

Enhancing Partnership in Non-Traditional Security Issues in Mekong – Lancang Cooperation: Human Trafficking Issue in Myanmar

Introduction

The Lancang-Mekong area is one of the regions with the greatest development potential in Asia. Cambodia, China, Laos, Myanmar, Thailand and Vietnam share Lancang-Mekong river and have similar socio-cultural characteristics. The six countries have organized sub-regional mechanisms and groups through cooperation for their national and regional development. The latest and most active cooperation mechanism is the Lancang-Mekong Cooperation (LMC). Since its launch in March 2016, it achieved momentum with concrete projects. Its aim is to realize economic and social development of the sub-regional countries, enhancing wellbeing of the people, narrowing the development gap, support ASEAN integration, and promoting the United Nations Agenda for Sustainable Development goals. The Sanya Declaration stated to build a Community of Shared Future of Peace and Prosperity among LMC countries. The three areas in practical cooperation are set out to nurture the stated community. The first area, political and security issues, included non-traditional security cooperation including human trafficking, organized illegal crossing of national border, transnational crime, drug trafficking, cybercrime. The LMC stated to strengthen cooperation to mitigate these issues. Among them human trafficking is one of the serious threats in the Mekong countries in recent decades and essential to tackle to bring about wellbeing of people and shared future of peace and prosperity in the sub-region.

The individual country in the sub-region has been tackling human trafficking but is necessary to fulfill closer cooperation and effective support. Like other Mekong countries, human trafficking in Myanmar is seriously rising in scope and numbers. The paper aims to find out how LMC tackled human trafficking in its plan of actions and to analyze national measures and cooperation to solve the issue in Myanmar. The crucial needs for closer and effective cooperation in LMC is also highlighted. It is composed of three parts. The first part explains the fight against human trafficking under the LMC. The second part analyzes national policy and implementation in Myanmar and international, regional and bilateral cooperation are evaluated in the third part.

Lancang-Mekong Cooperation and Human Trafficking

The 17th China-ASEAN Summit in November 2014 paved the way to the establishment of the Lancang-Mekong Cooperation Framework, which was closer cooperation between China and five Mekong countries in ASEAN. In March 2016, the First LMC Leaders' Meeting released the Sanya Declaration and officially launched the LMC mechanism. It has developed a Lancang-Mekong cooperation culture of equality, sincerity, mutual assistance, and affinity. LMC aims at bolstering the economic and social development of all LMC countries, enhancing the wellbeing of their people, narrowing the development gap. LMC is intended to stand as an example of a new form of international relations featuring win-win cooperation.

LMC mechanism was initiated in 2014 in accordance with the strong will of the six countries along the river for development and prosperity. It is a self-initiative of the six countries more in line with people's aspirations.

Since the LMC mechanism was proposed by Premier Li Keqiang in November 2014, meetings of senior officials, the working teams, and foreign ministers have been held to launch the dialogue and cooperation. Agreement has been reached on 78 early-harvest projects covering various areas. LMC member countries have completed many early-harvest projects, established a secretariat/ national coordinating centre in each country and the Special Fund. Youth exchanges, cultural and tourism cooperation held in the framework have raised mutual understanding and friendship among peoples.¹

The LMC mechanism has three areas of practical cooperation which are political and security issues, economic affairs and social and cultural cooperation. Under political and security area, non-traditional security cooperation is one of the four pillars. The non-traditional security issues are drug trafficking, human trafficking, smuggling of firearms and ammunition, organized illegal crossing of national border, terrorism, cyber-crime. The law enforcement dialogue, cooperation in combating nontraditional security issues with mutual interest, cooperation law enforcement agencies and related universities are planned to carry out.² It is imperative that non-traditional security issues are focused in the Five-year Plan of Actions since Mekong area has faced with these threats. Among them trafficking in person is becoming a major threat in terms of scope and trend.

Human trafficking issue has been a concern in Mekong region since 1980s. The rising trend and scope of human trafficking in the sub-region is recognized by the governments, Civil Society organizations and international organizations in recent years. With limited opportunity for employment and legal migration, poverty and irregular migration caused human trafficking and exploitation of migrants that caused slavery, forced prostitution, forced marriage, and child labour.³ Nowadays trafficking in person is endemic in all over the World and Mekong sub-region countries in particular have confronted with the issue seriously. The number of persons trafficked every year is estimated from 200, 000 to 450,000. Trafficking in person can take place within and from the region. The most vulnerable factor is that host and source countries of human trafficking are usually in the sub-region.⁴

International, regional and sub-regional organization have strived to combat the issue for many years. Greater Mekong Sub-region has done comprehensive policy dialogue since 2004. The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is a high-level policy dialogue in the Greater- Mekong Sub-region (GMS) and is implemented with the six national COMMIT Taskforces and United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) as the Secretariat.⁵ However, the rate of human trafficking in Mekong countries is at alarming rate in recent years.

In recent decade, migration for labour and extensive trading across border connectivity in Mekong region that are likely to create both advantages and disadvantages to the people and the sending and receiving countries. People can gain various advantages for

employment, market, technical transfer, training, SME innovation, etc. Disadvantages are socio-economic and non-traditional issues including money illegal trade, laundering, smuggling of drugs, endangered species, body parts and antiquities, human trafficking, transboundary crimes, illegal logging. These circumstances created the trafficking in person as an urgent priority to tackle for all Mekong countries.

Lancang-Mekong River serves as a natural bond that links China, Myanmar, Laos, Thailand, Cambodia and Vietnam, and the concrete cooperation mechanism of the six countries together could be possible to fight against the threat. Without concrete principles and deeper cooperation, the issue cannot be solved effectively. LMC is surely the most important and suitable mechanism which is both active and tailored to specific needs of LMC countries. Compared with other cooperation mechanisms, the LMC is more practical, and more effective to solve the human trafficking issue.

Through cooperation, the relevant countries would share information on human abducting and trafficking, build databases of information related to suspicious victims and suspected human traffickers, and launch joint investigations and crackdowns on major criminal cases. Moreover, it has the Integrated Law Enforcement and Security Cooperation Center of Lancang-Mekong River. As an intergovernmental organization, it aims to enhance coordination, share intelligence and organize joint operations among the six countries to contain cross-border crime. Representatives from six countries along the Lancang-Mekong River launched a joint crackdown on cross-border human abducting and trafficking in September 3, 2019 in Kunming. In the meeting, Zheng Baigang, secretary-general of the Integrated Law Enforcement and Security Cooperation Center of Lancang-Mekong River, stated that human trafficking has been on the rise in recent years in the Basin, ranking the third biggest criminal threat behind drug and weapon smuggling. He said that countries must strengthen law enforcement cooperation and form a joint force to protect legitimate cross-border marriages, labor exports and personnel exchanges, so as to provide a secure environment for local economic and social development. The meeting has plan for the joint human trafficking crackdown which is expected to last half a year.⁶

National policy and implementation to Combat Human Trafficking in Myanmar

Human trafficking became one of the major issues in Myanmar since 1990s. The main reasons for human trafficking are socio-economic conditions, disasters, internal armed conflicts, legal and illegal migration.⁷ When people tried to work abroad more in the market-oriented economy in the 1990s, human traffickers persuaded them with good jobs in neighbouring countries and took them across the border. Border areas become major crossing points for human trafficking daily. Victims usually are forced to work in sex industry, dangerous, dirty and difficult job with labour exploitation and no rights. Some men were sold for slavery in fishing boats and islands in other countries.⁸ Most of people crossed the border illegally to find a good job to support their families. Sometimes brokers used fake employment documents to attract victims who trusted them for legal job abroad. Moreover,

countless number of woman and girls became victims for prostitution, sex exploitation, forced marriage and forced labour.⁹

Myanmar's National Plan of Actions (NPA) to mitigate human trafficking was adopted in 2007 and then statistics has been systematically recorded during three consecutive five-year plans. From 2007 to 2019 May, 1867 cases were investigated by the Ministry of Home Affairs. Table (1) showed the number of cases, victims and traffickers in three five-year plans. There were 4104 victims during these years. Among them, 2974 women were trafficked and 70 to 80% of total numbers of victims are women.

Table (1) Human Trafficking Cases, Traffickers, and Victims during National Plans of Actions (2007-2019)

No.	5- year NPA	cases	Trafficker	Victims		
				Men	Women	Total
1	2007-2008	725	1,979	261	1,261	1,522
2	2012-2016	607	1,757	749	1,022	1,771
3	2017-2014	535	1,571	120	691	811
Total		1,867	5,307	1,130	2,974	4,104

Source: Ministry of Home Affairs, Nay Pyi Taw, July 2019

The cases of human trafficking could be categorized as forced marriage, forced labour, prostitution, child trafficking, forced pregnancy and debt bondage. In 2018, cases were investigated as 75.24% in forced marriages, 13.59% in forced prostitution, and 8.74% in forced labour.¹⁰ Five types of human trafficking from 2007 to 2019 were found out as indicated in Table 2. The majority of trafficking cases is forced marriage from National Action Plans from 2007 to 2019 while forced prostitution is the second largest type. These two types showed that sexual exploitation on women is widely targeted by traffickers.

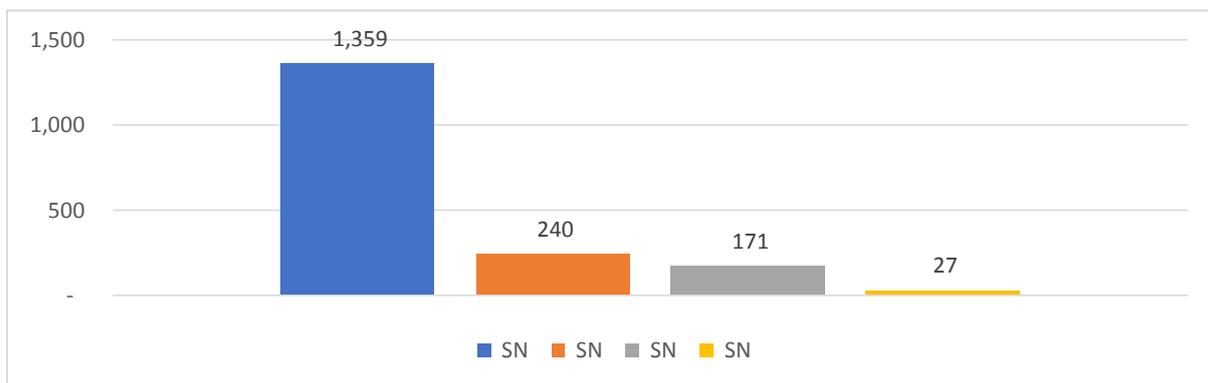
Table (2) Types of Human Trafficking in Myanmar (2007-2019)

No.	Type	Cases
1	Forced Marriage	4,247
2	Prostitution	291
3	Forced labour	270
4	Debt Bondage	37
5	Forced Pregnancy	5
6	Child Trafficking	3

Source: Ministry of Home Affairs, Nay Pyi Taw, 2019 July

Myanmar has two different destinations for in trafficking – internal and external. The internal trafficking is about 28 % of all cases. Most victims are trafficked by a middle man or broker, friend and family member. The 38% of traffickers at initial stage were identified as brokers. Some did return by running away themselves or were recused by authorities but became easy targets to be trafficked again. The analysis of outreach research of the Eden Myanmar showed that 39% of sexually exploited women were previously experienced a situation of trafficking.¹¹ The external trafficking mainly took in the form of forced marriage, forced labour and sexual exploitation. By country of destination in 2018, 79.61 % came back from China. The Figure 2 showed that destinations of human trafficking cases from NPA plans from 2007 to 2019 are China, Thailand, Domestic and Malaysia. China is the top destination for human trafficking cases while forced labour and prostitution inside the country became the second source of human trafficking.¹²

Figure -2 Destination by Human Trafficking Cases (2007-2019)



Source: Ministry of Home Affairs, Nay Pyi Taw, 2019 July

The statistics proved that Myanmar has been facing human trafficking issue as a threat. The successive governments have outlined policy and implemented programs and cooperation with international organizations, regional countries and regional organizations. The World Women's Conference in Beijing in 1995 led the awareness of human trafficking issue in the country.¹³ National Plan of Action for Prevention of Trafficking (NPA) in persons was firstly prepared in 1997 and had led to organize working committees, trainings and follow-up works. Moreover, National Task force was established in 1997. Coordination with non-governmental organizations were initiated. Myanmar National Working Committee for Women's Affairs (MNCWA) was formed in 1996 and organized the Working Committee for Prevention of Trafficking in Persons (WCPTP) in 2002.¹⁴ The government measures included four strategies which were prevention, prosecution, repatriation, return and reintegration. In 2001, the Central Supervision Committee on Illegal Migration was formed under the Ministry of Home Affairs. Furthermore, Anti-trafficking Unit was formed with trained officials in 2004.¹⁵

Myanmar government issued the Anti-Trafficking in Persons Law on 13 September 2005. The day was recognized as Myanmar Anti-Trafficking in persons day. The Law stated

to form institutions and major functions including protection, repatriation, reintegration and rehabilitation. The funding for victims and penalties for the traffickers are also included. Its aims clearly set out as suppression of human trafficking as a national duty as it damages the pride and pedigree of Myanmar nationality. Sexual exploitation, forced labour, slavery, servitude and debt bondage are taken actions according to the law.¹⁶ Furthermore, Myanmar has ten laws which are relevant to take actions for human trafficking.¹⁷

According to the Law, Myanmar government formed the Central Body on Suppression Trafficking in persons in February 2006. The Minister for the Home Affairs led the Central body, which organized three work committees for the implementation. These committees are for anti-trafficking and protecting of victims, for legal affairs and trial and for repatriation, reintegration and rehabilitation. The Anti-Human Trafficking Police Force from the Ministry of Home Affairs (MOHA) and Social Welfare Department of the Ministry of Social Welfare, Relief and Resettlement (MSWRR) took main responsibilities practically. Along with the changing scope and trend of human trafficking, the 2005 Law has been reviewed together with the preparation of by-laws. Besides, the Central body, committees and other institutions were reorganized. The Department of Rehabilitation was separately formed in 2018 to focus on the extended rehabilitation activities which were carried out as a division under the MSWRR since 1993. Moreover, National Standard Operation Procedure (SOP) for Repatriation, Reintegration and Rehabilitation was already drafted.¹⁸

Myanmar outlined five key functions for anti-trafficking in person, which included policy and cooperation, prevention, prosecution, protection and capacity building. The Five-year national plan was started to realize five key functions. The first National Plan of Action (NPA) started 2007 to 2011 and its functions included three grand strategies, four strategies, and four functions.¹⁹ The second NPA were from 2011 to 2016. The Third five-year NPA has been carried out from 2017 to 2021. The current plan is prepared in line with lessons of the second NPA, Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) MoU, and The US Government's Human Trafficking Report.²⁰

The repatriation and rehabilitation process for the victims are carried out by opening Border Liaison office (BLO), Anti-Trafficking Task force (ATTFs), temporary shelters and women centres. BLO were established along the routes of external trafficking and engaged in repatriation process and close contact with its counterparts in neighbouring countries. There are four temporary shelters in Muse, Mandalay, Kawthoung, and Myawaddy. The victims who were repatriated across the border, can stay in temporary shelters before rehabilitation process.²¹ Civil Society organizations (CSO) are also joining to help victims together with the government. Especially the government supported funding for rehabilitation and reintegration process under national budget of MOHA and MSWRR and assistance of International Organization of Migration (IOM), international Non-governmental organizations (INGOs) and non-governmental organizations.²²

Public awareness is the key for protection and prevention. Awareness raising activities included educational talks, workshops, seminars, media programmes and public

awareness campaign. MWSRR and some local women NGOs joined hands to organize talks especially in factories, high schools, cheroot home industry, industrial zones.²³ Moreover, the government collaborated with international non-governmental organizations to sponsor the nation-wide seminar with CSO, international organizations, and NGOs. Myanmar government and INGOS organized the first National Seminar in Trafficking in May, 2003.²⁴ It is necessary to have such kind of seminars where local NGOs, UN agencies, INGOs and government departments could meet and discuss each other for the better solutions.

As for capacity building, government upgraded human resources in the related departments and trained professional courses with sponsorship of the UN and INGOs. Handbook on Human trafficking was published to promote knowledge and procedures of human trafficking.²⁵ Human resource in trafficking was limited particularly in government departments and it is necessary to nurture professionals in the area. Local NGOs and CSOs also are participating in anti-trafficking activities with some professionals and experienced staff. Htoi Gender and Development Foundation, Kachin Women's Association (KWA), and Eden Myanmar are working actively in rehabilitation, counselling and empowerment of survivors. Eden Myanmar is facilitating holistic restoration of young women and girls who were trafficked for sexual exploitation and forced marriage. It provides survivors safe shelter, trauma counselling, vocational training, and empowerment through giving employment in its jewellery business. Moreover, the NGO reached women in Yangon's red light areas for HIV education, prevention and awareness of trafficking by its outreach.²⁶ Eden supported rehabilitation for survivors who could not go back to their family, jointly with the Department of Rehabilitation. It also helped some repatriated survivors from the temporary shelters.²⁷

International, Regional and Bilateral Cooperation

Myanmar has cooperation with international and regional organizations and neighbouring states to combat trafficking in person. It signed the United Nations Convention against Transitional Organized Crime (UNCTOC) in 2004, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air. It has been engaged in other UN conventions of child rights, various forms of discriminations of women, forced labour and anti-corruption.²⁸

As for implementation Myanmar is cooperation with IOM and UNIAP. Under the auspices of the UN, United Nations Inter-Agency Project (UNIAP) on human trafficking in the GMS was established in 2000. The Government of the Myanmar also has been cooperating with the UNIAP actively in the counter-trafficking sector, through national plan of action on human trafficking. Therefore, Myanmar established the comprehensive framework including legislation, plan of action, bilateral and multilateral cooperation in anti-human-trafficking. The project area in phase I were Thabaung, Ayeyarwaddy Region-Delta

region, Thanbyuzayat (Mon State), Myawaddy (Kayin State) Pyigyitagon (Mandalay) and Kyimyindine (Yangon region). UNIAP Myanmar office established a reference center in the UN information Center (UNIC) for data collection, research and record. Moreover, an e-based New Digest is also circulated every Thursday with updates on trafficking news and activities to all partners at the national level. The production of the first quarterly trafficking newsletter in Myanmar, named “Ah-thi Tha di” is produced an anti-trafficking poster, telecast through two national TV channels. At the same time government and UNIAP carried out the awareness talks in different townships about the anti-trafficking measures from 2008 to 2010. MNCWA and UNIAP jointly formed a Mobile training team to combat trafficking in different states and divisions.²⁹

International Organization for Migration (IOM) has been working together with Myanmar government for protection of the displaced persons and preparation of Standard Operation Procedure (SOP). It also funded the rehabilitation of victims and conducted the survey to evaluate rehabilitation and reintegration for life of former victims.³⁰ Furthermore, the ATTF’s necessary technical assistance was provided by UNIAP, UNICEF, IOM, WVM and SCM. The establishment of the shelter was provided by UNIAP and IOM. International non-governmental organizations and civil society organizations (CSO) have cooperated with government, UN agencies and local NGOs in this area. INGOs, particularly World Vision are working migration and trafficking issues with special projects.

As a member of ASEAN, Myanmar is striving multilateral efforts within the ASEAN context to combat human trafficking issues. The Declaration against Trafficking in Persons Especially Women and Children was signed in November 2004, at the 10th ASEAN summit in Laos. At the summit the declaration of the eight points in cooperation with the ASEAN member countries was issued. Like all ASEAN members, Myanmar adopted a Declaration on the Protection and Promotion of the Migrant Workers in 2007 and established the ASEAN Committee on the implementation of the Declaration.³¹

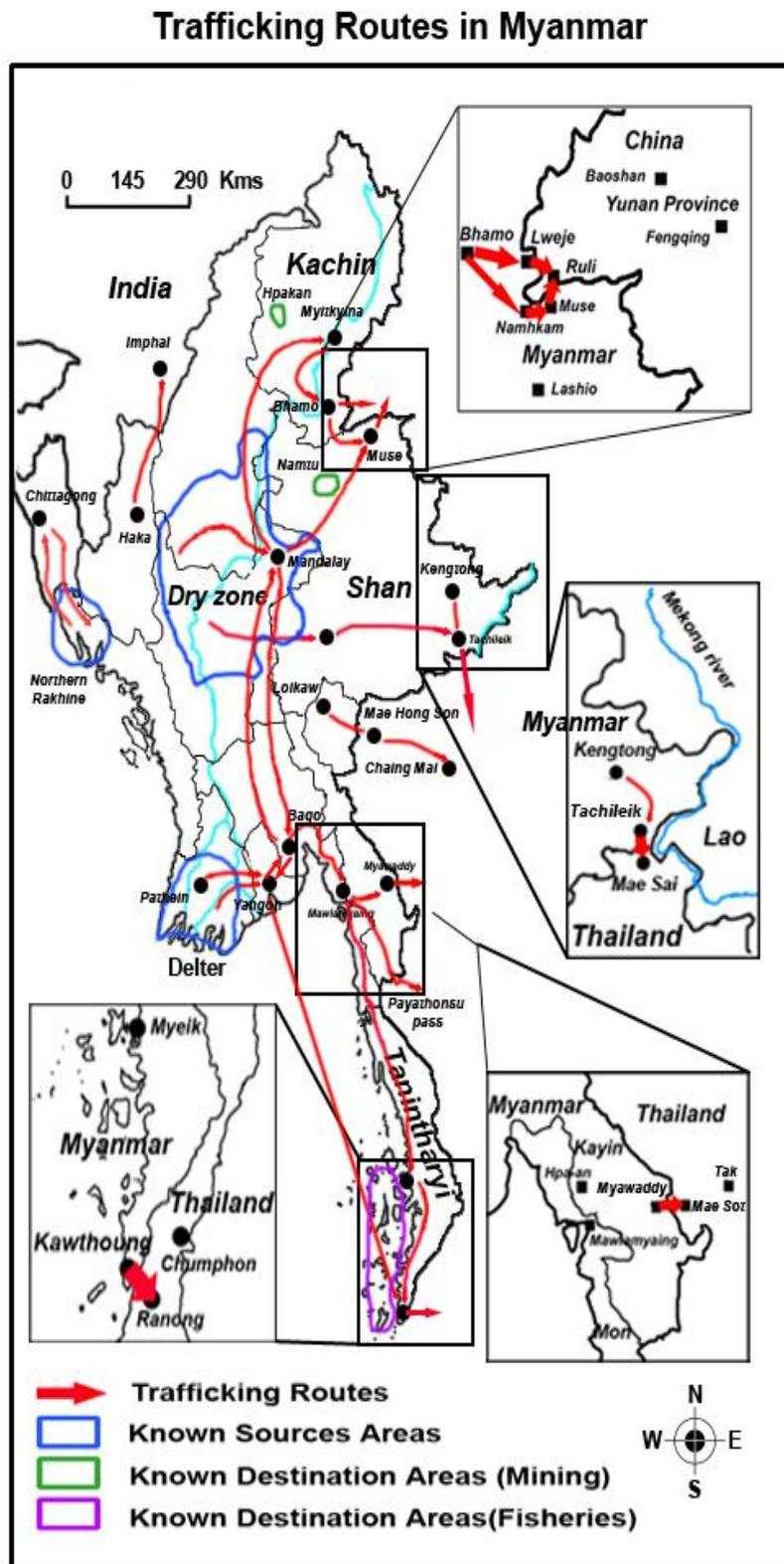
Myanmar has also been tackling the problems of human trafficking with cooperation of Greater Mekong Subregion (GMS). On 29 October 2004, the first Inter-Ministerial Meeting (IMM) from GMS countries signed the MoU on Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in Yangon. The country attended the meeting and discussed the design and implementation of their COMMIT National Plan of Action, approved by Myanmar Government on 26th December, 2007.

The bilateral arrangements to mitigate human trafficking are carried out with neighbouring countries. Thailand and China became the top destinations for the human trafficking cases. Moreover, scope, types and routes of most trafficking cases pointed out the two countries. The Map 1 showed the routes of trafficking across borders.

The government of Myanmar has been cooperating with Thailand to control human trafficking between two countries. It is relatively easy of Myanmar people to be brought across by variety of routes which are difficult for Myanmar and Thai government to monitor. It was observed that there are nine major routes by smugglers in transporting people. The

form of trafficking from Myanmar to Thailand is for forced labour and other forms of labour exploitation including the sex trade.

Map 1



Source: *Human Trafficking*, Police Major Yan Naing Tun, MPF, 2019

Myanmar and Thailand signed the MoU on Labour Migration in June 2003 to the movement of migrant labours. The aim of the MoU is to promote formal procedures for the employment and to protect of Myanmar workers in Thailand to undermine illegal migration. Under the MoU, Myanmar and Thailand agreed to take measures to prevent and suppress the trafficking of illegal workers and to exchange information on matters relating to human trafficking.³² In order to implement the MoU effectively, Anti-Trafficking Units are also established in both countries. As a preventive measure, official labour cards for illegal workers from Myanmar are issued by the Thai government.³³

The MoU on Cooperation to Combat Trafficking in Persons between Myanmar and Thailand was signed on 24 April, 2009 at Nay Pyi Daw, Myanmar. It comprised areas of cooperation to combat all aspect of human trafficking such as prevention, protection, rehabilitation, reintegration, law enforcement, justice and developing and implementing joint actions between two countries.³⁴ The MoU plan of action (PoA) was also endorsed at bilateral meeting held in Bangkok in August 2009.³⁵ The signing of SOP and its ten protocols in 2013 was the successful result of closer cooperation between Myanmar and Thailand. In addition, Border Liaison Offices (BLO) in towns of Kawthaung, Myawaddy and Tachileik along the Myanmar-Thailand were set up. The 2009 MoU was reviewed to be adaptable with changing trend of trafficking and drafted on 9 August 2018. The two countries have been working to proceed the signing the draft.³⁶

The largest number of trafficking cases in Myanmar were found out in connection with China and extended into far reaches of China. There are six routes used by smugglers in trafficking people along Myanmar-China border. To solve the problems, cross border bilateral meetings were held in 2005. The focus of the bilateral meetings was on the rescue and repatriation of Myanmar victims, cooperation to ensure safe and timely repatriation and apprehension of perpetrators, extradition of Myanmar national convicted of trafficking in China, and efforts by two sides to control illegal cross-border migration. The first Myanmar-China Senior Officials was hosted at Bagan, Myanmar on 5th November, 2005.

China and Myanmar are striving to enhance cooperation in anti-trafficking measures since they signed MoU on 11 November, 2009 in Beijing.³⁷ According to agreements reached at the cross-border meeting, Border Liaison Office (BLO) were established with the aim of preventing cross-border trafficking and to rescue and protect victims. They play a crucial role in exchanging information in a timely manner and in joint operation against the human traffickers.³⁸

Conclusion

Human trafficking is a kind of slavery in modern era. Trafficked men are exploited for forced labour while women and girls are sold for forced prostitution and forced bride. Human Trafficking is the third largest crime after drug issue and gunrunning. The number of trafficked persons is increasing annually although international organizations, regional organization and governments have been fighting against the issue. Some vulnerable spots in the World are prone to human trafficking due to its external and internal factors. Mekong

region is one of the most vulnerable area, where home and destination countries for trafficking are closely located in terms of economy, culture, history, and geography. In Asia, trend of human trafficking in Mekong countries increased and seems to become a threat to people and their welfare.

Myanmar is no exception and human trafficking is rising during the recent decade. The statistics showed small number of survivors who were escaped and repatriated. Thousands of people out there are trafficked for forced labour, forced marriage, sexual exploitation, etc. The analysis from the available data pointed out that 17.67% of victims were impossible to save while 36.4% of trafficking were fugitives due to complex procedures and lack of information. The government is taking seriously to combat trafficking together with international organizations, NGOs and INGOs. Myanmar also participated cooperation with regional, sub-regional and international actions. The forms of human trafficking have changed while its scope became extensive. Cases have not declined significantly year by year.

There are several factors to improve the current situation. The first constraint is poverty and economic development and welfare of people should be promoted. The second is that education and awareness of human trafficking need to be scaled up for more effective programmes in at-risk communities. The third point is weak existing network for youths. The existing networks including schools, universities and club, can be used to share anti-trafficking messages. The fourth constraint is lack of sufficient funding for anti-trafficking measures. Another point is understanding of authorities from host and destination country about the true nature of trafficking. The sixth point is cross-border collaboration on repatriation that can lead victims to come back home safely. Among these, closer cooperation among regional countries are very important.

Like Myanmar, other Mekong countries have similar factors necessary to combat trafficking in persons. The problem of trafficking in the Mekong region cannot be addressed without taking into consideration the cross-border nature of the problem and the concrete actions of the Mekong countries. Under the circumstances, Lancang-Mekong Cooperation is the best mechanism to tackle the problem. It is characterized by high efficiency, resourceful and focus on concrete project. Besides, it aims at bolstering economic and social development of members and enhancing wellbeing of people. LMC as a community of shared future, needs to enhance partnership in tackling human trafficking which is the serious non-traditional threat to all countries in the region.

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