



**UNIAP**

United Nations Inter-Agency  
Project on Human Trafficking

# SIREN

STRATEGIC INFORMATION RESPONSE NETWORK

MEKONG REGION  
COUNTRY DATASHEETS

**HUMAN TRAFFICKING**

**2010**

While every attempt is made to ensure that the information contained in these datasheets is accurate and comprehensive, the United Nations Inter-Agency Project on Human Trafficking accepts no responsibility for any omissions or errors contained within them. The information has been obtained primarily from the six Mekong governments, as well as non-government and international organisations, UN agencies and through field research conducted by UNIAP. References to particular organisations do not indicate endorsement by UNIAP, nor does failure to mention specific organisations working in the counter-trafficking sector imply disapproval or non-recognition.

**The Mekong Region Human Country Datasheets on Human Trafficking 2010**

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## WHAT IS HUMAN TRAFFICKING?

Human trafficking is a crime involving the cheating or deceiving of people into sexual servitude or labour for the purpose of their exploitation. It affects individuals, families and entire communities, in almost all parts of the world. The International Labour Organization estimated in 2005 that 9.49 million people were in forced labour in the Asia-Pacific region, with a significant proportion thought to be in the Mekong region, which includes Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam.<sup>1</sup> Within the Mekong region, the crime of human trafficking is widespread, yet little is known about specific trafficking patterns and trends.

The United Nations Inter-Agency Project on Human Trafficking (UNIAP) is working to address this knowledge gap. UNIAP is responsible for coordinating efforts in the Mekong region to help stop human trafficking, in collaboration with the six Mekong Governments, United Nations agencies, non-government organisations, and the broader anti-trafficking community. Obtaining solid human trafficking data is crucial in order for counter-trafficking efforts to be targeted and effective. With this in mind, the staff in UNIAP's six country offices and its regional headquarters in Bangkok undertake research, analysis and fieldwork, in cooperation with UN, non-government organisation (NGO) and community-based partners. The information collected is disseminated to targeted audiences through the Strategic Information Response Network (SIREN), in the form of briefings, events, web information and reports like these country datasheets.

## SIREN COUNTRY DATASHEETS

In these datasheets you will find a snapshot of human trafficking in the six Mekong countries, including statistical data on the number of people trafficked and the number of perpetrators prosecuted, geographic patterns of domestic and cross-border trafficking, information about trafficking trends, and data on anti-trafficking laws and penalties. You will also find general demographic and migration information. The information covers the period of January to December 2009, though some data recorded outside this period is also included for the purpose of comparison.

The information comes from a variety of sources, including research and programme reports from anti-trafficking partners at the country and regional level, and human trafficking statistics from relevant ministries of the six Mekong Governments. While UNIAP attempts to collate and cross-check government and non-government data using a consistent approach, including field research, the type of data recorded varies from country to country, and thus there is some variance in the information provided in each country's datasheet.

It is hoped that these datasheets are a useful resource for those working or studying in the counter-trafficking sector. For more information about human trafficking, please visit the UNIAP website at [www.no-trafficking.org](http://www.no-trafficking.org).

## THE RESPONSE TO HUMAN TRAFFICKING

The widespread nature of human trafficking requires a global response. This was the basis for the creation of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This Protocol falls under the Convention against Transnational Organized Crime, and is sometimes referred to as the 'Palermo Protocol'. It sets out the following definition of human trafficking:

- 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.<sup>2</sup>

### **The Palermo Protocol states that exploitation includes, 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.





## Cambodia Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

13,395,682 (approximately 80% rural)<sup>3</sup>

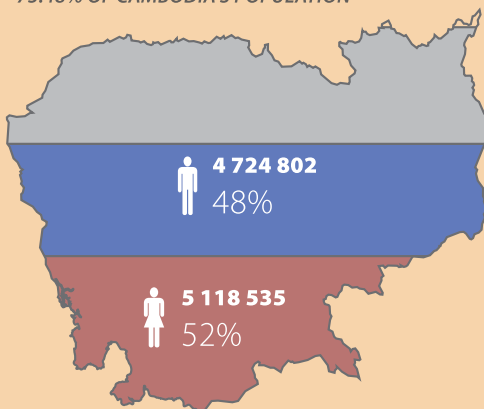
#### GDP Per Capita (est. 2009)

USD \$1,900<sup>4</sup>

### MIGRATION<sup>5</sup>

#### Internal Migration

**9,843,337 TOTAL INTERNAL MIGRANTS**  
73.48% OF CAMBODIA'S POPULATION



#### Reported Reasons for Internal and External Migration

- A wish to obtain or change employment or access education
- Marriage or family movement
- Natural disasters or other insecurities
- Where a child is orphaned
- Loss of land/housing

#### Annual migration from Cambodia to three key countries

	Thailand		Malaysia		South Korea	
	M	F	M	F	M	F
2005	n/a	n/a	467	1309	432	36
2006	3222	894	231	1495	1341	160
2007	3249	1597	174	3045	497	87
2008	1816	1175	53	3379	2127	404
2009	1968	1575	876	8806	1438	249

*These figures refer to the number of labour migrants who left Cambodia via formal channels to work in Thailand, Malaysia, and South Korea. They were obtained by the Ministry of Labour and Vocational Training (MOLVT) in Cambodia from recruitment agencies in Cambodia.*

## Current Trafficking Data & Trends

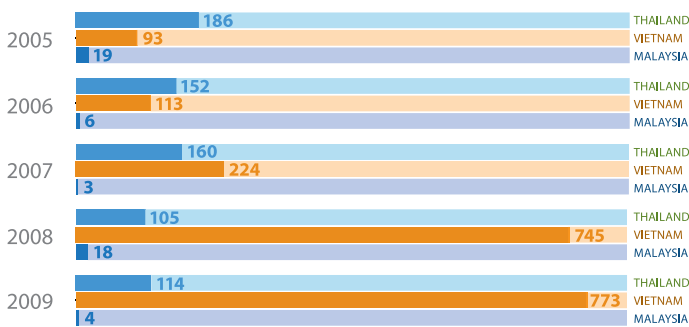
### CURRENT TRENDS IN TRAFFICKING

An increasing number of Cambodians are migrating from rural to urban areas, or from Cambodia to its surrounding countries, in search of employment opportunities, due to labour surpluses in Cambodia, influence from their families, lack of opportunities, loss of land, and natural disasters. Many are lured or deceived by brokers into situations of exploitation, or obtain information from recruitment agency representatives who visit their villages.

### MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS IN CAMBODIA

- Entertainment
- Factories (e.g. brick)
- Domestic Labour
- Begging
- Agriculture
- Labour on salt fields

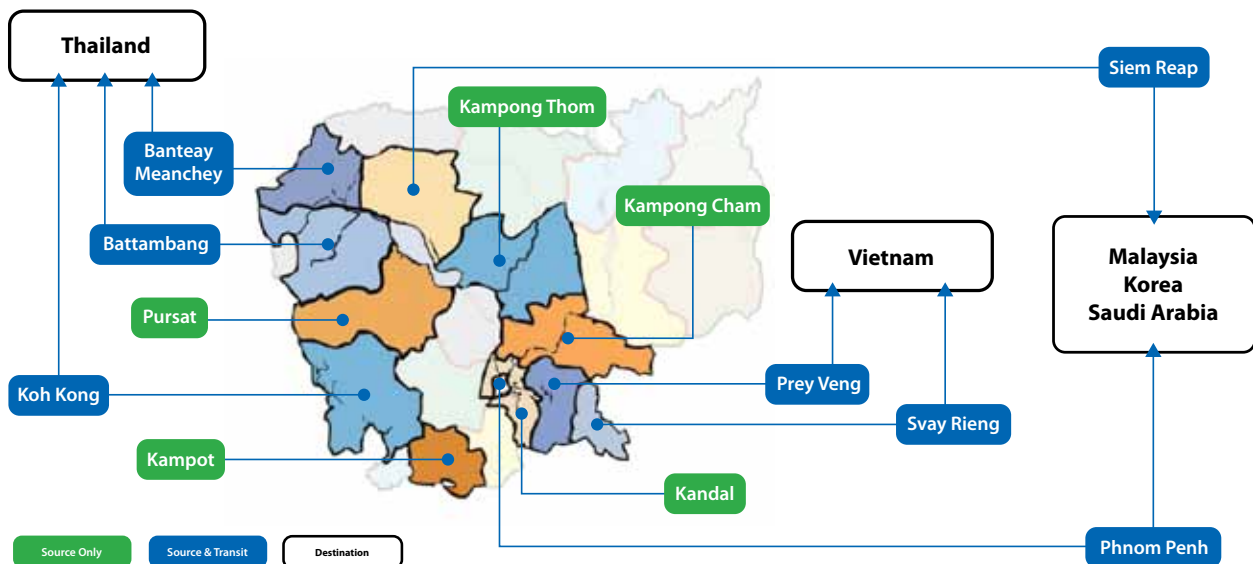
### TRAFFICKED PERSONS<sup>6</sup>



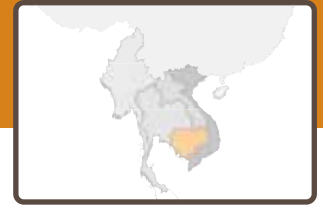
### TYPES OF DOMESTIC AND CROSS-BORDER TRAFFICKING

- Domestic trafficking of children and women for commercial sexual exploitation
- Domestic trafficking, largely from rural to urban areas, of children and women for domestic work
- Trafficking to Thailand of men, women, and children for labour exploitation (especially begging, construction, agriculture, and fishing) and women and girls for sexual exploitation and domestic work
- Trafficking to Vietnam of children for begging, primarily to Ho Chi Minh City
- Trafficking to Malaysia of men and women for labour exploitation (including through recruitment agencies)
- Trafficking further abroad to countries such as Saudi Arabia for domestic work, and Taiwan and Korea for marriage
- Vietnamese and Chinese citizens trafficked through Cambodia to locations further abroad

### SOURCE, DESTINATION, AND TRANSIT AREAS FOR CROSS-BORDER TRAFFICKING<sup>7</sup>







## Trafficking & Law in Cambodia

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN CAMBODIA

Article 13 of the Law on Suppression of Human Trafficking and Sexual Exploitation (2007) defines 'the act of selling, buying or exchanging a person' as 'to unlawfully deliver the control over a person to another, or to unlawfully receive the control over a person from another, in exchange for anything of value including any services and persons'.

Article 12 defines 'any form of exploitation' as meaning 'the act of unlawful recruitment which means to induce, hire or employ a person to engage in any form of exploitation with the use of deception, abuse of power, confinement, force, threat or any coercive means'.

### ANTI-TRAFFICKING LAWS & GUIDELINES

Law on Suppression of Human Trafficking and Sexual Exploitation (2007)

#### Key legal instruments, agreements and guidelines which relate to anti-trafficking in Cambodia

- Cambodian Constitution (1993)
- Law on Immigration (1994)
- Labour Law (1997)
- Law on Suppression of the Kidnapping and Trafficking of Human Persons and the Exploitation of Human Persons (1996)
- Sub-decree No. 57 on Sending Cambodian Migrants to Work Abroad (1995)
- Sub-decree on Marriage Procedures between Cambodians and Foreigners (2008)
- Memorandum of Understanding between Cambodia and Thailand on Bilateral Cooperation in Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003)
- Memorandum of Understanding between Cambodia and Thailand on Cooperation in the Employment of Workers (2003)
- Memorandum of Understanding between the Ministry of labour and Vocational Training of the Kingdom of Cambodia and the Ministry of Labour of the Republic of Korea on the Sending of Workers to the Republic of Korea under the Employment Permit System
- Memorandum of Understanding on the Field of Exchange of Manpower between the Royal Government of Cambodia and the Government of the State of Kuwait.
- Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (2007)
- National Policy on the Protection of the Rights of Victims of Human Trafficking (2009)

- Agreement between the Royal Government of Cambodia and the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005)
- Agreement between Cambodian and Vietnamese Police (2008)
- Cooperation Agreement on Standard Operating Procedures (SOP) for the Identification and Repatriation of Trafficked Victims, between the Government of Cambodia and the Government of Vietnam (2009)
- Guidelines on Repatriation of Trafficking Victims for Cambodia and Thailand (2005)
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- Cambodia National Plan of Action

### TRAFFICKING OFFENCES DESCRIBED IN LEGAL FRAMEWORKS<sup>8</sup>

- Article 9: Unlawful Removal, inter alia, of a Minor
- Article 10: Unlawful Removal with Purpose
- Article 11: Unlawful Removal for Cross-border Transfer
- Article 12: Unlawful Recruitment for Exploitation
- Article 14: The Act of Selling, Buying or Exchanging a Person
- Article 15: The Act of Selling, Buying or Exchanging a Person with Purpose
- Article 16: The Act of Selling, Buying or Exchanging a Person for Cross-border Transfer
- Article 17: Transportation with Purpose
- Article 18: Cross-border Transportation (the Act of Bringing a Person Cross-border)
- Article 19: Receipt of a Person with Purpose
- Article 20: Receipt of a Person for the Purpose of Assisting the Offender

**HUMAN TRAFFICKING OFFENCES, PENALTIES, CASES AND ARRESTS**

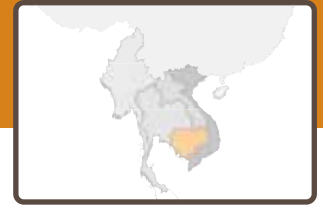
December 2008 to December 2009

OFFENCE OR ARTICLE	PENALTIES OR PENALTY RANGES	CASES*	ARRESTS*
Unlawful Removal, inter alia, of a Minor	Imprisonment for 2 to 5 years <sup>9</sup>	13	14
Unlawful Removal with Purpose	–	13	18
Receipt of a Person for the Purpose of Assisting the Offender	Imprisonment for 2 to 5 years OR Imprisonment for 5 to 10 years where victim is a minor <sup>10</sup> + fine of 4,000,000 to 10,000,000 riels <sup>11</sup>	-	-
Unlawful Removal for Cross-border Transfer	Imprisonment for 7 to 15 years OR Imprisonment for 15 to 20 years where victim is a minor, offence is committed in abuse of a public office, or offence is committed by an organised group <sup>12</sup>	12	16
Unlawful Recruitment for Exploitation		1	1
The Act of Selling, Buying or Exchanging a Person		3	5
The Act of Selling, Buying or Exchanging a Person with Purpose		3	8
The Act of Selling, Buying or Exchanging a Person for Cross-border Transfer		1	1
Transportation with Purpose		1	1
Cross-border Transportation (the Act of Bringing a Person Cross-border)		1	1

*In comparison, the offence of murder carries a penalty of life imprisonment and the offence of manslaughter, a penalty of imprisonment for 10 to 15 years.<sup>13</sup>*

*\* Note cases and arrests are not reflective of the number of prosecutions for these offences.*





# Anti-Trafficking Action in Cambodia

## PROTECTION

### Policies and procedures for victim identification

Screening and identification of victims of trafficking in Cambodia is undertaken with reference to the Law on Suppression of Human Trafficking and Sexual Exploitation (2007). Some organisations, such as the International Organization for Migration (IOM) and Legal Support for Children and Women (LSCW), use their own tools to identify victims.

UNIAP, in consultation with police, immigration, justice, and other partners, has begun developing a series of victim identification tools which include sophisticated identification and investigation procedures and non-specialist tools used by those with limited counter-trafficking experience.

### Policies and procedures for shelters

State-run shelters for victims of trafficking in Cambodia operate based on the Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (2007) and minimum standards for protection of the rights of victims of human trafficking. Privately-run shelters use their own operational procedures, for example those shelters run by World Vision Cambodia.

### Post-harm assistance

Post-harm assistance is provided to victims of trafficking in Cambodia, including rescue, repatriation, reception in home country, family tracing, family assessment, reintegration, short/medium/long-term shelter accommodation, medical, legal, psychosocial, education and vocational education assistance, and case follow-up. There are many government and non-government victim assistance agencies in Cambodia which provide shelter and other forms of post-harm assistance.

## PROSECUTION

### Specialist units for prosecution

Cambodia has a specialised Anti-Human Trafficking and Juvenile Protection Police Department. Officers from this department, in cooperation with prosecutors, carry out investigations, apprehensions, arrests, prosecutions and convictions.

### Resources for prosecution

Cambodia has a focused campaign dedicated to combating human trafficking in Cambodia, and is working to develop:

- Explanatory notes and guidelines for the law on the Suppression of Human Trafficking and Sexual Exploitation (2007); and
- A cadre of specialist judges and prosecutors who have a strong understanding of the issues and sensitivities concerning human trafficking cases.

## POLICY

### Significant current policies or developments which impact victims or perpetrators

Cambodia is currently in the process of finalising and implementing its Second National Plan of Action on Trafficking in Persons and Sexual Exploitation (NPA TIPSE 2006-2010). This is in line with its commitment under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

Further, Cambodia's responses are informed by the Labour Migration Policy for Cambodia of Ministry of Labour and Vocational Training (2010).

## PREVENTION

### Bilateral agreements on recruitment of migrant workers

Cambodia has bilateral agreements on recruitment in place with Thailand, Malaysia, South Korea and Japan.

### Key awareness raising campaigns in 2009

- COMMIT national training programmes for frontline anti-trafficking officers in various provinces
- Awareness-raising and educational campaigns on human trafficking and safe migration conducted by a host of government and non-government agencies
- A child-safe tourism campaign to prevent trafficking in the tourism industry focussed on the urban areas of Cambodia including Phnom Penh, Siem Reap, and Sihanoukville
- Community mobilisation and poverty alleviation campaigns in five key border provinces

## Key Anti-Trafficking Actors in Cambodia

### KEY MINISTRIES RESPONSIBLE FOR ANTI-TRAFFICKING EFFORTS IN CAMBODIA

#### The National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation in Women and Children

The National Committee is the commanding body of the Royal Government in combating human trafficking, smuggling, labour exploitation and sexual exploitation in women and children.

#### The Ministry of Interior, Department of Anti-Human Trafficking and Juvenile Protection

Is responsible for policing, raids and arrests of trafficking suspects and rescuing victims.

#### The Ministry of Labour and Vocational Training

Provides Certificates of Identity (CII) to Cambodian migrant workers in Thailand who request documentation.

#### The Ministry of Social Affairs, Veterans and Youth Rehabilitation

Provides protection services to victims, including repatriation, recovery, rehabilitation and reintegration.

#### The Ministry of Women's Affairs

Undertakes prevention activities and provides protection services, including rehabilitation and reintegration.

#### The Ministry of Justice

Works alongside the Ministry of Interior to conduct raids, and investigate and prosecute trafficking cases.

#### The Ministry of Tourism

Undertakes anti-trafficking education and awareness-raising activities for those working in the tourism industry, particularly concerning child safe tourism.

#### The Ministry of Education Youth and Sports

Undertakes prevention activities, such as education and awareness-raising, in schools.

### NON-GOVERNMENTAL ANTI-TRAFFICKING ACTORS IN CAMBODIA

#### Inter-governmental Organisations

- International Organization for Migration (IOM)

#### UN Agencies and Projects

- International Labour Organization's International Programme on the Elimination of Child Labour (ILO/IPEC)
- United Nations Population Fund (UNFPA)
- United Nations Inter-Agency Project on Human Trafficking (UNIAP)
- United Nations Children's Fund (UNICEF)
- United Nations Development Fund for Women (UNIFEM)
- United Nations Office on Drugs and Crime (UNODC)

#### NGOs

There are over 150 NGOs involved in counter-trafficking in Cambodia.

### CAMBODIA TRAFFICKING IN PERSONS CONTACT INFORMATION

#### The Ministry of Interior, Department of Anti-Human Trafficking and Juvenile Protection

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### CAMBODIA TRAFFICKING IN PERSONS HOTLINE

+855 23 997 919



## China Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

1.32 billion (approx. 55% rural)<sup>14</sup>

#### GDP Per Capita (est. 2009)

USD \$6,500<sup>15</sup>

### MIGRATION

According to the Chinese Ministry of Commerce (MOFCOM) there are some 147.35 million internal migrants in China.<sup>16</sup> The 'floating inter-provincial population', i.e. the number of Chinese moving between provinces each year, is approximately 47.79 million persons.<sup>17</sup>

MOFCOM estimates that in 2009 there were some 745,000 Chinese officially registered as working abroad. There may, however, be many more migrants working abroad who are not officially registered.<sup>18</sup>

## Current Trafficking Data & Trends

### MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS

An unpublished study of media reports on human trafficking led by the International Labour Organization found that forced prostitution, the entertainment industry, hairdressing, massage parlours, brick kilns, manufacturing and forced begging were the key sectors of employment for trafficking victims. Women and children may also be victims of forced marriages or illegal adoption.<sup>19</sup>

### SOURCE COUNTRIES AND REGIONS

Source countries for persons trafficked into China are Vietnam, Russia, Korea and Myanmar. Source regions for Chinese trafficked within China include Yunnan, Guizhou and Henan provinces.<sup>20</sup>

### DESTINATION COUNTRIES AND PROVINCES FOR VICTIMS OF TRAFFICKING

Destinations for Chinese trafficking victims include Thailand, Malaysia, some countries in Africa, Europe and America. Destination provinces for domestic victims of trafficking are typical in Fujian, Guangdong, Shandong and Henan.<sup>21</sup>

### TYPES OF DOMESTIC & CROSS-BORDER TRAFFICKING

Trafficking occurs in the form of forced marriages, illegal adoption, sexual exploitation and labour exploitation.<sup>22</sup>

### VULNERABILITIES AND VULNERABLE SECTORS

Economic disparity between geographical regions in China, poverty, underdeveloped social welfare systems, gender imbalance, local culture and traditions are some of the trafficking risk factors in China.<sup>23</sup> An estimated 150 million

Chinese people have migrated internally in search of a better life and more opportunities. Around 20 million children migrate with their parents and more than 58 million rural children are left behind at home while their parents seek full-time employment in urban areas.<sup>24</sup>

## CURRENT TRENDS IN TRAFFICKING

- Increased forced prostitution, forced labour, forced begging and theft<sup>25</sup>
- Increased use of violence in cross-border trafficking crimes<sup>26</sup>

- Increased use of the Internet to lure underage girls into prostitution. China has the world's largest number of internet users<sup>27</sup>
- More complex and sophisticated trafficking crime rings<sup>28</sup>
- Lowered average age of trafficked victims due to increased numbers of trafficked infants less than one month old<sup>29</sup>
- Increased targeting of young girls for sexual exploitation

## Trafficking & Law in China

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN CHINA

The Chinese Criminal Law defines trafficking as "the abduction, kidnapping, trading and transporting of women and children for the purpose of selling." Offences such as forced labour and other trafficking related offences are punished as other crimes and not as trafficking offences.<sup>30</sup>

### ANTI-TRAFFICKING LAWS & GUIDELINES

Criminal Law of the People's Republic of China (1997)

#### Key legal instruments, agreements and guidelines which relate to anti-trafficking in China

- Law on Penalties for Administration of Public Security
- Labor Law
- Provision on Prohibition of Child Labor
- Guiding Opinions on Punishing Crimes of Trafficking in Women and Children According to Law
- Joint Implementation plans of the 29 Inter-Ministerial Office Against Human Trafficking (IMOAT) members
- Ministry of Public Security Opinions Concerning Public Security Authorities' Implementation of the NPA
- Evaluation standards for the management of local public security in anti-trafficking work, by the Central Office for Comprehensive Management of Public Security, of the Central Committee of the China Communist Party and Ministry of Public Security
- The Five Ministries joint circular on strengthening the work of rescuing vagrant children and children forced into begging
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- The China National Plan of Action against Trafficking in Women and Children (NPA)

- Provincial, prefectural and municipal plans for the implementation of the NPA

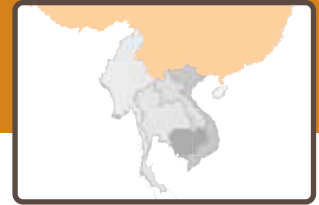
### TRAFFICKING PERPETRATORS OPERATING IN CHINA

According to local media reports, trafficking of children for illegal adoption is perpetrated by both individuals and groups. Crimes of sexual exploitation and forced prostitution are generally perpetrated by crime syndicates or groups of traffickers. Crimes of forced labour and labour exploitation are generally perpetrated by the factory, kilns or illegal mines owners together with illegal brokers.<sup>31</sup>

### TRAFFICKING OFFENCES DESCRIBED IN LEGAL FRAMEWORKS

#### Offences criminalised under Article 240 of the Criminal Law of the People's Republic of China

- Abducting or trafficking a woman or child
- Engaging in abducting and trafficking women or children as part of a ring
- Abducting and trafficking more than three women and/or children
- Raping abducted women
- Seducing, tricking, or forcing abducted women into prostitution, or selling abducted women to others who in turn, force them into prostitution
- Kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them



- Stealing infants or babies for the purpose of selling them
- Causing abducted women or children, or their family members, serious injuries or death or other grave consequences
- Selling abducted women or children outside the country

**Offences Criminalised under Article 241**

- Buying abducted women or children
- Buying abducted women and forcing them to have sex
- Buying abducted women or children and depriving them of or restricting their physical freedom, or injuring or insulting them.

Penalties are specified in Article 240.

Those buying abducted women or children but not obstructing bought women from returning to their original residence in accordance with their wishes, not abusing bought children and not obstructing efforts to rescue them, may not be investigated for their criminal liability.

*NOTE: Chinese Criminal Law also punishes trafficking related offences through articles 134 238, 244, 262,321, 358.*

**CHINESE MINISTRY OF SECURITY'S ANTI-TRAFFICKING CAMPAIGN: APRIL TO DECEMBER, 2009<sup>32</sup>**

During this campaign:

<b>10824</b>	Trafficked women and children rescued.
<b>7317</b>	Trafficking cases solved.
<b>1684</b>	Trafficking syndicates broken up.
<b>10284</b>	Trafficking suspects placed in criminal detention.

**TRAFFICKING PROSECUTIONS AND CONVICTIONS**

<b>2008<sup>33</sup></b>	
<b>1353</b>	Women/children trafficking cases prosecuted in Chinese courts
<b>2161</b>	Individuals convicted of a trafficking crime
<b>1319</b>	Individuals convicted and sentenced to more than 5 years imprisonment, life imprisonment or death
<b>61%</b>	Convictions given sentences of more than 5 years imprisonment

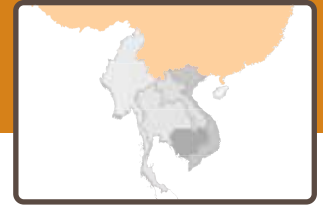
<b>2009<sup>34</sup></b>	
<b>1636</b>	Women / child trafficking cases prosecuted in Chinese courts
<b>2413</b>	Individuals convicted of a trafficking crime
<b>1475</b>	Sentences of more than 5 years imprisonment, life imprisonment, or death
<b>61%</b>	Sentences of more than 5 years imprisonment

HUMAN TRAFFICKING OFFENCES AND PENALTIES

OFFENCE OR ARTICLE	PENALTIES OR PENALTY RANGES
Buying abducted women or children	Imprisonment for up to 3 years OR under criminal detention or surveillance <sup>35</sup>
Abducting or trafficking a woman or child	Imprisonment for 5 to 10 years <sup>36</sup>
Unlawful removal for cross-border transfer	Imprisonment for 2 to 7 years or 7 years to life for serious offences
Engaging in abducting and trafficking women or children as primary elements of rings	Imprisonment for 10 years to life + fines or confiscation of property <sup>37</sup>
Abducting and trafficking more than three women and/or children	
Raping abducted women	
Seducing, tricking, or forcing abducted women into prostitution, or selling abducted women to others who in turn, force them into prostitution	
Kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them	
Stealing infants or babies for the purpose of selling them	
Causing abducted women or children, or their family members serious injuries or death or other grave consequences	
Selling abducted women or children outside the country	
Buying abducted women and forcing them to have sex	
Offences involving rape or sexual intercourse with a person under age 14	
Committing especially serious crimes	Death + confiscation of property <sup>38</sup>

*In comparison, the offence of murder carries a penalty of imprisonment of 10 years or death<sup>39</sup> and manslaughter carries a penalty of imprisonment of 3-7 years or less than three years under certain circumstances.<sup>40</sup>*





## Anti-Trafficking Action in China

### PROTECTION

#### Policies and procedures for victim identification

In China, only women and children can be legally recognised as trafficking victims. Victims are generally found through police raids or via information provided by members of the public or shelter staff, though there are some victims who self-report to police. Victim identification is carried out by police officers, applying Articles 240 and 241 of the Criminal Law of the People's Republic of China (1997). Police also apply domestic victim identification guidelines.<sup>41</sup>

#### Policies and procedures for shelters

With the support of other ministries and NGOs, the Ministry of Public Security (MPS) and Ministry of Civil Affairs (MCA) provide temporary relief, return and reintegration assistance to victims of trafficking. China has a total of 1,372 administration and relief shelters and over 200 Child Protection Centres located in cities across the country, which provide temporary support to trafficking victims.

Shelter staff operate according to guidelines developed by the MCA which relate to receipt and care for trafficking victims and others in need, such as vagrants.

In 2009, shelters across the country have provided relief services to over 12,000 trafficked women and children, some referred by police while others were self-reported.

#### Post-harm assistance

Responsibility for repatriation is shared between the Chinese Police and shelter staff, sometimes with the assistance of non-government partners such as Save the Children. Generally police have primary responsibility for the return of women and children victims of trafficking, but shelter staff may also play this role.

In the border provinces of southwest China, the procedure for repatriation of cross-border trafficked victims is generally:

1. Rescue
2. Victim taken to transit centre (Kunming, Yunnan or Dongxing, Guangxi Province)
3. Border Liaison Office identifies victim
4. Victim taken to BLO
5. Victim returned to home country.<sup>42</sup>

Statistics on the number of victims repatriated from China are not widely available. One media report suggests that in 2009, 272 victims were repatriated from China to Myanmar.<sup>43</sup>

### PROSECUTION

#### Specialist units for prosecution

Both local and central governments provide funding for anti-trafficking activities in China. In 2009, a large, nation-

wide campaign was launched by Ministry of Public Security to combat different forms of trafficking. The campaign will continue to run throughout 2010 and has initiated a number of good practices in suppressing trafficking crimes and rescuing victims, including setting up DNA database, joint action of multi-function police, immediate response mechanism. During this period, campaigns of combating forced prostitution, illegal employment and rescue of street children and child beggars were also launched.

#### Resources for prosecution

Both local and central governments provide funding for anti-trafficking activities in China. In 2009, five campaigns were launched to combat different forms of trafficking, including:

- Trafficking of women and children,
- Forced prostitution,
- Illegal employment and
- Rescue of street children and child beggars.

### POLICY

#### Significant current policies or developments which impact victims or perpetrators

To improve cooperation between various government departments, an Inter-Ministerial Joint Meeting Mechanism (IMJMM) was established, comprising 31 members of the Communist Party and government ministries. An Anti-Trafficking Office was set up by the Ministry of Public Security to lead its anti-trafficking work and coordinate IMJMM members. Cooperative mechanisms at the provincial, municipal and county level, are gradually being established.

In early 2009, the Ministry of Public Security and Central Office for the Comprehensive Management of Public Security, issued Inspection and Evaluation Standards for Anti-Trafficking Work in Women and Children.

### PREVENTION

The Employment Promotion Law of the People's Republic of China (2008) aims to promote employment, promote the balance between economic development and the expansion of employment opportunities, and promote social harmony and stability.

#### Key awareness raising campaigns in 2009

- Growing Up Safe – campaign directed towards children. The campaign ran from May to September 2009 and was led by the All-China Women's Federation
- Care for Women, Combat Trafficking, which ran from March to June 2009, led by the Inter-Ministerial Office Against Human Trafficking
- Promotion of counter trafficking initiatives, led by the Ministry of Public Security<sup>44</sup>



## Key Anti-Trafficking Actors in China

### KEY MINISTRIES AND COMMITTEES RESPONSIBLE FOR ANTI-TRAFFICKING IN CHINA

#### The Inter-Ministerial Meeting System of State Councils in Anti-Trafficking

Comprised of representatives from 33 ministries and agencies and responsible for coordinating the development, implementation and assessment of the National Plan of Action as well as organising inter-ministerial, inter-agency and trans-border counter-trafficking activities.

#### The Ministry of Public Security

Leads the policy, prosecution, protection and prevention efforts in anti-trafficking and coordinates the work of the Inter-Ministerial Office Against Human Trafficking (IMOAT).

#### The Ministry of Civil Affairs

Provides victim protection through shelter services and the welfare institute.

#### The National Working Committee on Children and Women, under the State Council (NWCCW)

Formerly the coordinating body for anti-trafficking efforts before the MPS took over this role. The NWCCW focuses on prevention and policy coordination.

#### The Legal Working Commission of National People's Congress Standing Committee

Works to improve national laws and regulations in order to prevent trafficking crimes and put structures in place for assistance and rehabilitation of rescued victims of trafficking.

#### The Ministry of Human Resources and Social Security

Works to improve laws and regulations which protect the rights and interests of women and children.

#### Central Office for Comprehensive Management of Public Security

Establishes and popularizes the mass prevention and treatment working system against human trafficking.

#### All China Women's Federation

Supports public education, awareness raising and victim return and reintegration.

#### Publicity Department of CCCPC

Collaborates with MPS to develop publicity, education and training programs on anti-trafficking and the protection of the legal rights and interests of women and children.

#### Supreme People's Court

### TYPES OF ANTI-TRAFFICKING ACTORS IN CHINA

#### Government

31 central ministries and agencies and their local branches.

### UN Agencies and Projects

- International Labour Organization (ILO)
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Inter-Agency Project on Human Trafficking (UNIAP)
- United Nations Children's Fund (UNICEF)
- United Nations Women's Fund (UNIFEM)

### NGOs

- Save the Children
- World Vision
- Babybackhome
- CANGO & CARITAS Australia
- GAD Yunnan

### Inter-governmental Organisations

- International Organization for Migration (IOM)

### Academic

- Beijing Normal University
- China Academy of Social Science
- Guangxi Academy of Social Science
- Yunnan Academy of Social Sciences
- Zhejiang Academy of Social Sciences
- Yunnan University

### CHINA TRAFFICKING IN PERSONS CONTACT INFORMATION

Inter-Ministerial Office Against Human Trafficking (IMOAT) & the Anti-trafficking Office of the Ministry of Public Security

[www.mps.gov.cn](http://www.mps.gov.cn)

### CHINA TRAFFICKING IN PERSONS HOTLINES

110

To report trafficking cases and access referral services

12351

Trade Union hotline

12338

Women's hotline

12355

Children's rights hotline

*These hotlines operate only within China. Local hotlines also exist in various provinces.*



## Lao PDR Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

6,000,379 (approx. 73% rural)<sup>45</sup>

#### GDP Per Capita (est. 2009)

USD \$2,100<sup>46</sup>

### MIGRATION

The total number of registered migrant workers in 2008 was 12,967. This figure comprises 3,093 Lao workers abroad, and 9,874 foreign workers in Lao.<sup>47</sup>

## Current Trafficking Data & Trends

### TRAFFICKED PERSONS

The total official number of Lao victims of trafficking in 2009 was 128. This includes both cross-border and domestic trafficking, but does not include Lao victims trafficked into Thailand.<sup>48</sup>

### REPATRIATIONS

In 2009 the Ministry of Labour and Social Welfare received 155 returnees from Thailand (148 girls and 7 boys), 144 of whom were underage.<sup>49</sup>

### MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS IN LAO PDR

Domestic trafficking victims are mainly found in the entertainment sectors. A small amount of labour exploitation is found on rubber plantations.

Internationally, Lao PDR victims of trafficking work in domestic services, the entertainment sector, agriculture, fisheries and garment factories, mostly in Thailand.

### SOURCE COUNTRIES

Lao PDR is a transit and source country for human trafficking. Trafficked persons from China and Vietnam are trafficked through Lao PDR to Thailand. Lao people who are trafficked abroad are mainly from Champasak, Saravan, Savannakhet provinces, and the capital, Vientiane.<sup>50</sup> Lao PDR is also a destination country for women who are trafficked from Vietnam and the People's Republic of China for the purpose of sexual exploitation.<sup>51</sup>

### DESTINATION COUNTRIES

Key destination countries for Lao victims of trafficking are Thailand, Malaysia and China.

### TRANSIT POINTS

Transit points for trafficking into Thailand include big cities and other provinces that national and international highways pass through, such as Vientiane, Savannakhet and Champasak.

### KEY VULNERABILITIES

Poverty, low education, lack of information and a wish to obtain better employment and more opportunities increase trafficking vulnerability in Lao PDR.

### CURRENT TRENDS IN DOMESTIC & CROSS-BORDER TRAFFICKING

Current trafficking trends in Lao PDR include domestic trafficking of women and girls for sexual exploitation in the entertainment sector and labour exploitation of men and boys on plantations.

Improvements in transportation and communication networks in developing areas, such as the economic special zone/east-west corridor in Savannakhet and R3 road (Luang Namtha – Bokeo province), have led to increases in migration and associated trafficking.

## Trafficking & Law in Lao PDR

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN LAO PDR

Human trafficking is defined under Article 134 of the Lao Penal Law (2005) as 'the recruitment, moving, transfer, harbouring, or receipt of any person within or across national borders by means of deception, threats, use of force, debt bondage or any other means (and using such person in) forced labour, prostitution, pornography, or

anything that is against the fine traditions of the nation, or removing various body organs (of such person), or for other unlawful purposes'.

Article 24 of the Law on Development and Protection of Women (2004) has a similar definition for trafficking of women and children.

### ANTI-TRAFFICKING LAWS & GUIDELINES

The Law on the Development and Protection of Women (2004), Articles 24 and 27 and the Lao Penal Law (2005), Article 134.

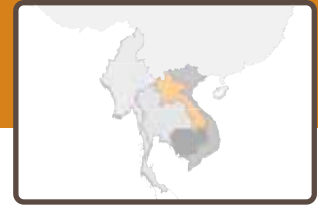
#### Key legal instruments, agreements and guidelines which relate to anti-trafficking in Lao PDR

- Law on the Protection of the Rights and Interests of Children (2006)
- Memorandum of Understanding between Lao PDR and Thailand on Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005)
- Memorandum of Understanding between Lao PDR and Thailand on Employment Cooperation (2002)
- Thai - Lao Cross Border Collaboration on Tracing Missing Trafficked Victims in Thailand (2008-2011)

- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- Lao PDR National Plan of Action (NPA) on Commercial Sexual Exploitation of Children (CSEC) (2007-2011)

### TRAFFICKING PERPETRATORS OPERATING IN LAO PDR

In Lao PDR, perpetrators of trafficking may be friends and relatives of trafficking victims, former victims of sexual exploitation, brokers at plantations or farms, and managers and operators of guesthouses and hotels and entertainment services.



## HUMAN TRAFFICKING CASES, OFFENDERS AND VICTIMS

2008		2009	
38	Total trafficking cases	50	Total trafficking cases
23	Alleged offenders	74 ↑ 10 ↓ 64	Alleged offenders
49	Victims <sup>52</sup>	103	Victims <sup>53</sup>
8	Cases forwarded to the prosecutor's office	26	Cases still under investigation <sup>54</sup>
30	Cases that lacked sufficient substantive evidence with which to pursue criminal prosecution <sup>55</sup>	8	Cases forwarded to the prosecutor's office involving 12 offenders

Article 134 of the Lao Penal Law (2005) criminalises human trafficking and attempts to commit trafficking offences. Article 24 of the Law on the Development and Protection of Women (2004) criminalises trafficking in women and children, and acting as an accomplice, and provides information on various acts that could be considered to have been committed as an accomplice. This includes providing ideas, property, transportation, concealment of persons or destruction of evidence. This Article does not, however, apply to male victims.

Penalties are specified under Article 134 and Article 34 of the Lao Penal Law (2005) and Article 49 of the Law on the Development and Protection of Women (2004).

## PENALTIES FOR TRAFFICKING OFFENCES IN LAO PDR

Trafficking in Persons	Imprisonment for 5 to 15 years plus a fine of 10,000,000 to 100,000,000 kip <sup>56</sup>	
Trafficking in Women and Children	Imprisonment for 15 to 20 years + fine of 100,000,000 to 500,000,000 kip + confiscation of property <sup>57</sup>	
Where the offence is:	<ul style="list-style-type: none"> <li>Performed as a regular profession</li> <li>Committed as part of an organised group</li> <li>Trafficking of child victims</li> <li>Committed by a close relative of the victim</li> <li>Such that it causes the victim to suffer serious injury, become an invalid, or insane</li> </ul>	Imprisonment for 15 to 20 years + fine of 100,000,000 to 500,000,000 kip + confiscation of property <sup>57</sup>
Where the offence causes the victim:	<ul style="list-style-type: none"> <li>To be a lifetime invalid</li> <li>To be infected with HIV</li> <li>To die</li> </ul>	Life imprisonment <sup>58</sup> + fine of 500,000,000 to 1,000,000,000 kip + confiscation of property

## Anti-Trafficking Action in Lao PDR

### PROTECTION

#### Policies and procedures for victim identification

Lao PDR has a working group dedicated to victim identification. It is led by the Anti-Trafficking Division, the counselling centre of the Lao Women's Union, the Department of Social Welfare and the Prosecutor's Office. The Government of Lao PDR is currently developing national victim identification guidelines which will include both victim support and victim identification.

#### Policies and procedures for shelters

In 2009, the Ministry of Labour and Social Welfare announced the creation of two new support shelters for vulnerable populations including victims of trafficking. One shelter located in Savannakhet is supported by Acting for Women in Distressing Situations (AFESIP), which also runs a centre in Vientiane and provides assistance to women victims of sexual exploitation. The shelter in Champasak province, is under the supervision of the Ministry of Education and is supported by Village Focus International and provides support to all victims of trafficking. The Counseling and Protection Center for Women and Children runs by Lao Women's Union, receiving domestic and trafficking victims, external and internal trafficking. There are now five shelters (including the Transit Center) in Lao PDR which provide support to vulnerable populations including victims of trafficking. This support includes medical assistance, legal assistance and consultation, and vocational training. In some shelters, victims are able to stay for up to one year – in others, the length of time is shorter.

Discussions on the development of victim protection guidelines and shelter regulations are currently underway in Lao PDR.

#### Post-harm assistance

When officially returned to Lao PDR, victims of trafficking are taken to transit shelters by the Department of Social Welfare, where they undertake orientation and medical check-ups for one week before being returned to their families. Government authorities at the central and local level assist in tracing the victim's family and preparing the necessary documents for return. Once the family is located, the victim will be returned to their communities. If the family cannot be traced, trafficked persons may be placed in other shelters and provided with vocational training and assistance in finding employment. The organisations which assist in repatriation are Laos Women's Union, IOM, AFESIP, Friends International, Village Focus International, and World Vision.

### PROSECUTION

#### Specialist units for prosecution

The specialist unit for law enforcement/prosecution in Lao PDR is the Anti-Trafficking Division (ATD). The ATD and the

Department of Investigation are responsible for collecting evidence for trafficking cases and submitting it to the Prosecutor's Office for trial in the Supreme Court.

#### Resources for prosecution

In cooperation with international agencies, the Government of Lao PDR has been working to strengthen the legal sector in order to bring more trafficking offenders to justice. In 2009, trafficking case analysis workshops were held for prosecutors, judges and police officers. The Asia Regional Trafficking in Persons Project (ARTIP) worked closely with the Anti-Trafficking Division and Prosecutor's Office to provide workshops and training on human trafficking cases to legal and law enforcement officers.

### POLICY

#### Significant current policies or developments which impact victims or perpetrators

Agreements include the Memorandum of Understanding between Lao PDR and Thailand on Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005), and the Thai - Lao Cross Border Collaboration on Tracing Missing Trafficked Victims in Thailand (2008-2011). Throughout 2008 and 2009, bilateral meetings between Lao PDR and China and Lao PDR and Vietnam were held with the aim of establishing similar agreements.

The Lao Government is also developing a National Training Manual on human trafficking to strengthen the capacity of front-line officers to undertake counter-trafficking activities.

### PREVENTION

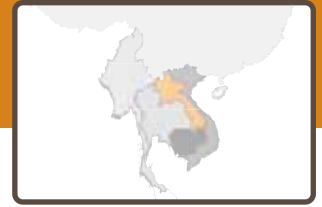
#### Bilateral agreements on recruitment of migrant workers

Memorandum of Understanding between Lao PDR and Thailand on Employment Cooperation (2002).

#### Key awareness raising campaigns in 2009

- Child safe tourism campaign, run by the Lao National Tourism Administration during the 2009 Southeast Asian Games (SEA)
- National radio campaign, run by Lao National Radio, to raise awareness about human trafficking, safe migration and child rights (2009 to April 2010)





## Key Anti-Trafficking Actors in Lao PDR

### KEY MINISTRIES OFFICES AND UNIONS RESPONSIBLE FOR ANTI-TRAFFICKING IN LAO PDR

#### The Ministry of Public Security

Acts as the head of the COMMIT Task Force. The Anti-Trafficking Division sits within this Ministry (at the central level) as does the Anti-Trafficking Unit (at the provincial level). Their main role is to investigate trafficking cases, collect evidence and submit cases to the Prosecutor's Office.

#### The Prosecutor's Office

Examines documents and submits the cases which have enough evidence to the court.

#### The Ministry of Labour and Social Welfare (Department of Social Welfare)

Has a unit devoted to child protection from trafficking and also receives and assists returned Lao victims of cross-border trafficking with reintegration.

The Ministry, with support from the IOM, also maintains a small-scale repatriation assistance centre for returned victims of trafficking.

#### Lao Youth Union

Is involved in raising awareness about trafficking, and advocacy and offers educational programs designed to educate young women regarding the schemes of recruiters for destination brothels and sweatshops.

#### Lao Women's Union

Provides legal advice and assistance, and vocational training, to victims of trafficking and offers a shelter to victims of domestic abuse, sexual abuse, and trafficking and women who are abandoned or homeless.

### NON-GOVERNMENTAL ANTI-TRAFFICKING ACTORS IN LAO PDR

#### UN Agencies and Projects

- International Labour Organization (ILO)
- United Nations Children's Fund (UNICEF)
- United Nations Development Program (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Population Fund (UNFPA)
- United Nations Inter-Agency Project on Human Trafficking (UNIAP)
- United Nations Women's Fund (UNIFEM)
- United Nations Office on Drugs and Crime (UNODC)

#### NGOs

- Acting for Women in Distressing Situations (AFESIP)
- Asia Regional Trafficking in Persons Project (ARTIP)
- Child Wise, Friends International
- Norwegian Church Aid
- Plan International, Village Focus International
- World Vision

#### Inter-governmental Organisations

- International Organization for Migration (IOM)

### LAO PDR TRAFFICKING IN PERSONS CONTACT INFORMATION

Anti-Trafficking Division:  
Ministry of Public Security

Tel: +856 21 262609

### LAO PDR TRAFFICKING IN PERSONS HOTLINES

+856 21 771302

+856 21 771303

Lao Women Center  
(from 8 am to 5 pm)

+856 21 262609

ATD and ARTIP  
(from 8 am to 4 pm)

192

Tourist Police Department  
(24 hours)

*This hotline number operates only within Lao PDR.*



## Myanmar Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

57.5 million in 2007 (approx. 70% rural)<sup>59</sup>

#### GDP Per Capita (est. 2009)

USD \$1,200<sup>60</sup>

### MIGRATION

Myanmar has an emigration rate of 0.7%. Some 77.6% of the total migrants from Myanmar migrate within Asia.<sup>61</sup>

## Current Trafficking Data & Trends

### TRAFFICKED PERSONS

According to Myanmar's Anti-Trafficking Unit, the total number of trafficking cases in 2009 was 155. Of these, 85 cases involved forced marriage, 19 cases involved forced prostitution, 13 cases involved forced labour and eight cases involved child trafficking.<sup>62</sup>

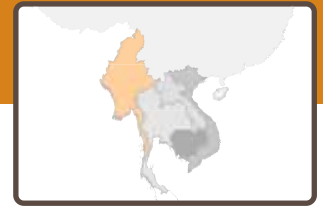
Number of victims of trafficking or potential victims of trafficking identified by Border Liaison offices or anti-trafficking task-forces

	2006	2007	2008	2009
	3	40	50	37
	197	231	153	265
<b>TOTAL</b>	<b>200</b>	<b>271</b>	<b>303</b>	<b>302</b>

Myanmar victims officially returned by year and by destination country

	2006	2007	2008	2009
<b>CHINA</b>	<b>73</b>	<b>58</b>	<b>98</b>	<b>293</b>
<b>THAILAND</b>	<b>7</b>	<b>35</b>	<b>133</b>	<b>132</b>
<b>OTHER</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>6</b>
<b>TOTAL</b>	<b>80</b>	<b>93</b>	<b>232</b>	<b>431</b>





## MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS

Myanmar victims of trafficking typically find themselves working in the sex industry, in labour exploitation such as in factories or working on plantations, fishing boats, or in marriages with Chinese men.

## SOURCE REGIONS

Yangon Division, Mandalay Division, Northern Shan State, Kachin State, Bago Division, Mon, Magway Division, Kayin State, Bago (West), and Ayeyarwaddy.<sup>63</sup>

## TRANSIT POINTS

### Myanmar to Thailand

- From Kengtung and Tachileik to Mae Sai, Thailand
- From Myawaddy to Mae Sot, Thailand
- From Kawthaung to Ranong, Thailand
- From Thanbyuzayat, through the Three Pagodas Pass to Bangkok via Sangkhlaburi and Kachanaburi
- Sometimes from these points through to Malaysia

### Myanmar to China

- From Muse, Myanmar to Rulli, Yunnan Province, China
- From Lweje, Myanmar to Jeng Feng and Rulli, Yunan Province, China

### Internal routes to transit points

The central dry zone areas (Mandalay, Sagaing and Magway) and Delta areas are source areas for people trafficked to Mae Sot in Thailand, via Kawkreik and Myawaddy. Another route is from Yangon and the surrounding areas to Mae Sot via Hpa-an and then Myawaddy.

## DESTINATION COUNTRIES

The predominant destination countries are China, Malaysia and Thailand with China being the primary destination for cross-border trafficking.

Women trafficked to China are usually offered a job on the border, but then forced into marriage when they enter the country. The main destination provinces in China are Yunan, Kumning, Fujiam, Henan, Sichuan and Anhui.

One estimate suggests that 75% of the illegal immigrants in Thailand are from Myanmar.<sup>64</sup> According to Myanmar's Anti-Trafficking Unit, in 2009, 84.8% of trafficking victims assisted were trafficked to China, 9.8 % to Thailand and 6% were trafficked within Myanmar.

## TYPES OF CROSS-BORDER TRAFFICKING

Myanmar is a source country for women, children and men, who are trafficked to Thailand, China, Malaysia, South Korea, and Macau for the purposes of forced labour, domestic servitude and commercial sexual exploitation. Myanmar children are particularly vulnerable to domestic unlawful migration, and trafficking into Thailand and Malaysia for forced street hawking and begging, or to work in shops, agriculture, or small-scale industries.

Myanmar is also a transit country for trafficking of Bangladeshis to Malaysia, and Chinese to Thailand.

## CURRENT TRENDS IN DOMESTIC TRAFFICKING

Reports indicate a trend of trafficking of women from Shan State (northern), Mandalay Division, Kachin State and Yangon Division, Mandalay Division and Bago Division to China, for forced marriage with Chinese citizens. Girls and young women with low incomes are vulnerable to labour or sexual exploitation. Some girls are taken by means of deception, but increasingly they are informed that they will marry Chinese men, though not educated about the possible difficulties. They are prepared to accept the marriage arrangement, as they have few options.

Women in the Delta frequently find themselves facing no employment opportunities and serious economic hardship. Many have little or no formal education and possess few professional skills. Factory closures in Hlaing Tharyar, Htaukkyant, Hlawgar and Shwepyithar Industrial Zones, in part due to the Foreign Direct Investment sanction, have left many female workers unemployed and vulnerable targets for traffickers, faced with the burden of providing for themselves and their families, and helping to pay debts incurred from low market prices or from rebuilding farms, plantations, and shops post-Cyclone Nargis. Rumours of stable jobs available in other neighbouring countries, and the possibility of sending money home to their families, act as strong pull factors. The absence of legal channels for migration creates opportunities for brokers and traffickers.<sup>65</sup>

## Trafficking & Law in Myanmar

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN MYANMAR

Section 3(a) of the Anti-Trafficking in Persons Law (2005) states that trafficking in persons means ‘the recruitment, transportation, transfer, harbouring or receipt of persons after committing any of the following acts for the purpose of exploitation of a person with or without her consent:

- threat, use of force or other form of coercion;
- abduction;
- fraud;
- deception;
- abuse of power or position taking advantage of the vulnerability of a person;
- giving or receiving of money or benefit to obtain the consent of the person having control over another person’.

Section 3(a)(1) defines exploitation as including:

- ‘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’.

### ANTI-TRAFFICKING LAWS & GUIDELINES

Anti-Trafficking in Persons Law (2005)

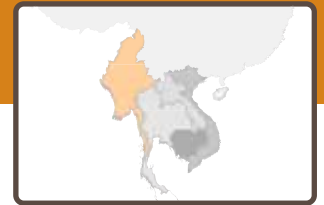
**Key legal instruments, agreements and guidelines which relate to anti-trafficking in Myanmar**

- Anti-Money Laundering Law (2002)
- Memorandum of Understanding between Myanmar and Thailand on Cooperation in the Employment of Workers (2003)
- Memorandum of Understanding between Myanmar and Thailand on Cooperation to Combat Trafficking in Persons (2008)
- Memorandum of Understanding between Myanmar and China on Cooperation to Combat Trafficking in persons (2009)
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- Myanmar Five-Year National Plan of Action (2007)

### TRAFFICKING PERPETRATORS OPERATING IN MYANMAR

Traffickers and organised criminal groups are generally based in destination countries but may be linked to recruiters, brokers, carriers or others (including relatives) in Myanmar. Vulnerable people are often lured by promises of high-paying employment by family members or recruiters who are known and trusted by the family. In Kayin State, traffickers and brokers operate at the transit point of Kawkareik, however, brokers also operate at the village level.

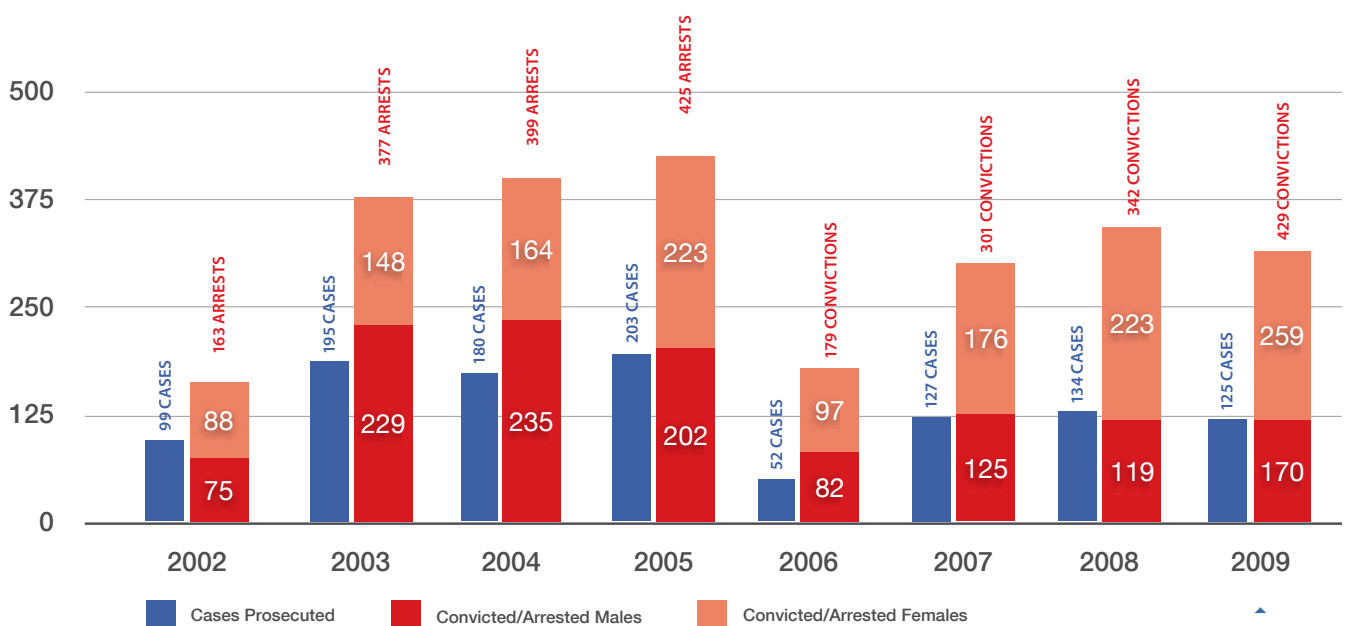
Perpetrators of domestic trafficking operate in the sex industry (illegal establishments), domestic labour, sweat shops and coconut plantations.



## PENALTIES FOR TRAFFICKING OFFENCES IN MYANMAR

OFFENCE OR ARTICLE	PENALTY RANGES
Section 26(a): Adopting or marrying for the purpose of trafficking	Imprisonment for 3 to 7 years <sup>66</sup>
Section 26(b): Causing to be obtained unlawfully the necessary documentary evidence, documents or seal for enabling a trafficked victim to depart from the country or enter into the country	
Section 30: Offences by public officials	
Section 25: Trafficking in persons other than women and children	Imprisonment for 5 to 10 years <sup>67</sup>
Section 27: Making use of, or arranging with, a trafficked victim for the purpose of pornography	
Section 24: Trafficking in persons especially women and children	Imprisonment for 10 years to life <sup>68</sup>
Section 28: Trafficking in persons with an organised criminal group	

## PROSECUTIONS AND CONVICTIONS/ARRESTS IN MYANMAR



2009 figures as of June

**NOTE:** The figures for 2002-2005 show the total number of cases and the total number of arrests. Figures from 2006 onward show the number of offenders convicted according to the Trafficking in Persons Law issued by the Central Body for Suppression of Trafficking in Persons (CBTIP). Prior to the enactment of the Anti-Trafficking in Persons Law in September 2005, trafficking cases were prosecuted as either prostitution and/or migration violations.

## Anti-Trafficking Action in Myanmar

### PROTECTION

#### Policies and procedures for victim identification

Female staff of the Anti-Trafficking Taskforce (ATTF) are responsible for victim identification in Myanmar. This takes place in interviewing rooms when victims are of reasonable mental and physical health. Criteria for victim identification are established by the Central Body for the Suppression of Trafficking in Persons and outlined in a victim ID handbook to be published in 2010.

#### Policies and procedures for shelters

There are temporary shelters for victims of trafficking in Myawaddy, Kawthoung (Thai/Myanmar border), and Muse (China/ Myanmar border). After they are identified, victims are placed there for three days then moved to secure shelters in Yangon, Mandalay, or Mawlamyaing. The victims remain in these shelters for 14 days to receive health care and counselling services before being returned to their families.

#### Post-harm assistance

Victims returned to Myanmar are provided with assistance from the Myanmar Police Force, the Ministry of Home Affairs (MoHA), and the Department of Social Welfare (DSW) in collaboration with UN agencies and projects, INGOs and local NGOs. The DSW provides a 14-day rehabilitation programme for most returned victims and facilitates return to their families. Temporary shelter for repatriated trafficking victims is provided at eight vocational training centres. Trafficking victims are encouraged to assist in the investigation process and victims have the right to file civil suits and seek legal action against traffickers.

For victims returning from China, repatriation is organised by the Ministry of Public Security (MPS) and the Ministry of Home Affairs (MoHA) through Border Liaison Offices (BLOs). This generally occurs within a month of the victim's identification. For victims returning from Thailand, after an initial interview, a case report is sent to Myanmar's Department of Social Welfare and the Department of Immigration and National Registration conducts the nationality confirmation process. Upon confirmation of nationality, the repatriation process is coordinated between Thailand's Department of Social Development and Welfare (DSDW) and Myanmar's DSW. For victims returning from countries other than China and Thailand, foreign missions facilitate the nationality confirmation and repatriation process with relevant departments and organisations.

### PROSECUTION

#### Specialist units for prosecution

The specialist units for prosecution in Myanmar are the Anti-Trafficking Unit (at the central level) and the Anti-Trafficking Taskforce (at the provincial level, located in 22 townships).

#### Resources for prosecution

The human resources for prosecution include members of the Myanmar Police Force, prosecutors and judges. Special courts dedicated to hearing trafficking cases will be established in 2010.

### POLICY

#### Significant policies or developments which impact victims or perpetrators

Cross-border enforcement cooperation with China is enhanced through Border Liaison Offices (BLOs) supported by the Asia Regional Trafficking in Persons Project (ARTIP), the United Nations Inter-Agency Project on Human Trafficking (UNIAP), the United Nations Children's Fund (UNICEF), and the United Nations Office on Drugs and Crime (UNODC). During 2009, Myanmar established two BLOs at Muse and Loiye, on the Myanmar-China border in Northern Shan State and Southern Kachin State, respectively.

In 2009, Myanmar signed Memoranda of Understanding on anti-trafficking in persons with both Thailand and China, with support from the UNIAP, UNICEF, ARTIP, the International Organization for Migration (IOM), Save the Children, World Vision Myanmar, and Association Francois-Xavier Bagnoud (AFXB).

### PREVENTION

#### Bilateral agreements on recruitment of migrant workers

Memorandum of Understanding between Myanmar and Thailand on Cooperation in the Employment of Workers (2003).

#### Key awareness raising campaigns in 2009

In 2009, awareness-raising efforts were conducted both within Myanmar and abroad by the Central Body for Suppression of Trafficking in Persons, the Ministry of Education, the Ministry of Hotels and Tourism, Ministry of Labour, Department of Social Welfare, Department of Immigration and National Registration, township anti-trafficking in persons committees, Myanmar Women's Affairs Federation, Myanmar Maternal and Child Welfare Associations, and international and local NGOs.



These include:

- Public awareness raising campaigns in six trafficking hot spots;
- Advocacy meetings with stakeholders in six states and divisions;
- The introduction of trafficking awareness into the curriculum of some schools;
- Two trafficking workshops involving 115 employment agencies, and
- A workshop for tourism sector employees.

## Key Anti-Trafficking Actors in Myanmar

### KEY MINISTRIES, DEPARTMENTS AND OFFICES RESPONSIBLE FOR ANTI-TRAFFICKING IN MYANMAR

In compliance with the Law, in 2006, the Central Body for Suppression of Trafficking in Persons, chaired by the Minister of the Ministry of Home Affairs, was formed as a national mechanism to combat human trafficking, and under the Central Body, the different levels of State, Divisional, District and Township Bodies for Suppression of Trafficking in Persons were also formed. Under the supervision and guidelines of the Central Body, anti-trafficking measures have been implemented by the different level bodies, in collaboration with local organizations, UN and international organizations, across the country.

In addition the following 3 Working Groups were formed by the CBTIP: Working Group on Prevention of Trafficking in Person and Protection of Trafficked Victims, headed by the Deputy Minister of the Ministry of Home Affairs; Working Group on Legal Framework and Prosecution Measures headed by the Deputy Attorney General; and Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims headed by the Deputy Minister for the Ministry of Social Welfare, Relief and Resettlement.

### NON-GOVERNMENT ANTI-TRAFFICKING ACTORS IN MYANMAR

#### UN Agencies and Projects

- United Nations Children's Fund (UNICEF)
- United Nations Office on Drugs and Crime (UNODC)
- United Nations Inter-Agency Project on Human Trafficking (UNIAP)

- United Nations Development Programme (UNDP)
- United Nations Population Fund (UNFPA)
- International Labour Organization (ILO)

#### NGOs

- Asia Regional Trafficking in Persons Project (ARTIP)
- World Vision Myanmar
- Save the Children Myanmar
- Association Francois-Xavier Bagnoud (AFXB)
- Myanmar Women's Affairs Federation
- Myanmar Maternal and Child Welfare Association
- Myanmar Council of Churches
- Myanmar Baptist Convention
- Young Men's Christian Association (YMCA)
- Young Women's Christian Association (YWCA)

#### Inter-governmental Organisations

- International Organization for Migration (IOM)
- Japan International Cooperation Agency (JICA)

### MYANMAR TRAFFICKING IN PERSONS CONTACT INFORMATION

#### Department against Transnational Crime

Myanmar Police Force, Nay Pyi Taw  
+95 67 412188

#### Anti-Trafficking Unit (Nay Pyi Taw)

Office of the Chief of Police, Nay Pyi Taw.  
Tel: +95 67 412201

### MYANMAR TRAFFICKING IN PERSONS HOTLINE

199

This hotline operates only within Myanmar.



## Thailand Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

63,396,000 (approximately 64% rural)<sup>69</sup>

#### GDP Per Capita (est. 2009)

US \$8,100<sup>70</sup>

### MIGRATION

435,385 Thais migrated overseas in 2009, 78,717 of whom received official permission from the Ministry of Labour (MOL) to work abroad. The majority remained in Asia (43,832), with the Middle East also popular (17,697). The duration of stays was generally three months to two years.

The Department of Employment in Thailand estimates that in 2009, some 68,432 persons were permitted to work temporarily, and another 69,491 persons applied to do so. These figures are based on the number of work permits issued.<sup>71</sup>

### Current Trafficking Data & Trends

#### MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS

Most of the trafficking victims identified in Thailand are migrants who have been forced, coerced, or defrauded into forced labour or commercial sexual exploitation. Trafficking victims within Thailand typically work in fishing, seafood processing, low-end garment production, and domestic work.<sup>72</sup>

#### SOURCE COUNTRIES

Victims trafficked to Thailand predominantly originate from Cambodia, Lao PDR, Myanmar, Russia, Southern China, Uzbekistan, and Vietnam.<sup>73</sup>

#### DESTINATION COUNTRIES

Thai citizens are trafficked internationally to Australia, Bahrain, Brunei, Canada, Germany, Indonesia, Israel, Japan, Korea, Kuwait, Libya, Malaysia, Maldives, Qatar, Saudi Arabia, Singapore, South Africa, South Korea, Taiwan, Timor Leste, the UAE, the USA and Vietnam.<sup>74</sup>

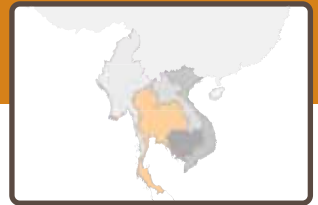
#### TRANSIT POINTS

Most migrants that become victims of trafficking in Thailand are from Myanmar, Cambodia and Lao PDR, hence the transit points are along the borders between Thailand and these countries. Migrants from Myanmar enter Thailand through Ranong Province, Mae Sot checkpoint in Tak Province, Sangkhlaburi district in Kanchanaburi Province, Mae Hong Son, and Chiang Mai. Migrants from Lao PDR enter Thailand through Phiboonmangsa-harn district in Ubon Ratchathani Province, Mukdahan and Nong Khai Province. Migrants from Cambodia enter Thailand through Aranyaprathet in Srakaew Province, Surin and Trat Province.<sup>75</sup>

#### TYPES OF DOMESTIC AND CROSS-BORDER TRAFFICKING

Men, women and children, primarily from Myanmar, are trafficked to Thailand for forced labour in fishing-related industries, factories, agriculture, construction, domestic work, and begging. Women and children are trafficked from Myanmar, Cambodia, Lao PDR, China, Vietnam, Russia and Uzbekistan for commercial sexual exploitation in Thailand. Media reports during 2009 alleged trafficking of some Myanmar migrants from Malaysia to Thailand.





Most Thai trafficking victims who are repatriated to Thailand with assistance from the Thai Government have been exploited in Bahrain, Malaysia, the Maldives and Singapore. Some Thai men who migrate for low-skilled contract work in Taiwan, Malaysia, South Korea, Israel, the United States and Gulf States are subjected to conditions of forced labour and debt bondage.<sup>76</sup>

### KEY VULNERABILITIES

Demand for cheap labour in unskilled sectors is met by migrant workers from neighbouring countries, particularly from Myanmar. The nature of labour migration to Thailand creates vulnerabilities for migrant workers who do not speak Thai and do not understand their rights under Thai law. Undocumented migrant workers are particularly vulnerable and many fear being apprehended by the Thai authorities and/or deported, if they approach authorities for help. Lack of education, poverty and few employment opportunities within the home community also create vulnerability to trafficking.

### CURRENT TRENDS IN DOMESTIC AND CROSS-BORDER TRAFFICKING

Since the Anti-Trafficking in Persons Act (B.E. 2551 / 2008) came into force, there has been more emphasis on forced labour and labour exploitation, particularly in the fishing industry, within the counter-trafficking sector. In the past, more attention was given to commercial sexual exploitation and child labour.

There has been an increase in the number of younger people migrating from neighbouring Mekong countries who are vulnerable to being trafficked into the commercial sex industry. Women from neighbouring Mekong countries and within Thailand, as well as women from distant countries such as Russia and Uzbekistan, are often exploited in Thailand's commercial sex industry via debt bondage.<sup>77</sup>

### OFFICIAL NUMBER OF VICTIMS OF TRAFFICKING IN THAILAND<sup>78</sup>



<p><b>103</b></p> <p>Thai victims of trafficking officially returned in 2009 by trafficking destination country</p>	<p>FEMALE VICTIMS</p>	<p>MALE VICTIMS</p>
	<p><b>15</b></p> <p>JAPAN</p>	<p><b>48</b></p> <p>MALAYSIA</p>
	<p><b>12</b></p> <p>BAHRAIN</p>	<p><b>8</b></p> <p>OMAN</p>
	<p><b>8</b></p> <p>MALAYSIA</p>	<p><b>5</b></p> <p>TIMOR LESTE</p>
	<p><b>1</b></p> <p>SINGAPORE</p>	<p><b>2</b></p> <p>INDONESIA</p>
	<p><b>1</b></p> <p>SOUTH AFRICA</p>	<p><b>1</b></p> <p>UNITED STATES</p>
	<p><b>1</b></p> <p>UNITED KINGDOM</p>	<p><b>1</b></p> <p>VIETNAM</p>
	<p><b>38</b></p> <p>TOTAL</p>	<p><b>65</b></p> <p>TOTAL</p>



## Trafficking & Law in Thailand

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN THAILAND

According to the Anti-Trafficking in Persons Act (B.E. 2551/2008), the offence of human trafficking involves three elements:

1. The action of procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receiving any person;
2. By means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving of payments or benefits to achieve the consent of a person;
3. For the purpose of having control over another person for exploitation.

Where trafficking involves children (a person under the age of 18), the second element of the offence is not relevant because a child cannot provide consent.

Exploitation means:

- seeking benefits from prostitution,
- producing or distributing pornographic materials,
- other forms of sexual exploitation,
- slavery,
- causing another person to be a beggar,
- forced labour or service,
- coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of consent.

### ANTI-TRAFFICKING LAWS & GUIDELINES

In June 2008, Thailand enacted the Anti-Trafficking in Persons Act (B.E. 2551 / 2008). Besides this Act, there are several other laws which criminalise human trafficking activities and offences, including:

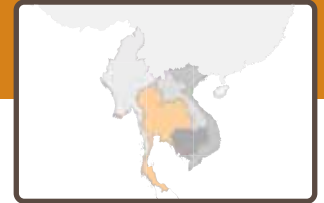
- Labour Protection Act (2008)
- Child Protection Act (2003)
- Anti-Money Laundering Act (1999)
- Penal Code Amendment Act (1997)
- Criminal Procedure Amendment Act (1997)
- Prevention and Suppression of Prostitution Act (1996)
- Amendments to the Securities and Exchange Act (1992), and
- Immigration Act (1979).

These laws allow for severe penalties for individuals found guilty of charges relating to prostitution, exploitative labour, forced begging and other inhumane acts.

#### Key legal instruments, agreements and guidelines which relate to anti-trafficking in Thailand

- Memorandum of Understanding between the Government of Thailand and the Government of Myanmar on Cooperation to Combat Trafficking in Persons, especially Women and Children (2009)
- Agreement between the Government of Thailand and the Government of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, especially Women and Children and Assisting Victims of Trafficking (2008)

- Memorandum of Understanding between the Government of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, especially Women and Children (2005)
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- Memorandum of Understanding between the Government of Thailand and the Government of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003)
- National memoranda of understanding relating to trafficking in women and children which contain common guidelines for government, and non-government counter trafficking organisations in Thailand on how to work together to combat human trafficking
- Regional memoranda of understanding relating to trafficking in multiple provinces in Thailand, which contain the operational procedures for victim rescue and assistance
- Operational Guidelines on the Prevention, Suppression, Assistance and Protection of Trafficked Persons for Labour Purposes, which lists procedures for labour officials to follow when they are dealing with human trafficking cases



## TRAFFICKING PERPETRATORS OPERATING IN THAILAND

Traffickers are both Thai and non-Thai nationals, male and female. Trafficking networks in Thailand are well-structured and operational across borders through the use of brokers. However, the majority of trafficking cases are facilitated by individual and local level networks of friends and family members of victims, and former victims themselves. As the traffickers usually know the victims, many trafficking cases begin with voluntary migration.<sup>79</sup>

## TRAFFICKING OFFENCES DESCRIBED IN THAILAND'S ANTI-TRAFFICKING IN PERSONS ACT

**Section 6: Whoever, for the purpose of exploitation, does any of the following acts:**

- (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving of money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or
  - (2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receiving a child;
- is guilty of trafficking in persons.

**Section 7: Whoever commits any of the following acts, shall be punished likewise as the offender of an offence of trafficking in persons:**

- (1) supporting the commission of an offence of trafficking in persons;
- (2) aiding by contributing property, procuring a meeting place or lodge, for the offender of trafficking in persons;
- (3) assisting by any means so that the offender of trafficking in persons may not be arrested;
- (4) demanding, accepting, or agreeing to accept a property or any other benefit in order to help the offender of trafficking in persons not to be punished;
- (5) inducing, suggesting or contacting a person to become a member of the organised criminal group, for the purpose of committing an offence of trafficking in persons.

Section 52 of the ATP Act specifies the penalties for offences of human trafficking. Section 52 also specifies penalties for other types of offences.

## TRAFFICKING CASES<sup>80</sup>

2009	32 CASES	OFFENCE	OFFENDERS	ARRESTS & PROSECUTIONS
		15 SEX RELATED OFFENCES	21	15
		12 LABOUR & SLAVERY RELATED OFFENCES	25	12
		5 FORCED BEGGING OFFENCES	9	5
		55 TOTAL	32 TOTAL	

## PENALTIES FOR TRAFFICKING OFFENCES

OFFENCE	PENALTY RANGES
Trafficking in persons	Imprisonment for 4 to 10 years + 80,000 – 200,000 Baht <sup>81</sup>
Offence of trafficking in persons committed against a child whose age exceeds 15 years but has not yet reached 18 years	Imprisonment for 6 to 12 years + 120,000 – 240,000 Baht <sup>82</sup>
Offence of trafficking in persons committed against a child not over 15 years of age	Imprisonment for 8 to 15 years +160,000 – 300,000 Baht <sup>83</sup>

## Anti-Trafficking Action in Thailand

### PROTECTION

#### Policies and procedures for victim identification

In raid and rescue operations, initial victim screening is conducted by police on-site. Those screened who show signs of physical abuse, torture, trauma or fear are removed from the site, as well as those who respond positively when asked whether they have been tricked/deceived/lured into coming to work in the establishment.

A further victim identification interview is conducted within 24 hours of initial screening at the police station, or where there are many victims requiring interview, in a shelter. The Ministry of Social Development and Human Security (MSDHS) also plays an active role in victim identification.

In 2009, the Scope and Elements of Identification of Trafficked Persons pamphlet was developed for public officials involved in victim identification.

#### Policies and procedures for shelters

Those identified as victims of trafficking are placed in a shelter where physical and mental health is assessed. They are offered medical, legal, psychosocial, recreational and educational services, as well as livelihood training. They are also prepared for repatriation and reintegration, after which there is an evaluation of their reintegration.

For those Thais rescued by Thai Missions abroad, upon arrival in Bangkok, the multidisciplinary team which includes officers from MSDHS, Ministry of Foreign Affairs, and police conduct an interview and assess their physical and mental health. If they are identified as victims of trafficking, further assistance is offered.

#### Post-harm assistance

Standard operating procedures (SOPs) have been developed for the return and reintegration of victims from Lao PDR, between Thai and Lao PDR Government agencies, and between Cambodian and Thai Government agencies for victims from Cambodia.

In 2009, 513 persons were discharged from shelters housing trafficking and other vulnerable victims. Discharged may refer to:

1. Repatriated to the home country
2. Being pushed/deported back to the home country through immigration checkpoints
3. Being transferred to other agencies to receive further assistance
4. Leaving shelters without permission.<sup>84</sup>

### PROSECUTION

#### Specialist units for prosecution

The Children, Juveniles and Women Division (CWD) was established within the Royal Thai Police in 2006. The Division later changed its name to the Anti-Human Trafficking Division (AHTD) to focus solely on human trafficking, including male victims of trafficking. The Office of the Attorney General also has a Centre Against International Human Trafficking (CAHT) which is responsible for prosecuting trafficking cases. The Department of Special Investigations (DSI) under the Ministry of Justice (MOJ) is involved in investigating human trafficking cases that are deemed to be 'special cases'.

#### Resources for prosecution

Thailand has an Anti-Trafficking in Persons Fund which may be used for the prosecution of cases related to cross-border human trafficking.<sup>85</sup>

### POLICY

#### Significant policies or developments which impact victims or perpetrators

- The National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons (2011-2016) following on from the National Policy and Plan on Prevention, Suppression and Combating of Domestic and Transnational Trafficking in Children and Women (2005-2010)
- National Policy and Plan to Eliminate the Worst Forms of Child Labour (2009-2015)

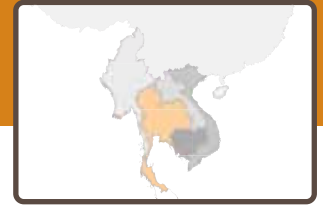
### PREVENTION

#### Bilateral agreements on recruitment of migrant workers

- Memorandum of Understanding Between the Government of Cambodia and the Government of Thailand on Cooperation in the Employment of Workers (2003)
- MOU Between the Government of Thailand and the Government of Myanmar on Cooperation in the Employment of Workers (2003)
- MOU between the Government of Lao People's Democratic Republic and the Government of Thailand on Labour Co-operation (2002)

#### Key awareness raising campaigns in 2009

- The Royal Thai Government through various organisations has launched several campaigns through radio, television, print, and electronic media to raise awareness among related sectors and to call for public cooperation in the fight against human trafficking with the core objectives of human rights, gender equality, and safe migration.



## Key Anti-Trafficking Actors in Thailand

### KEY MINISTRIES AND OFFICES RESPONSIBLE FOR ANTI-TRAFFICKING IN THAILAND

#### Ministry of Social Development and Human Security (MSDHS)

Lead government agency for counter-trafficking activities in Thailand, responsible for coordinating the work of other agencies and providing victim support.

#### Ministry of Labour (MOL)

Monitors workplace and labour standards to ensure compliance with Thai labour laws, and also registration of migrant workers.

#### Ministry of Foreign Affairs, Department of Consular Affairs, Thai embassies and diplomatic missions abroad

Responsible for providing assistance and support to Thai people who have been trafficked abroad.

#### Ministry of Tourism and Sports (MOTS)

Lead government agency on countering sexual exploitation in the tourism industry.

#### Department of Special Investigation (DSI) under the Ministry of Justice (MOJ)

Responsible for investigation of human trafficking cases and pursuing those deemed as 'special cases'.

#### Ministry of Education (MOE)

Responsible for anti-human trafficking advocacy, awareness raising campaigns and preventative measures.

#### Royal Thai Police (RTP)

Responsible for law enforcement and bringing offenders to justice.

#### The Office of the Attorney General (OAG)

An independent government agency responsible for prosecuting human trafficking cases.

### NON-GOVERNMENT ANTI-TRAFFICKING ACTORS

#### UN agencies and projects

- International Labour Organization (ILO)
- United Nations Children's Fund (UNICEF)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Women's Fund (UNIFEM)
- United Nations High Commission for Refugees (UNHCR)
- United Nations Inter-Agency Project on Human Trafficking (UNIAP)
- United Nations Office on Drugs and Crime (UNODC)

#### NGOs

- Alliance Anti Traffic (AAT)
- Asia Regional Trafficking in Persons Project (ARTIP)
- Center for the Protection of Children's Rights (CPCR)
- End Child Prostitution, Child Pornography, and Trafficking of Children (ECPAT)
- Fight Against Child Exploitation (FACE)
- Foundation for Child Development (FCD)
- Labour Rights Promotion Network (LPN)
- Mirror Foundation, the Thai Labour Campaign (TLC)
- MTV EXIT
- Save the Children UK
- The Anti-Trafficking Coordination Unit of Northern Thailand (TRAFCORD)
- World Vision Foundation of Thailand (WVFT)

#### Inter-governmental Organisations

- International Organization for Migration (IOM)

### THAILAND TRAFFICKING IN PERSONS CONTACT INFORMATION

Anti Human Trafficking Division (AHTD) under the Royal Thai Police (RTP)

Hotline: 1191

Tel: +66 2 – 512 2678

### THAILAND TRAFFICKING IN PERSONS HOTLINES

1300

Ministry of Social Development and Human Security (MSDHS)  
*This hotline operates only within Thailand.*

1191

+66 2 – 512 2678

Anti Human Trafficking Division

+66 2 – 659 6394

THALACC

+66 34 – 434 726

Labour Rights Promotion Network (LPN)

+66 2 – 831 9888 Ext. 8004

Anti-Trafficking Centre, Department of Special Investigation,  
Ministry of Justice



## Vietnam Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

85,789,573 (approximately 70% rural)<sup>86</sup>

#### GDP Per Capita (est. 2009)

USD \$2,900<sup>87</sup>

### MIGRATION<sup>88</sup>

Vietnam is predominantly an origin country for migrants and trafficked persons.

Emigrants are found in a limited number of regions in Vietnam and can generally be classified into one of the following groups:

- Chinese workers, mainly men, working in provinces that contain Chinese-owned factories and mines. They

work in construction, mining, power plant operation and manufacturing.

- Cambodian beggars in Ho Chi Minh City. During the first six months of 2006, the Department of Social Affairs, Veterans and Youth Rehabilitation (DSVY) in Svay Rieng reported 396 cases of Cambodian deportees from Vietnam. Of these deportees, some 72 were identified as victims of human trafficking.
- African migrants entering Vietnam through Ho Chi Minh City on tourist visas, but remaining in the country unlawfully after the expiration of their visas.

### VIETNAMESE MIGRANT WORKERS ABROAD<sup>88</sup>

2007	2008	2009	Major Destination Countries
85,000	87,000	73,000	Japan Libya Lao PDR China South Korea Taiwan UAE

## Current Trafficking Data & Trends

### TRAFFICKED PERSONS

According to the Ministry of Public Security (MPS), there were 2,935 Vietnamese victims of trafficking between 2004 and 2009.<sup>89</sup>

### MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS

Sexual exploitation, domestic labour, mining, construction, fishing, forced begging, selling of flowers and lottery tickets, and manufacturing.<sup>90</sup>

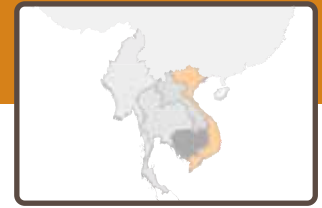
### SOURCE COUNTRIES

While Vietnam is primarily a source country for victims of trafficking, persons trafficked to Vietnam are predominantly from Cambodia.

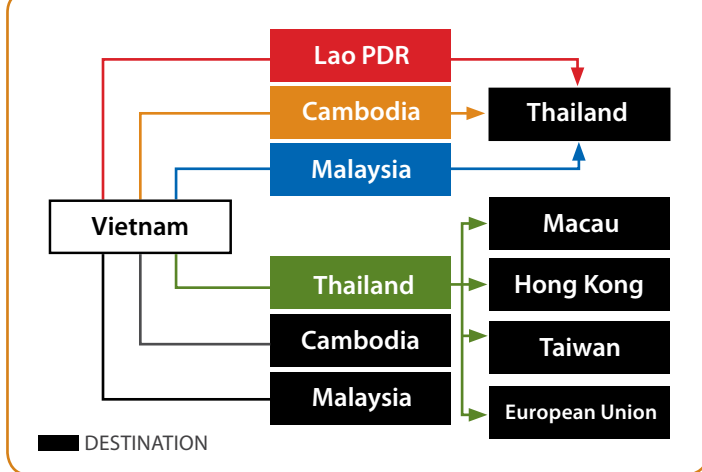
### DESTINATION COUNTRIES

China, Cambodia, Lao PDR, Malaysia, Taiwan, South Korea, Japan, Thailand, Indonesia, and countries in Western Europe and the Middle East.<sup>91</sup>





## VIETNAM'S TRAFFICKING TRANSIT POINTS<sup>92</sup>



but are then sold into forced labour or commercial sexual exploitation, while others are non-complicit from the outset. Recruiters are often relatives, neighbours or friends who make promises of employment.<sup>94</sup>

## Trafficking & Law in Vietnam

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN VIETNAM<sup>95</sup>

Trafficking in persons is criminalised under Articles 119 and 120 of the Vietnamese Penal Code (1999). These sections also contain relevant penalties. The Code has been amended to state 'trafficking in persons', and this change has been in force since 1 January, 2010.

Human trafficking is generally held to be:

- for the purpose of prostitution;
- in an organised manner;
- of professional character;
- for the purpose of organ removal;
- for the purpose of sending the victim overseas;
- where it involves more than one victim, or
- where trafficking occurs more than once.

### TRAFFICKING TRENDS

Vietnam is predominantly a source country for victims of trafficking, though there is currently an increase in the trafficking of Cambodian children into urban areas of Vietnam for forced labour. Vietnam is increasingly a destination for child sex tourism, with perpetrators from Japan, the Republic of Korea, China, Taiwan, the UK, Australia, Europe, and the USA.

#### Current cross-border trafficking trends

- Trafficking of men, women and girls into sexual and labour exploitation in China, Cambodia, Hong Kong, Macau, Thailand, Taiwan, Malaysia, South Korea, the UK, Czech Republic and Lao PDR
- Trafficking of men of Vietnamese minority ethnic groups into labour exploitation in mines and brick factories in China
- Trafficking of Vietnamese into China, Taiwan, South Korea and Singapore via the brokerage of fraudulent marriages by licensed and unlicensed migrant labour recruitment agencies. Upon receipt of the marriage registration documents and visas for the destination country, the broker or the victim's husband/in-laws may arrange for the victim to be sold to a brothel, sold to other men or forced to work in manufacturing. Brides may be subjected to slave-like conditions by their husbands and/or his family where movement and communication are controlled
- Trafficking of Vietnamese children for adoption by foreign families (often Chinese). There are reports that boys aged six and under are being kidnapped for this purpose.<sup>93</sup>

#### Current trends in domestic trafficking

Trafficking of Vietnamese, particularly women and girls, from poor rural provinces to cities of Vietnam, including Hanoi, Ho Chi Minh City and newly developed urban zones, such as Binh Duong is increasing. Some individuals relocate willingly,

### ANTI-TRAFFICKING LAWS AND GUIDELINES

- Vietnam Penal Code (1999)

#### Key legal instruments, agreements and policies which relate to anti-trafficking in Vietnam

- Circular 05/2009-MOLISA
- Decision 17/2007-TTCP
- Inter-Ministerial 03/2008
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- Vietnam National Plan of Action to Combat the Crime of Trafficking in Women and Children (2004-2010)

### TRAFFICKING PERPETRATORS OPERATING IN VIETNAM

Perpetrators are often relatives or acquaintances of victims, but in some cases they are strangers who befriend victims and make false promises of good jobs with high incomes and an easy life. Some perpetrators have socio-economic difficulties or problematic backgrounds involving alcoholism, drug abuse and gambling.<sup>96</sup> Some 70% of perpetrators are women and many are former victims of trafficking, usually sexual exploitation.<sup>97</sup> There are also men who promise to marry a girl or woman under false pretence of love but end up selling them to brothels inside or outside the country.



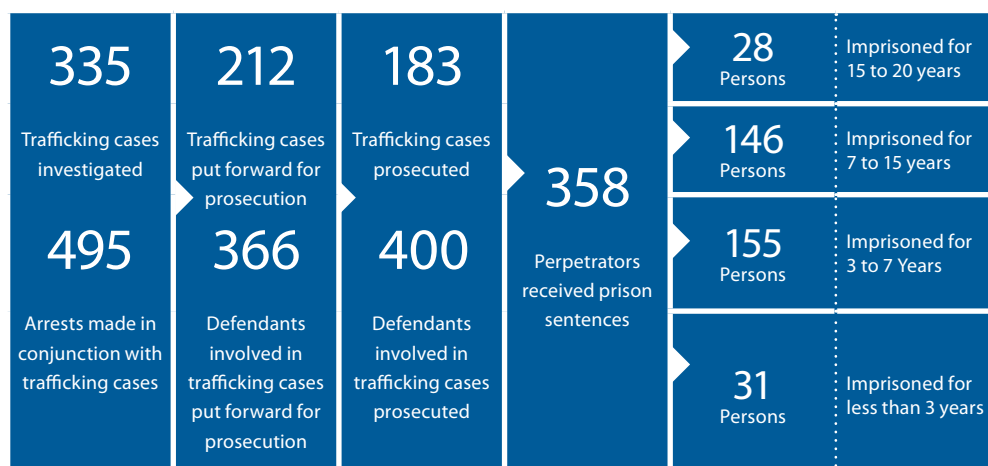
TRAFFICKING OFFENCES AND PENALTIES IN VIETNAM

OFFENCE	PENALTY RANGES
Trafficking in persons	Imprisonment for 2 to 7 years + 5,000,000 - 50,000,000 Dong + Probation or a residence ban of 1 to 5 years <sup>98</sup>
Where the trafficking: <ul style="list-style-type: none"> <li>• is for the purpose of prostitution;</li> <li>• is in an organised manner;</li> <li>• is of professional character;</li> <li>• is for the purpose of organ removal;</li> <li>• is for sending the victim overseas;</li> <li>• involves more than one victim, or</li> <li>• occurs more than once.</li> </ul>	Imprisonment for 5 to 20 years + 5,000,000 to 50,000,000 Dong, + Probation or a residence ban of 1 to 5 years <sup>99</sup>
Trading, fraudulently exchanging or appropriating children in any form.	Imprisonment for 3 to 10 years + 5,000,000 to 50,000,000 Dong + Other prohibitions <sup>100</sup>
Offences of trafficking in children that involve the following circumstances: <ul style="list-style-type: none"> <li>• organised manner;</li> <li>• professional manner;</li> <li>• for a despicable motive;</li> <li>• more than one child;</li> <li>• for the purpose of sending them abroad;</li> <li>• inhumane purposes;</li> <li>• dangerous recidivism, or</li> <li>• causing serious consequences.</li> </ul>	Imprisonment for 10 to 20 years or life + 5,000,000 to 50,000,000 Dong + Other prohibitions <sup>101</sup>

Trafficking in persons is criminalised under Articles 119 and 120 of the Vietnamese Penal Code (1999). These sections also contain relevant penalties. The Code has been amended to state 'trafficking in persons', and this change has been in force since 1 January, 2010.

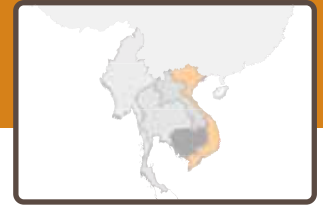
The Vietnamese law does not include provisions for attempts to commit an offence, participating as an accomplice or organising or directing other persons to commit an offence.

TRAFFICKING CASES PERPETRATORS, PROSECUTIONS AND CONVICTIONS IN VIETNAM<sup>102</sup>



Trafficking Cases 2004-2009

Between 2004 and 2009, 1,586 cases of trafficking and 2,888 perpetrators were recorded.<sup>103</sup>



# Anti-Trafficking Action in Vietnam

## PROTECTION

### Policies and procedures for victim identification

The victim ID process is governed by:

- Inter-ministerial circular No. 03 /2008/TTLT-BCA-BQP-BNG-BLDTBXH of May 8, 2006. This outlines the process and procedures involved in identifying and receiving victims of trafficking from abroad; and
- The Cooperation Agreement between Vietnam and Cambodia on Standard Operating Procedures for the Identification and Repatriation of Trafficked Victims (2009).

### *Victim Identification Processes in Vietnam*

#### *The ID process for trafficked victims officially returned to Vietnam*

1. The Vietnamese Immigration Department receives documentation about the victim which helps to verify identity, such as migration/trafficking documents from a foreign government.
2. After receiving the documentation, the Immigration Department sends a request to the local police in Vietnam to verify information about the victim. This process takes a maximum of 20 working days.
3. After receiving a response from the local police, the Immigration Department completes the ID verification within a maximum of 10 working days. If the person has been found to be a victim of human trafficking, the Immigration Department will produce the necessary paperwork to enable the victim to return home.
4. The agency which receives the victim back into his or her community clarifies the victim's personal records, documents his or her trafficking account and manages the case thereafter.

#### *The ID process for victims who self-return*

1. The representative of the People's Committees in the victim's source province receives the ID request and begins documenting information about the victim. The representative prepares a document of transfer to the provincial office of the Ministry of Labour, Invalids, and Social Affairs (MOLISA), who is responsible for certifying the victim's ID.
2. MOLISA records and certifies the victim's details, then requests verification from the provincial police agency. This occurs within a maximum of five working days.
3. The provincial police agency responds with a verification result, which is then considered by MOLISA. This occurs within a maximum of 15 working days.

### Policies and procedures for shelters

Temporary reception centres are managed by the Ministry of Labour, War Invalids and Social Affairs (MOLISA) and sponsored by the International Organization for Migration (IOM). At these centres, victims receive health services, psychological counselling, and legal assistance for up to one month. Vietnam's three reception centres are located in Lao Cai and Lang Son on the China border, and An Giang on the Cambodia border.

Long-term shelters are managed by the Vietnam Women's Union or DSEP, and are located in Ha Noi, Lao Cai, Can Tho, Ho Chi Minh City, and An Giang.

Under shelter programmes, returned victims receive psychological support from the time of their arrival at the shelter up until reintegration into their communities. They will engage in vocational training of their choosing or attend school and receive psychological support. The goal is to ensure that the returnees acquire a trade and reintegrate readily into their communities. They may remain in the programme for up to one year -- longer if they are minor. They also receive assistance in obtaining identity documentation, birth certificates and legal assistance in addition to education and vocational training. All materials relevant to their vocational training or schooling are provided. Children continue schooling and receive support for textbooks and learning materials. When they return to their communities, victims may also receive a one-time 'difficulty allowance' and may be provided with start-up loans from the Bank for Social Policy or the Poor Women Support Fund. The Provincial Departments for the Prevention of Social Evils (DSEP) and the Vietnam Women's Union (VWU) have received support for shelters from AAT - AFESIP Vietnam (Alliance Anti-Trafficking in Persons), the International Organization for Migration (IOM), Pacific Links Foundation, and the United Nations Inter-Agency Project on Human Trafficking (UNIAP).

### Post-harm assistance

Repatriation processes are governed by Decision No. 17/2007/QD-TT of 29 January 2007, on Reception and Reintegration Support of Trafficked Women and Children returned from Abroad, as well as Memoranda of Understanding between Vietnam and other countries, and other inter-governmental agreements.

The procedure for repatriation is outlined in the Victim Identification Processes in Vietnam table on this page. Vietnam's Immigration Department is the lead agency, and works in cooperation with relevant agencies (including the International Organization for Migration (IOM), Oxfam, AAT - AFESIP Vietnam and immigration units from provincial

police departments, to identify and receive victims from abroad. The Border Guard Command is the primary agency for identifying and receiving self-returned victims or rescued victims via land borders.<sup>104</sup>

Other reintegration efforts include assisting the families of the victims through micro-credit loans coordinated with the local Women's Union community, or through a direct grant made to the families. This assists with putting the siblings of the returnees into schools and training in order to avoid falling prey to traffickers.

The shelter residents are few compared to the number of people who return. The gap of service is clear, prompting many people to be re-trafficked or leave their community for unsafe migration.

## PROSECUTION

### Specialist units for prosecution

The following departments/ministries work cooperatively to prosecute trafficking cases:

- the Investigation units at all levels of the Ministry of Public Security;
- the Border Guard Command;
- the Ministry of Justice, and
- the Supreme People's Court and the Supreme People's Prosecutorial Office.

### Resources for prosecution

- The Report from the Ministry of Justice on Assessment of the Vietnamese Legal System on Combating Trafficking in Women and Children
- An Assessment of the Legal System in Vietnam in comparison with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, completed by the Ministry of Justice in cooperation with the United Nations Children's Fund (UNICEF) and the United Nations Office on Drugs and Crime (UNODC)
- The Inter-ministerial Circular of the Ministry of Justice, the Ministry of Public Security, Supreme Court and Supreme Prosecutorial Office containing guidelines on investigation and prosecution of human trafficking crimes (currently in progress)

## POLICY

### Significant policies or developments which impact victims or perpetrators

- Development and enforcement of trafficking laws

- Regional and bilateral mechanisms to combat trafficking, most notably with China, Cambodia, Lao PDR and Thailand
- Improvement of the legal framework so that it meets international standards as described in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons and other relevant conventions
- Development of the National Targeted Program to combat human trafficking (2011-2015)

## PREVENTION

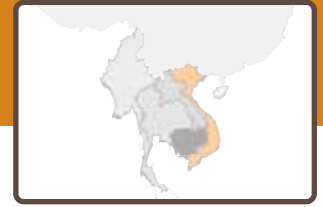
### Bilateral agreements on the recruitment of migrant workers

- Memorandum of Understanding on the Recruitment of Vietnamese workers between Vietnam and Malaysia (2003)
- Treaty on Labour Cooperation between Vietnam and Lao PDR (1995)
- Memorandum of Understanding on sending Vietnamese workers to Korea between the Vietnamese Ministry of Labour, Invalids and Social Affairs and the Korean Ministry of Labour (2008)
- Treaty on the Recruitment of Vietnamese workers to Qatar between Qatar and Vietnam (2008)
- Treaty on the employment of Vietnamese citizens in Russia and Russian citizens in Vietnam, between Vietnam and Russia (2008)

### Key awareness raising campaigns in 2009<sup>105</sup>

Working with various Ministries and Departments within the Government of Vietnam, the Vietnam Women's Union:

- Published hundreds of thousands of brochures and books on anti-trafficking, for distribution across the country. These included three books on legal instruments and guiding principles on human trafficking prevention;
- Coordinated some 12,000 public broadcasts, reaching more than 1,000,000 people, on themes such as counter-human trafficking, HIV prevention and drug abuse;
- Organised counter-trafficking events, such as singing contests, which reached some 300,000 people;
- Provided vocational training for 15,000 people;
- Provided job placement services for 13,000 people, and
- Provided 6 billion Dong in micro-credit for disadvantaged women



## Key Anti-Trafficking Actors in Vietnam

### KEY MINISTRIES, OFFICES AND UNIONS RESPONSIBLE FOR ANTI-TRAFFICKING IN VIETNAM

#### Ministry of Public Security (MPS)

Standing agency of the National Steering Committee responsible for assisting the Government with coordinating and implementing the National Plan of Action. The MPS is also a focal point in cooperation with other relevant ministries, agencies and People's Committees of provinces and cities and is responsible for monitoring trafficking and collecting trafficking statistics.

#### Ministry of Defense (Border Guard Command)

Lead agency in receiving and supporting returned victims of cross-border trafficking. This Ministry is responsible for strengthening control measures at border gates in order to prevent illegal migration.

#### Ministry of Foreign Affairs

Lead agency (working closely with the Ministry of Public Security) in responding to political issues relating to trafficking and cooperating with foreign countries to prevent and combat trafficking.

#### Ministry of Labour, Invalids and Social Affairs

Lead agency in reintegration, organising vocational training, job placement, and community reintegration.

#### Ministry of Justice (MOJ)

Responsible for strengthening the legal system to prevent, combat and prosecute crimes relating to trafficking. The MOJ is also responsible for disseminating legal information and for education efforts to help prevent trafficking.

#### Vietnam Women's Union

Works closely with the lead Ministries, Departments, Agencies, organisations and local authorities to provide educative and counselling services to the community to prevent and combat human trafficking. The Union also provides support and assistance to returned victims of trafficking.

#### The Supreme People's Court and Supreme People's Court of Investigation

Work closely with law enforcement agencies in the investigation and prosecution of trafficking cases.

### NON-GOVERNMENTAL BODIES

#### UN Agencies and Projects

- United Nations Inter-Agency Project on Human Trafficking (UNIAP)
- United Nations Children's Fund (UNICEF)
- United Nations Women's Fund (UNIFEM)

- United Nations Office on Drugs and Crime (UNODC)
- International Labour Organization (ILO)

#### INGOs

- AAT - AFESIP Vietnam (Alliance Anti-Trafficking in Persons)
- Asia Regional Trafficking in Persons Project (ARTIP)
- Asia Foundation
- Blue Dragon Children's Foundation
- Catalyst
- Center for Studies and Applied Sciences in Gender, Family, Women and Adolescents (CSAGA)
- Nordic Assistance to Vietnam (NAV)
- Oxfam
- Save the Children Vietnam
- World Vision
- Hagar International
- ANESVAD
- Pacific Links Foundation
- SHARE

#### Inter-governmental Organisations

- International Organization for Migration (IOM)

### VIETNAM TRAFFICKING IN PERSONS CONTACT INFORMATION

#### MPS

Tel: +84 4 6944570

#### MOLISA

Tel: +84 4 39347317

#### Vietnam Women's Union

Tel: +84 4 39719916

#### Ministry of Justice

Tel: +84 4 37335117

#### Border Guard Command

Tel: +84 4 69518120

#### MOFA (Consulate Department)

Tel: +84 4 37993831

#### Supreme People's Court

Tel: +84 4 38256226

### VIETNAM TRAFFICKING IN PERSONS HOTLINES

04 3775 93 27

1800 1579

1800 555 576

*These hotlines operate only within Vietnam.*

# Notes

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