign non-governmental organizations, and obtaining assistance for works relating to suppression of trafficking in persons, protection and rendering assistance, resettlement and rehabilitation;
- (h) directing as may be necessary to seize immovable properties involved in an offence under this Law as exhibit;
- (i) directing when necessary the attachment and sealing of immovable properties involved in the offence, which have been seized as exhibits; in prosecuted offence, disposal as may be necessary in accordance with the final order of the relevant Court;
- (j) reporting to the Government from time to time the implementation activities under this Law;
- (k) carrying out functions and duties relating to suppression of trafficking in persons assigned by the Government from time to time.

7 The Central Body shall form the following working groups comprising suitable persons and may form other required working groups to carry out the implementation of the suppression of trafficking in persons:

- (a) Working Group on Prevention of Trafficking in Persons and Protection of Trafficked Victims, headed by the Deputy Minister for the Ministry of Home Affairs;
- (b) Working Group on Legal Framework and Prosecuting Measures headed by the Deputy Attorney General;
- (c) Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims, headed by the Deputy Minister for the Ministry of Social Welfare, Relief and Resettlement.

## **Chapter IV**

### **Functions and Duties of the Working Groups**

8 The functions and duties of the Working Group on Prevention of Trafficking in Persons and Protection of Trafficked Victims are as follows:

- (a) forming Sub-Working Groups to carry out effectively the prevention of trafficking in persons according to schemes approved by the Central Body;
- (b) performing effectively works relating to educating and publication of the danger of trafficking and evil consequences to the people for the prevention of trafficking in persons;
- (c) sharing information by laying down the prevention of trafficking in persons programmes, communicating and exchanging news with

domestic and foreign network;

(d) communicating and coordinating with different levels of State, Divisional, District and Township bodies on suppression of trafficking in persons;

(e) supervising the set-up of specially trained force for the prevention of trafficking in persons, speedy and effective investigation and exposure;

(f) scrutinizing and permitting to enable the use of the controlled delivery system upon requirement when exposing and investigating the trafficking in persons and liaising and coordinating with foreign States, if necessary;

(g) laying down and carrying out working programmes relating to protection and assistance to the trafficked victims programmes especially women, children and youth;

(h) laying down and carrying out working programmes relating to protection and assistance in conformity with the stipulations to foreigners who are trafficked victims and have arrived in Myanmar;

(i) arranging the required training and educating of persons who will undertake the duty of protecting the trafficked victims;

(j) obtaining assistance of the relevant government departments, organizations and non-governmental organizations for the effective implementation of this Law;

(k) recommending the enhanced communication and cooperation with international organizations and regional organization and entering into bilateral or multilateral agreements;

(l) carrying out other functions and duties assigned by the Central Body.

9 The functions and duties of the Working Group on Legal Framework and Prosecuting Measures are as follows:

(a) drafting and submitting to the Central Body the necessary draft of the rules, procedures, notifications, orders and directives for the determination of security status of related information of trafficked victims for the dignity and security and identification of trafficked victims, in respect of the prevention of trafficking in persons;

(b) coordinating with the relevant prosecution bodies to impose effective and severe punishment upon the persons who have committed the offence of trafficking in persons and to prosecute with valid evidence in accordance with law;

(c) laying down and carrying out necessary arrangements for the effective protection of trafficked victims and witnesses in prosecution cases under this Law;

(d) submitting to the Central Body, in respect of the commission of trafficking in persons offence as transnational organized crime, if necessary, to give assistance or to obtain assistance between States;

(e) communicating and coordinating with the different levels of State, Divisional, District and Township Bodies for suppression of trafficking in persons;

(f) implementing by laying down the training programme and enhancing skills programmes in order to take effective action under this Law;

(g) obtaining assistance of relevant government departments, organizations, and non-governmental organizations to enable the effective implementation of this Law;

(h) carrying out other functions and duties assigned by the Central Body.



- 10 The functions and duties of the Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims are as follows:
- (a) coordinating and cooperating with relevant government departments, organizations and non-governmental organizations for the repatriation of the trafficked victims, to their native place, enquiring the circumstances of the relevant family, medical examination of trafficked victims with their consent, consolation and education and other necessary assistance;
  - (b) laying down schemes and implementing to get the vocational education based upon the education and technical knowledge and to get employment opportunities for the rehabilitation of trafficked victims;
  - (c) communicating and coordinating with different levels of State, Divisional, District and Township Bodies for Suppression of Trafficking in Persons;
  - (d) arranging to enable utilization from the rehabilitation fund established under this Law for the suppression of trafficking in persons and protection of trafficked victims, in carrying out the rehabilitation works for the trafficked victims;
  - (e) obtaining assistance of the relevant government departments, organizations and non-governmental organizations for the effective implementation of this Law;
  - (f) carrying out other functions and duties assigned by the Central Body.

## **Chapter V**

### **Safeguarding the Rights of Trafficked Victims**

- 11 In order not to adversely affect the dignity of the trafficked victims:
- (a) if the trafficked victims are women, children and youth, the relevant Court shall, in conducting the trial of offences of trafficking in persons, do so not in open Court, but in camera for the preservation of their dignity, physical and mental security.
  - (b) with respect to trafficking in persons, the publication of news at any stage of investigation, prosecution, adjudication shall be made only after obtaining the permission of the relevant Body for the Suppression of Trafficking in Persons.
  - (c) person not involved in this case shall not be allowed to peruse or make copies of documents contained in the proceedings.
- 12 The Central Body shall, if the trafficked victims are women, children and youth, make necessary arrangements for the preservation of dignity, physical and mental security.
- 13 The Central Body:
- (a) shall not take action against the trafficked victims for any offence under this Law.
  - (b) shall determine whether or not it is appropriate to take action against the trafficked victims for any other offence arising as a direct consequence of trafficking in persons.
  - (c) shall, if the trafficked person who re-entered the country has a right of permanent residence protect his right to get permanent residence,

security and relevant status.

14 The Central Body shall arrange and carry out for the security of life of trafficked victims and to arrange according to their wishes for repatriation and resettlement as much as possible.

15 The Central Body shall in the prosecution of a person guilty of trafficking in persons coordinate with the relevant Ministries for the temporary residence in Myanmar and repatriation to the relevant State of the trafficked victim who is a foreigner, after giving the testimony.

## Chapter VI

### Special Protection of Trafficked Victims, Women Children and Youth

16 The Central Body and relevant Working Groups shall, with respect to the trafficked victims who are women, children and youth:

- (a) give special protection of their dignity and identification and necessary security and assistance.
- (b) carry out to send them back to their parents or guardian if after scrutiny it is found that it is the best condition for them.
- (c) arrange other suitable and secure protection when there is no condition for repatriation to the parents and guardian or inappropriate condition for repatriation.
- (d) arrange with emphasis on freedom of expression of their desire and freedom of choice according to their age and maturity.
- (e) carry out with special arrangement for remedy of their physical and mental damage, giving vocational education based upon education and technique and medical examination and medical treatment with their consent.
- (f) give protection by keeping confidential the information relating to them.

17 The Central Body shall lay down and carry out programmes of security and other protection for the trafficked victims women, children and youth during the period of prosecution of persons guilty of any offence of trafficking in persons under this Law or during the period of instituting a suit for compensation for tort by the trafficked victim for the trafficking in persons.

18 The Central Body shall lay down and carry out the programmes to conduct necessary training courses for persons performing the functions and duties relating to the protection of trafficked victims especially women, children and youth.

## **Chapter VII**

### **Repatriation, Reintegration and Rehabilitation**

19 The Central Body shall, after coordination with the relevant departments, organizations and non-governmental organizations for the repatriation of trafficked victims, reintegration into the mainstream of the society resettlement and rehabilitation the trafficked victims carry out as follows:

- (a) arranging and carrying out necessary coordination for the repatriation of the trafficked victims;
- (b) arranging the temporary shelter at a safe place or appropriate house for the trafficked victims;
- (c) rehabilitating the social aspect;
- (d) hiring a lawyer if necessary in a suit instituted by the trafficked victim for his/her grievance, requesting the Office of the Attorney General for a Law Officer to conduct in the case or assisting in hearing with interpreter;
- (e) laying down the security programmes and arranging for other rights entitled while the trafficked victims are giving testimony or contesting a case;
- (f) arranging medical examination and giving medical treatment with the consent of the trafficked victims;
- (g) arranging for teaching of vocational education based upon education and technical opportunities for the survival of the life of the trafficked victim.

20 The responsible officials of the Embassies of the Union of Myanmar in foreign States shall provide necessary protection for trafficked victims of Myanmar citizens or permanent resident foreigners of Myanmar and coordinate with the relevant responsible persons for sending them back to Myanmar.

21 The expenditures relating to suppression of trafficking in persons may be borne by the State in accordance with the provisions of this Law.

## **Chapter VIII**

### **Establishment of the Fund**

22 The Central Body may for the purpose of utilizing for the suppression of trafficking in persons, repatriation and rehabilitation of trafficked victims:

- (a) establish a fund with money supported by the State and money donated from local and foreign sources.
- (b) accept and administer the property supported by the State and property donated from local and foreign sources.

23 The Central Body shall:

- (a) in coordination with the Auditor General's Office determine the procedures relating to the maintenance of the fund and the administration of the property supported and donated.
- (b) keep the functions under sub-section (a) in accordance with the procedures and shall submit to the inspection by the person assigned by the Auditor General.

## Chapter IX

### Offences and Penalties

24 Whoever is guilty of trafficking in persons especially women, children and youth shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of imprisonment for life and may also be liable to a fine.

25 Whoever is guilty of trafficking in persons other than women, children and youth shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine.

26 Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 3 years to a maximum of 7 years and may also be liable to a fine:

- (a) adopting or marrying fraudulently for the purpose of committing trafficking in persons.
- (b) causing obtaining unlawfully the necessary documentary evidence documents or seal for enabling a trafficked victim to depart from the country or enter into the country.

27 Whoever is guilty of making use or arranging with a trafficked victim for the purpose of pornography shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine.

28 Whoever :

- (a) is guilty of trafficking in persons with organized criminal group as provided in section 24 shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 20 years to a maximum of imprisonment for life and may also be liable to a fine;
- (b) is guilty of trafficking in persons with organized criminal group as provided in sections 25, 26 or 27 shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of imprisonment for life and may also be liable to a fine;
- (c) is found to be a member of an organized criminal group shall, on conviction be punished with imprisonment under sub-section (a) or sub-section (b) whether he has personally taken part or not in the commission of the offence.

29 Whoever is also guilty of a serious crime provided in sub-section (e) of section 3, in committing trafficking in persons shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of imprisonment for life or death sentence.

30 Any public official who demands or accepts money and property as gratification either for himself or for another person in carrying out



investigation, prosecution and adjudication in respect of any offence under this Law shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 3 years to a maximum of 7 years and may also be liable to a fine.

31 Whoever is guilty of any offence provided in this Law shall, after a prior conviction for the same offence be liable to the maximum punishment provided for such subsequent offence.

32 Whoever prepares, attempts, conspires, organizes, administers or abets, or provides financial assistance to commit or in commission of any such offence shall be liable to the punishment provided in this Law for such offence.

33 The Court shall, in passing a sentence for any offence provided in this Law, pass an order for confiscation or disposal in accordance with the stipulations of the property involved in the offence, which have been seized as exhibits. It may pass an order to pay damages to the trafficked victim from the money confiscated or from the proceeds of sale of property or from the fine.

## Chapter X Miscellaneous

34 If an exhibit involved in any offence prosecuted under this Law is not easily producible before the Court, such exhibit need not be produced before the Court. However, a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court shall pass an order for disposal of the same in accordance with this Law.

35 The Ministry of Home Affairs shall form the Staff Office as may be necessary in accordance with the stipulations for the purpose of assistance in carrying out the functions and duties of the Central Body.

36 Notwithstanding anything provided in any existing Laws, action shall be taken only under this Law on offences relating to trafficking in persons.

37 In prosecuting any offence under this Law, prior sanction of the Central Body or any Body assigned by the Central Body shall be obtained.

38 In implementing the provisions contained in this Law:

- (a) the Ministry of Home Affairs may with the approval of the Government; issue such rules and procedures as may be necessary.
- (b) the Central Body and the relevant Ministries may issue such notifications, orders and directives, and the Director General may issue such orders and directives as may be necessary.

(Sd) Than Shwe

Senior General

Chairman

The State Peace and Development Council

# ATTACHMENT B: THE RESIDENTS OF BURMA REGISTRATION ACT, 1949 (UNOFFICIAL TRANSLATION)

## THE RESIDENTS OF BURMA REGISTRATION ACT, 1949 (UNOFFICIAL TRANSLATION)

- (1) This Act shall be called the Residents of Burma Registration Act, 1949.
- (2) It shall come into force on such date as the President of the Union may, by notification, appoint and different dates may be appointed for different parts of the Union of Burma.
- (1) Subject to the provisions of this Act, a Registration List registering all residents of Burma shall be kept. In the Registration List shall be entered the particulars of such persons prescribed by rules relating to the matters specifically mentioned in the "Schedule".
- (3) The said list shall be called the Registration List of the Residents of Burma. Hereinafter, the List shall be referred to as the "Registration List".
- (1) The President may appoint the Chief Registration Officer for the whole country in order to maintain the Registration List.  
The President may appoint Registration Officer, Assistant Registration Officer and other staff in order to perform duties conferred under this Act.  
Duties, powers and functions of the Chief Registration Officer, Registration Officer, Assistant Registration Officer and other staff are in the manner as prescribed in the rules made under this Act.
- (1) Every person residing in Burma shall furnish, for registration purposes, (his/her) particulars as required under this Act or its rules made thereunder.
- (2) The Registration Officer or Assistant Registration Officer shall, in accordance with the rules made under this Act, issue to every person who has registered as such, a registration card as a proof of identity (stating who the person is) and containing prescribed particulars. The said card is hereinafter referred to as "Registration Card".

The President may enact rules for carrying into effect the aim and object of this Act.

In particular, without prejudice to the generality of the forgoing powers, such rules may provide on the following matters in the said rules:-

- for making, collecting and providing of data;
- for data form;
- for registration card form;
- for producing of registration card to check;
- for issuing new registration card for the lost or destroyed one by taking fee;
- for surrendering of registration card;
- for deregistration of those who ought to be excluded.

- (1) Different provisions for the different places in the Union of Myanmar can be prescribed in the rules.

- (1) Whoever:-  
makes a false statement in respect of any material particulars knowingly or rashly for the purpose of this Act ;  
with an intention to cheat  
falsely represents himself to be or not to be a person mentioned in the registration card ;  
allows other person to have possession of the registration card issued for his own use in compliance with the rules made under this Act;  
possesses any forged document likely to resemble with the registration card; is said to commit an offence under this Act.

Whoever fails to comply with a summon duly issued under this Act or violates any rules thereunder or fails to comply the manner as prescribed in the rules is said to commit an offence under this Act.

Whoever is guilty of any provisions of this Act shall on conviction be punished with imprisonment for a term not exceeding two years with rigorous imprisonment, or simple imprisonment, or to a fine not exceeding 500 kyats, or to both.

Provided, notwithstanding anything contains in the criminal procedure code, the said offender shall be tried as a summon case and on conviction he shall be punished to a term not exceeding 6 months with rigorous imprisonment, or simple imprisonment, or to a fine not exceeding 200 kyats, or to both.

7. The President of the Union may by order exempt any person or any class of persons from any or all of the provisions of this Act or Rules thereunder.

#### "Schedule"

Particulars to be included in the register:-

Name;  
male or female;  
age and date of birth;  
country of origin;  
nationality;  
occupation, trade;  
residence;  
spouse if any;

whether a member of naval or auxiliary naval force or army or auxiliary army or air force or auxiliary air force or frontier defence force or its reserve force.

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