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“Give Us a Baby and We’ll Let You Go”

Trafficking of Kachin “Brides” from Myanmar to China

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Trafficking of Kachin “Brides” from Myanmar to China

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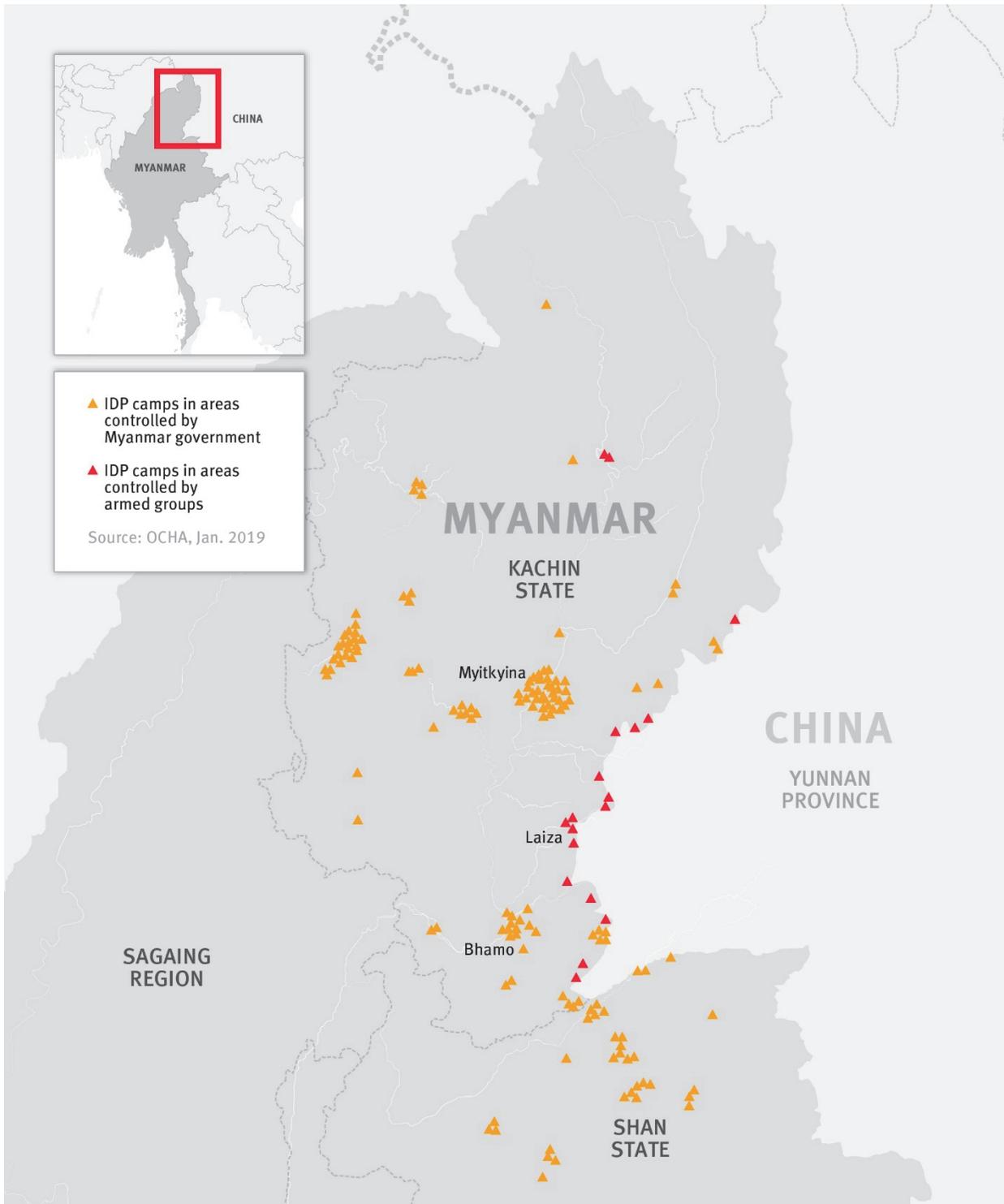
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Map



Abbreviations

COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking (2004)
KIA	Kachin Independence Army
KIO	Kachin Independence Organization
KWA	Kachin Women's Association
OCHA	UN Office for the Coordination of Humanitarian Affairs

Summary

Seng Moon's family fled fighting in Myanmar's Kachin State in 2011 and wound up struggling to survive in a camp for internally displaced people. In 2014, when Seng Moon was 16 and attending fifth grade, her sister-in-law said she knew of a job as a cook in China's neighboring Yunnan province. Seng Moon did not want to go, but the promised wage was far more than she could make living in the IDP camp, so her family decided she shouldn't pass it up.

In the car, Seng Moon's sister-in-law gave her something she said prevented car sickness. Seng Moon fell asleep immediately. "When I woke up my hands were tied behind my back," she said. "I cried and shouted and asked for help." By then, Seng Moon was in China, where her sister-in-law left her with a Chinese family. After several months her sister-in-law returned and told her, "Now you have to get married to a Chinese man," and took her to another house. Said Seng Moon:

My sister-in-law left me at the home. ...The family took me to a room. In that room I was tied up again. ...They locked the door—for one or two months.... Each time when the Chinese man brought me meals, he raped me...After two months, they dragged me out of the room. The father of the Chinese man said, "Here is your husband. Now you are a married couple. Be nice to each other and build a happy family."

Her "husband" continued to be abusive. Seven months later, Seng Moon was pregnant. The baby was a boy; after he was born Seng Moon asked to go home. The husband replied: "No one plans to stop you. If you want to go back home, you can. But you can't take my baby."

Seng Moon wanted to escape with her son. Over two years after being trafficked to China, she met a Kachin woman in the market who gave her 1,000 yuan (US\$159) to help her return to Myanmar. Later, a Chinese woman helped her cross the border. When Human Rights Watch interviewed Seng Moon, she was back in the IDP camp, hiding. "I'm afraid," she said, that "the Chinese family will try to find me."



Families displaced by the conflict between the Myanmar army and the Kachin Independence Army (KIA) at a church in Tanai township, Kachin State, Myanmar, June 2017. © 2017 Soe Zeya Tun/Reuters

Seng Moon’s story is typical of the 37 trafficking survivors interviewed for this report. The most unusual part of her story is that she escaped with her child; many other survivors were forced to leave children behind. All the survivors we interviewed were trafficked from, and managed to return to, Myanmar’s Kachin State or the northern part of neighboring Shan State. Most were from families affected by fighting in the area between Myanmar government forces and the Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army (KIA). While the conflict dates to the independence of the Union of Burma in 1948, the end of a 17-year ceasefire in 2011 resulted in an escalation of hostilities that has caused the mass displacement of over 100,000 Kachin and other ethnic minorities.

The conflict has left many people in Kachin and northern Shan States struggling to survive. Their desperation is heightened because the Myanmar government has largely blocked humanitarian aid to displaced people, especially in areas controlled by the KIO. Displaced people living in camps receive food, but often not enough to avoid hunger. For example, one camp administrator explained that every 45 days families receive a distribution equal

to two cups of rice per family member per day, plus about \$6 per person in cash to cover all other expenses for the 45 days—such as oil, salt, beans, and other food items. People outside the camps also struggle to cope with lack of employment opportunities, low wages, barriers to education, and economic and social devastation resulting from decades of conflict.

Women often become the sole breadwinners for their families, as many men are taking part in the armed conflict. Desperate to support their families but with few opportunities to do so, many feel they have no choice but to seek work in China. Wages are higher there, even when working illegally, and jobs are plentiful. The border is nearby, and easy to pass through, with or without travel documents.

Traffickers prey on their desperation. There is no system of formal employment recruitment for work in China in Kachin and northern Shan States, but there are networks of friends, neighbors, acquaintances, and relatives, offering women and girls relatively lucrative jobs on the other side of the border. Some of these jobs are real. But frequently they are enticements by traffickers planning to sell women and girls as “brides” into a life of sexual slavery.

There is a woman shortage on the other side of the border. The percentage of the population of China who are women has fallen every year since 1987. The gender gap among the population age 15 to 29 is increasing and is continuing to rise. Researchers estimate that there are 30 to 40 million “missing women” in China—women who should be alive today, but are not due to factors including a preference for boys that leads to sex-selective abortion, infanticide, abandonment of babies, and neglect in providing girls with nutrition and medical assistance, many of which have been exacerbated by the “one-child policy” China had in place from 1979 to 2015 and China’s continuing restrictions on women’s reproductive rights.

The gender imbalance is leaving many Chinese men without wives. By 2030, projections suggest that 25 percent of Chinese men in their late 30s will never have married. Some families are willing to buy a trafficked bride from Myanmar and traffickers are eagerly cashing in.

It is difficult to estimate the total number of women and girls being trafficked from Myanmar to China for sale as brides. The Myanmar Human Rights Commission said data provided to them by immigration authorities showed that 226 women were trafficked to China in 2017. The Myanmar Department of Social Welfare provides assistance to between 100 and 200 female trafficking victims returned from China each year.

But these figures likely represent only a small proportion of the total number of cases. No reliable statistics on the total number exist on either side of the border. Gathering accurate statistics would be difficult, as many cases of missing women are never reported, many trafficked women and girls are never found, and many women and girls who escape may keep their experience secret due to stigma. Lack of effective responses by law enforcement and lack of services for survivors discourage people from coming forward. Even when victims and families seek help it is not clear that any institution—on either side of the border—is systematically tabulating even the number of reported cases.

The trafficking survivors interviewed for this report were sold for between the equivalent of US\$3,000 and \$13,000. The families that bought them occasionally seemed to believe that their payment was a dowry for a willing bride, but many clearly knew they were participating in trafficking. Even those who seemed surprised rarely released the woman or girl they had purchased.

Traffickers used deceit to deliver women into sexual slavery. Most of the women and girls interviewed for this report were recruited by someone they knew and trusted. Of the 37 survivors interviewed, 15 said they were recruited by friends and 12 by an acquaintance. One woman was sold by a friend from her bible school. Another was recruited by a 13-year-old girl she knew. Another 6 were recruited and sold by their own relatives.

Some women and girls said they were drugged on the way and woke up in a locked room. Others were told, after crossing the border, that the job they were promised was no longer available, but another job was, several days' journey away. Unable to communicate due to language barriers, and with no money to make their way home, many women and girls felt no option but to stay with the person escorting them, even in the face of growing unease.

Once delivered to their purchasers, the reality of having been trafficked became clear. Most interviewees were initially locked in a room by the family that bought them and raped



“I do not know exactly or remember how I got into the new house...When I woke up, I saw a man but not my friends anymore. I don’t know exactly, but later I guessed that was a Chinese house. I did not know where to run away...I realized that I was trafficked. From that time on, I planned to learn basic Chinese [language] and find ways to run.”—Young Kachin woman, trafficked at age 17, escaped after six months.

© 2018 Human Rights Watch

frequently as the family sought to make them pregnant. The survivors said that the families that bought them often seemed more interested in having a baby than a “bride.” Many trafficked women and girls tacitly understood—and some were explicitly told—that once they had a baby they were free to go, as long as they left the child or children behind. A few were subjected to what they believed were forced fertility treatments.

Some trafficked “brides” suffered ongoing physical and emotional abuse, in addition to sexual slavery. Others were subjected to forced labor, in the home or in the fields belonging to the family holding them captive.

The trafficked women and girls interviewed said they watched for a chance to escape. Some waited weeks or months; many waited years. A few ran to and were helped by the Chinese police. Most made their own escape, begging strangers for help, searching desperately for someone they could communicate with in a language they understood.

Eight were forced to leave behind children fathered by their buyers, often a source of great pain to them.

Back in Myanmar they grappled with trauma and, in some cases, medical complications from the abuse they had suffered. The armed conflict and displacement continued in Myanmar, so they faced the same financial desperation that drove them to China in the first place. Some sought help in seeking justice and trying to recover custody of or access to their children. All struggled in an environment where they faced stigma from their communities and sometimes their families, and where very few services existed to help them recover from their ordeal.

Law enforcement officers on both sides of the border—including Myanmar authorities, Chinese authorities, and the KIO—made little effort to recover trafficked women and girls. Families seeking police help to find a missing daughter, sister or wife were turned away repeatedly, and often told that they would have to pay if they wanted police to act.

When women and girls escaped and ran to the Chinese police, they were sometimes jailed for immigration violations rather than being treated as crime victims. Repatriation of victims to Myanmar was done in a chaotic manner that sometimes left survivors stranded or abruptly dumped at the border.

Many survivors feared telling their stories, but those who sought justice rarely received it, as the people who trafficked them remained free, often continuing their trafficking activities. When Myanmar authorities did make arrests, they usually targeted only the initial brokers in Myanmar and not the rest of the networks in China. Police in China almost never to our knowledge arrested people that knowingly bought trafficked “brides” and abused them. Victims were sometimes discouraged by family and friends from seeking justice. In the KIO-controlled areas, traffickers were sometimes punished with nothing more than a reprimand. The police in Myanmar, China and KIO-controlled areas made little effort to coordinate with each other or make these cases a priority.

The women and girls who left children in China had no prospect of getting their children back. Some were so desperate to be with their children that they chose to go back to the families that had held them as slaves. Human Rights Watch was aware of one woman who

tried to go back, but she was turned away by Chinese immigration officials, and has never seen her child again.

The armed conflict in Kachin and northern Shan States has largely escaped international attention, despite 2018 findings by the United Nations that the Myanmar military has committed war crimes and crimes against humanity there. The atrocities against the Rohingya people in Rakhine State deservedly seized headlines, but the women and girls of Kachin and northern Shan States remain largely invisible victims. Too many of them are trapped—by the collision of war and displacement in Myanmar and the fallout from the destructive denial of women’s reproductive rights in China—in lives of unspeakable abuse.

Key Recommendations

Myanmar and China should:

- Improve implementation of agreements to provide effective and coordinated anti-trafficking prevention, law enforcement, and assistance to victims.
- Collaborate in developing formalized—and government monitored—recruitment pathways for people from Myanmar, including Kachin and northern Shan States, to legally obtain employment in China and safely travel there.
- Collaborate in strengthening efforts at and near the border to raise awareness of the risk of trafficking, detect trafficking, assist victims and potential victims, and maintain a shared watchlist of suspected traffickers.

Myanmar and the KIO should:

- Develop and implement effective public awareness campaigns to inform people in high-risk areas, such as IDP camps, and those crossing the border or applying for travel documents, of the risk of trafficking and measures to protect themselves.
- Provide comprehensive services to trafficking survivors.

China should:

- End the practice of jailing trafficking survivors for immigration violations and assist their return to Myanmar. Facilitate their safe return to China to assist in investigation and prosecution of crimes committed against them.

International donors and organizations should:

- Urge the Myanmar and Chinese governments and the KIO to do more to tackle bride trafficking.
- Enhance services for trafficking victims by supporting nongovernmental organizations experienced in this work in both government and KIO-controlled areas.

Full recommendations can be found at the end of the report.

Methodology

This report is primarily based on interviews with 73 people, including 37 ethnic Kachin women and girls who escaped back to Myanmar after being trafficked and sold as “brides” in China. Some survivors escaped only weeks before we interviewed them. Twenty-four of the 37 were trafficked in 2010 or later; the most recent cases involved trafficking in 2016 and 2017. An additional 12 interviewees were trafficked between 2002 and 2009. The earliest trafficking experience described by a survivor we interviewed occurred in 1986. Our research in Myanmar took place during eight months from May 2016 through December 2018.

Twenty-two of the survivors interviewed had been held in China for a year or longer; 11 were held for three years or longer. The longest time in captivity was nine years. Twelve interviewees were under age 18 when they were trafficked; the youngest was 14. The others were ages 18 to 46. Two interviewees were trafficked twice; for figures in this report, we have used data from the most recent trafficking incident.

Many survivors told us they concealed their experience from their community and sometimes from their families. To protect their privacy, all names of survivors and family members in this report are pseudonyms, and we have omitted details that might make them identifiable.

Interviews with survivors were conducted in private, through an interpreter, in the Kachin language. They were conducted with only the interviewee, one or two researchers and an interpreter present, with the exception of a survivor who wanted her mother present. Human Rights Watch sought to avoid re-traumatization by using specialized methods for interviewing survivors of trauma. One interview with a survivor was conducted by phone; all other survivor and family interviews were conducted in person.

We advised all prospective interviewees of the purpose of this research and how the information would be used. They were advised that they could refuse to participate, to decline to answer any question or discuss any topic, and to end the interview at any time. Interviewees did not receive any compensation. Human Rights Watch paid for the costs in

situations where interviewees travelled or incurred phone charges in order to be interviewed.

We also conducted interviews with three families of women believed or known to have been trafficked, and 33 interviews in Myanmar with individuals who included representatives of the Myanmar Ministry of Social Welfare, the Myanmar Human Rights Commission, the Kachin Independence Organization, the Kachin Women's Association, and UN and other international organizations, as well as police, lawyers, foreign diplomats, and nongovernmental organization (NGO) staff members. These interviews were conducted in English or in Kachin or Burmese with an interpreter.

Human Rights Watch requested, by phone and email, an opportunity to interview the Myanmar police and the Ministry of Home Affairs but did not receive a response. We requested data from the Myanmar police, through the Ministry of Social Welfare, which agreed to convey the request. The Ministry of Social Welfare provided some of the data Human Rights Watch requested regarding that ministry's own work but did not provide the requested data regarding police activities.

In January 2019 we wrote to China's minister of public security, with copies to the president of the All-Women's Federation of China and the head of public security for Yunnan Province. Our letter, included as annex I, outlined the findings of this report and requested a response and data from the Chinese government. As of the date of publication, we had not received a response.

At the time of the research, the exchange rates were 1,332 Myanmar kyat = US\$1 and 6.28 Chinese yuan = US\$1. We have used these rates for conversions in the text.

Terminology

We use the term “trafficking” as defined by the UN Trafficking Protocol:

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 payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Interviewees for this report often referred to people involved in trafficking them as “recruiters” and “brokers” as well as traffickers. Our research suggests that most of these individuals knowingly participated in trafficking.

Almost none of the trafficking survivors we interviewed legally married the man they were sold to, but they were typically referred to by traffickers and the families who bought them as “wives,” and often referred to themselves this way. We have placed the terms bride, husband, and related terms in quotation marks in some places, to emphasize that these terms do not describe the legal nature of the relationship, but in other places left them without quotation marks for ease of reading and to respect interviewees’ voices.

Background

The accounts of trafficking survivors highlight the crisis for women and girls in Myanmar's Kachin and northern Shan States. The long-running and recently escalated conflict in the region has created financial desperation for many ethnic Kachin families, including those displaced since 2011 by the fighting, driving many to seek work in China. On the China side, the "one-child policy" coupled with a longstanding preference for boys helped create a large and growing shortage of women for marriage and motherhood. A porous border and lack of response by law enforcement agencies on both sides created an environment in which traffickers flourish, abducting Kachin women and girls and selling them in China as "brides" with near impunity.

War, displacement, and desperation in Myanmar

Political and ethnic disputes in Myanmar, date back before independence from Great Britain in 1948, and armed conflicts between the national government and ethnic armed groups have occurred throughout Myanmar's statehood. While ceasefire agreements are now in effect in most of the country's ethnic areas, several conflicts persist, exacerbated by nearly 50 years of abusive military rule, including in Kachin State, where the Kachin have been living with armed conflict for at least 40 of the last 57 years. The Kachin Independence Organization (KIO), headquartered in Laiza, governs considerable swathes of territory, acting as a parallel state with departments of health, education, justice, and relief and development, among other civic programs. Its armed wing, the Kachin Independence Army (KIA), has become one of Myanmar's largest non-state ethnic armed groups. Several other ethnic armed groups are also active in Kachin and northern Shan States.¹

Kachin and northern Shan States have been a fierce battleground. The Myanmar armed forces (officially known as the Tatmadaw) and the KIA have committed serious human

¹ See, for example, UN Human Rights Council, Report of the Independent International Fact-Finding Mission on Myanmar (advanced unedited version), A/HRC/39/64, August 24, 2018, para. 66.

rights abuses and violations of international humanitarian law, the laws of war.² The Tatmadaw has committed attacks on civilians and their villages, summary executions, rape, torture, forced portering, and destruction of property. It has forcibly relocated large numbers of Kachin civilians to government-controlled territory.³ The KIA has engaged in forced recruitment and use of child soldiers. Many of these abuses continue to the present.

A 2018 UN fact-finding mission found the Tatmadaw committed war crimes and crimes against humanity in Kachin and Shan States (as well as serious crimes in Rakhine State in western Myanmar). These included: murder; imprisonment; enforced disappearance; torture; rape, sexual slavery and other forms of sexual violence; persecution; and enslavement.⁴ The fact-finding mission also found evidence of international humanitarian law violations and human rights abuses by ethnic armed groups, including “abduction and detention, ill-treatment and destruction or appropriation of civilian land and property. There have been instances where these groups...have failed to take precautionary measures to protect civilians in attacks and forcibly recruited adults and children.”⁵

The conflict has caused long-term mass displacement. By 1994, an estimated 84,000 Kachin had been displaced, either internally or became refugees in China and India.⁶ A 1994 ceasefire reduced the fighting and recognized KIO political autonomy over part of Kachin State. But in 2008, Myanmar's military government announced that all armed groups operating under ceasefire agreements would have to submit to the direct control of the Myanmar army. The KIO rejected the order and in 2009 began recruiting additional forces. A series of incidents in 2010 escalated tensions and in June 2011 the Tatmadaw began a major offensive in Kachin State, ending the 17-year ceasefire with the KIA.⁷

² See, for example, Human Rights Watch, “Untold Miseries: Wartime Abuses and Forced Displacement in Myanmar’s Kachin State,” March 20, 2012, <https://www.hrw.org/report/2012/03/20/untold-miseries/wartime-abuses-and-forced-displacement-Myanmars-kachin-state> 9 (accessed August 20, 2018).

³ Human Rights Watch, *World Report 1992* (New York: Human Rights Watch, 1992), pp. 347-48.

⁴ UN Human Rights Council, Report of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/CRP.2, September 17, 2018, paras. 105-323.

⁵ UN Human Rights Council, Report of the Independent International Fact-Finding Mission on Myanmar (advanced unedited version), A/HRC/39/64, August 24, 2018, p. 13.

⁶ Mandy Sadan, *War and Peace in the Borderlands of Myanmar: The Kachin Ceasefire, 1994–2011* (NIAS Studies in Asian Topics, 2016).

⁷ For an overview of the conflict and casualties on both sides, see Samuel Blythe and Hkawn Nu, “A thorn in Myanmar’s side,” *Jane’s Terrorism and Security Monitor*, January 2012.



Myanmar army forces on a hilltop as seen from outside of Laiza, the Kachin Independence Army's (KIA) headquarters in Kachin State, Myanmar. While much of the world's attention has been focused on the plight of Myanmar's Rohingya Muslims, a largely ignored conflict continues in Myanmar's north between the army and the KIA and other ethnic armed groups. The conflict, which dates back to the earliest days of Myanmar's independence, has intensified in recent years. © 2018 Esther Htusan/AP Photo

The 2011 offensive and subsequent counter-insurgency operations since then were brutally executed: the Myanmar army attacked Kachin villages, razed homes, pillaged properties, and forced the displacement of tens of thousands of people. Soldiers threatened and tortured civilians during interrogations and raped women. The army used antipersonnel mines and conscripted laborers, including children as young as 14, on the front lines.⁸

⁸ Human Rights Watch, "Untold Miseries: Wartime Abuses and Forced Displacement in Burma's Kachin State," March 20, 2012, https://www.hrw.org/sites/default/files/reports/burmao312ForUpload_1.pdf (accessed August 20, 2018).

Since 2016, the conflict has escalated, with thousands of additional people displaced.⁹ The military's offensive in early 2018 left many civilians trapped, displaced, and without adequate humanitarian assistance.¹⁰

As of September 2018, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported there were 98,000 internally displaced people housed in 139 sites in Kachin State, 75 percent of them women and children.¹¹ In Shan State, there were 8,500 IDPs, 77 percent of them women and children, located in 31 sites, all in the northern part of the state.¹² Refugees have also fled into China, where they experienced lack of adequate shelter, food, potable water, sanitation, basic health care and education.¹³ Some refugees have been refused entry at China's border, while local Chinese officials, allegedly on the orders of central authorities, forced others back to conflict areas in Myanmar.¹⁴

A “women shortage” in China

China has a large and growing gap between the numbers of women and men, driven by gender discrimination and exacerbated by the “one-child policy” imposed by the government from 1979 to 2015. This gap has created a severe “bride shortage” among the age group most likely to be looking for a spouse. The sex ratio cannot be determined with precision because of a lack of information, as well as other factors including families’

⁹ Human Rights Watch, “Burma: Protect Civilians in Northern Fighting: All Parties Should Ensure Unfettered Aid,” December 22, 2016, <https://www.hrw.org/news/2016/12/22/burma-protect-civilians-northern-fighting> (accessed August 30, 2018); Human Rights Watch, “Burma: Warnings Not a Free Pass to Harm Civilians,” June 14, 2017, <https://www.hrw.org/news/2017/06/14/burma-warnings-not-free-pass-harm-civilians> (accessed Nov. 23, 2018); Human Rights Watch, “Burma: Ensure Unfettered Aid in Kachin State,” Feb. 9, 2018, <https://www.hrw.org/news/2018/02/09/burma-ensure-unfettered-aid-kachin-state> (accessed November 23, 2018).

¹⁰ Human Rights Watch, “Myanmar: Ensure Unfettered Aid in Kachin State: Military Obligated to Protect Civilians in Operations,” February 9, 2018, <https://www.hrw.org/news/2018/02/09/Myanmar-ensure-unfettered-aid-kachin-state> (accessed August 30, 2018).

¹¹ OCHA, “Myanmar: Humanitarian Brief, September 2018,” Reliefweb, <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20Humanitarian%20Brief%20-%20September%202018.pdf> (accessed February 5, 2019).

¹² Ibid.

¹³ Human Rights Watch, “Isolated in Yunnan: Kachin Refugees from Burma in China's Yunnan Province,” June 25, 2012, <https://www.hrw.org/report/2012/06/25/isolated-yunnan/kachin-refugees-burma-chinas-yunnan-province> (accessed August 30, 2018).

¹⁴ Fortify Rights, “China: Protect Ethnic Kachin Refugees Fleeing War in Northern Myanmar,” January 13, 2017, <http://www.fortifyrights.org/publication-20170113.html> (accessed August 30, 2018).

concealment of births in an effort to circumvent the one-child policy.¹⁵ But according to the Chinese government's 2000 census, in the period from 1996 to 2000 over 120 boys were born for every 100 girls—a group that would now be 19 to 23-years-old.¹⁶ According to the World Health Organization, a normal ratio at birth is about 105 men to 100 women.¹⁷

World Bank data shows the percentage of China's population who are female has fallen every year since 1987.¹⁸ As China's population is growing, any imbalance in the gender ratio at birth will cause the disparity in the number of women versus men to continue to widen.¹⁹ Researchers estimate that there are 30 to 40 million “missing women” in China—women who should be alive today, but are not, due to factors related to preferences for boys including sex-selective abortion, infanticide, abandonment of babies, and neglect in providing girls nutrition and medical assistance.²⁰

This sex imbalance has obvious implications for marriage opportunities among Chinese men. The gender gap within the age range where people are most likely to marry is continuing to rise.²¹ The minimum legal age of marriage in China is 20 for women and 22 for men, and the average age at first marriage is 26 years old.²² In the 20 to 39 years-old

¹⁵ Yaojiang Shi and John James Kennedy, “Delayed Registration and Identifying the ‘Missing Girls’ in China,” *China Quarterly*, December 2016, <https://www.cambridge.org/core/journals/china-quarterly/article/delayed-registration-and-identifying-the-missing-girls-in-china/0759987A48A37E3D2CFE157778747E33> (accessed September 3, 2018).

¹⁶ Yong Cai, China's New Demographic Reality: Learning from the 2010 Census,” *Population Development Review*, September 1, 2013; 39(3): 371–396, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4302763/> (accessed August 14, 2018), table 2.

¹⁷ World Health Organization—South East Asia, “Health situation and trend assessment: sex ratio,” http://www.searo.who.int/entity/health_situation_trends/data/chi/sex-ratio/en/ (accessed August 14, 2018).

¹⁸ World Bank, Population: Female (% of total), <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=cn> (accessed August 14, 2018).

¹⁹ World Bank, “Data Bank: Population estimates and projects-- China Population Projection 15-50,” http://databank.worldbank.org/data/reports.aspx?Report_Name=China-Population-Projection-15-50&Id=61621b1c (accessed November 23, 2018).

²⁰ Jing-Bao Nie, “Non-medical sex-selective abortion in China: ethical and public policy issues in the context of 40 million missing females,” *British Medical Bulletin*, Volume 98, Issue 1, 1 June 2011, <http://bmb.oxfordjournals.org/content/early/2011/05/18/bmb.ldro15.full> (accessed August 14, 2018). See also Simon Denyer and Annie Gowen, “Too many men: China and India battle with the consequences of gender imbalance,” *South China Morning Post magazine*, April 24, 2018, <https://www.scmp.com/magazines/post-magazine/long-reads/article/2142658/too-many-men-china-and-india-battle-consequences> (accessed August 14, 2018).

²¹ Simon Denyer and Annie Gowen, “Too Many Men,” *Washington Post*, April 18, 2018, https://www.washingtonpost.com/graphics/2018/world/too-many-men/?utm_term=.6a057958bfd6 (accessed August 30, 2018).

²² CCTV, “中国平均结婚年龄 26 岁 超 9 成女性 30 岁前结婚” (translation--“The average marriage age in China is 26, over 90 percent of women marry before 30”), *163.com*, January 5, 2016, <http://henan.163.com/16/0105/09/BCIB5UT6022702JV.html> (accessed November 29, 2018).

age range there are already 17 million more men than women.²³ By 2030, that gap will grow to over 22 million.²⁴ By 2030, projections suggest that 25 percent of Chinese men in their late 30s will never have married.²⁵

Given this imbalance, women choosing to marry and their families may be more selective about potential grooms, opting against men who are poorer and less educated.²⁶ The families that bought the women and girls interviewed for this report tended to be relatively poor and rural, and often agricultural workers.

How many “brides” are trafficked from Myanmar to China?

It is very difficult to estimate the total number of women and girls being trafficked from Myanmar to China for sale as “brides.” The figures available almost certainly dramatically undercount the number of women and girls who are being trafficked. A Myanmar government official acknowledged this, telling Human Rights Watch, “We have very little information” about total numbers. She said the government has data on the number of people who contact a government information center about the issue, but that figure is “just the tip of the iceberg.”²⁷

Government oversight of conflict-affected areas of Myanmar is very weak, and KIO-controlled areas are inaccessible to government officials and police.²⁸ It is likely that trafficking is most prevalent in the communities closest to the border—and these are the areas in which most KIO-controlled areas and KIO-run IDP camps are located.²⁹ These

²³ Human Rights Watch analysis of UN Population Division data, *United Nations, Department of Economic and Social Affairs, Population Division (2017). World Population Prospects: The 2017 Revision, custom data acquired via website.* On file with Human Rights Watch; available on request.

²⁴ *Ibid.*

²⁵ Rob Buden, “Why millions of Chinese men are staying single,” *BBC*, February 14, 2017, <http://www.bbc.com/capital/story/20170213-why-millions-of-chinese-men-are-staying-single> (accessed November 23, 2018).

²⁶ See, for example, Tan Jia Ning, “These are the ‘leftover men’ of China, who just want to get married,” *Channel News Asia*, June 30, 2018, <https://www.channelnewsasia.com/news/cnainsider/leftover-men-china-get-married-gender-imbalance-one-child-policy-10485358> (accessed November 23, 2018).

²⁷ Human Rights Watch interview with Dr. San San Aye, Director General, Myanmar Department of Social Welfare, Naypyidaw, January 18, 2018.

²⁸ Human Rights Watch email correspondence with expert (name withheld), October 26, 2018.

²⁹ Human Rights Watch email correspondence with expert (name withheld), October 31, 2018; United Nations Office of the Coordinator of Humanitarian Assistance, “Myanmar: Kachin and northern Shan Humanitarian Access Tracking,” September

factors make it inevitable that figures regarding the numbers of cases handled by the government will provide only a very partial window into the scale of the problem.

Some data is available regarding the number of cases handled by the Myanmar government. In August 2018, the Myanmar anti-trafficking police reported that in the first seven months of 2018, they handled 130 trafficking cases, 96 of which involved women sold into forced marriage in China. The locations with the highest number of cases, in order were: equal numbers in Yangon region and Shan State, followed by Mandalay Region, and the Kachin State. A total of 48 cases came from Shan and Kachin States.³⁰ In 2015, the Myanmar government reported to the UN that between 2008 and 2013, the government had imposed punishment in 820 trafficking cases, and of those cases 534 were forced marriage cases and 599 involved trafficking to China.³¹

The Myanmar National Human Rights Commission (MNHRC) said data provided to them by immigration authorities showed that 226 women were trafficked to China in 2017.³² The Myanmar Department of Social Welfare provided the following table and data to Human Rights Watch, in response to a request for the “number of female trafficking victims repatriated to Myanmar from China for each year from 2010 through 2017”³³:

15, 2018,
https://reliefweb.int/sites/reliefweb.int/files/resources/MMR_Kachin_Shan_Access_Tracking_Sep2018_20180925_o.pdf
(accessed November 26, 2018).

³⁰ “Myanmar police investigate 130 human trafficking cases in 2018,” *Coconuts Yangon*, August 9, 2018,
<https://coconuts.co/yangon/news/myanmar-investigates-130-human-trafficking-cases-2018/> (accessed February 6, 2019).

³¹ CEDAW Committee, Annex to state party’s report—Myanmar (as received), sixty-fourth session, January 8, 2015,
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MMR/INT_CEDAW_ADR_MMR_19645_E.pdf, annex H
(pages unnumbered), (accessed January 10, 2019).

³² Human Rights Watch interview with Myanmar Human Rights Commission, January 9, 2017.

³³ Letter to Human Rights Watch from Republic of the Union of Myanmar, Ministry of Social Welfare, Relief and Resettlement Department of Rehabilitation, March 16, 2018, on file with author and included as annex II.

Sr No	Year	Number Reaccepted		Total
		Below 18 years	Above 18 years	
1	2010	29	135	164
2	2011	16	122	138
3	2012	26	127	153
4	2013	17	122	139
5	2014	15	119	134
6	2015	18	82	100
7	2016	25	81	106
8	2017	39	142	181
Total		185	930	1115

These figures almost certainly represent only a small proportion of the total number of women and girls trafficked even from government-controlled areas to China as “brides.”³⁴ No reliable statistics on the total number exist and gathering such statistics accurately is difficult, as many cases are never reported, many trafficked women and girls are never found, and many women and girls keep their experience secret due to fear of stigma in the communities they return to in Myanmar. The lack of effective responses by law enforcement and lack of services for survivors and families discourage people from coming forward. Even when victims and families seek help it is not clear that any institution—on either side of the border—is systematically capturing the number of reported cases.

It is also difficult to quantify the problem from the China side of the border. The UN Action for Cooperation Against Trafficking in Persons (UN-ACT) writes in reference to China:

The clandestine nature of these [trafficking] crimes and the fact that only a small minority of cases are reported to the police as incidences of trafficking make it difficult to understand the true scale of China’s

³⁴ Several trafficking survivors interviewed for this report said boys and young men are also being trafficked to China from their area for exploitation as laborers. For example, one survivor was helped to escape by a man who had been trafficked. “There are many boys who have also been trafficked,” she said. “I think you can call it that—when a broker or leader brought the boys from the [IDP] camps or from a village to China and took the salary for three or four years ahead of time and ran away, and the boys had to work it off.” Human Rights Watch interview with Mai Mai Tsawm, Myitkyina, June 2017. One trafficking survivor interviewed for this report said she was trafficked with another girl and boy, and all three were trafficked, the boy for forced labor. Human Rights Watch interview with Shayi, Myitkyina, July 2017.

trafficking problem.... Anti-trafficking responses are limited by: the current limited legal definition of human trafficking; the lack of primary research and data collection; the nascent victim protection services available; and the limited understanding of the broader trafficking patterns.³⁵

Human Rights Watch’s research suggests the number of women and girls being trafficked is substantial and possibly growing. An activist working on trafficking cases in Myitkyina, the capital of Kachin State, where the population of the township is about 307,000, estimated that 28 to 35 women and girls are trafficked each year from the city.³⁶ A KIO official said from 2000 through 2009 the KIO dealt with 20 to 30 cases of bride trafficking each year in the Laiza area bordering China, but that number had increased due to escalating conflict and displacement.³⁷

A worker with the KIO-affiliated Kachin Women’s Association (KWA), which assists trafficking victims, said in four townships in northern Shan State that border China, about 12 or 13 bride trafficking victims seek help from the KWA each year. She estimated another 30 to 40 cases occur in the area in which victims do not seek help. “The number has been increasing...It has been increasing every year,” she said, adding that in 2011 they saw only two to three cases a year. She said she knew of traffickers taking groups of six or seven women and girls at a time.³⁸

Another KWA worker, in eastern Kachin State, said in 2017 they helped recover four trafficked girls. They received requests for help from 10 more victims but were unable to assist due to lack of resources. “Sometimes we hear about trafficking cases, but we have no money or top up cards [for mobile phones], so we just feel sad and cry,” she said.³⁹

³⁵ UN-ACT, “China,” undated, <http://un-act.org/china/> (accessed August 16, 2018).

³⁶ Republic of the Union of Myanmar Department of Population, Ministry of Labour, Immigration and Population, “The 2014 Myanmar Population and Housing Census—Kachin State, Myitkyina District, Myitkyina Township Report,” October 2017, http://themimu.info/sites/themimu.info/files/documents/Population_Map_2014_Population_Density_Kachin_MIMU841v06_27jul2016_A4.pdf (accessed November 26, 2018); Human Rights Watch interview with an activist working on trafficking cases (name withheld), Myitkyina, January 2018.

³⁷ Human Rights Watch interview with KIO official (name withheld), Myitkyina, January 2018.

³⁸ Human Rights Watch interview with KWA staff member from northern Shan state (name withheld), by phone, January 2018.

³⁹ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

Most interviewees for this report knew other victims. Two survivors had sisters who had also been trafficked as brides.⁴⁰ Two interviewees were mother and daughter, trafficked several years apart. Five interviewees were trafficked with a friend or relative. Several more were trafficked with strangers, including a 16-year-old who was transported in a group with five other women and girls from Kachin State.⁴¹ One woman escaped back to Myanmar and married a man whose first wife had been trafficked.⁴²

⁴⁰ Human Rights Watch interview with Htoi Moon Ja, Myitkyina, July 2016; Human Rights Watch interview with Moon Ja, Myitkyina, April 2017.

⁴¹ See, for example, 13, 27, and Human Rights Watch interview with Htoi Moon Ja, Myitkyina, July 2016.

⁴² Human Rights Watch interview with Seng Moon Mai, Myitkyina, December 2017.

Journeys of trafficked “brides” between Myanmar and China

“Four days later we arrived in Fugan. ...Then I was locked up in the room. I was not allowed to use the phone. For a week I cried. I ate nothing. All I could do was pray. After that I realized that I had no way to choose anymore...I was there for four years.”—Nang Shayi, trafficked at 18, had two children in China. She escaped with her daughter but was forced to leave her son behind.

Desperation in Kachin and northern Shan States

The renewed fighting in Kachin and northern Shan States has left many people struggling from day to day to survive.⁴³ Displaced people living in IDP camps receive rations, but often not enough to avoid hunger.

An IDP camp administrator from a nongovernment-controlled area said that in his camp, families receive every 45 days a distribution of rice equal to two cups of rice per person per day, plus 7,500 kyat per person (US \$5.63) in cash to meet all other expenses for the 45 days—such as oil, salt, beans, and other food items.⁴⁴ In other camps, food distribution is sometimes per family, not per individual, leaving people with large families particularly short of food.⁴⁵

Despair among long-term displaced people has also contributed to mental health problems and substance use.⁴⁶ People living outside the camps also struggle to cope with

⁴³ See, for example, Durable Peace Program, “Endline Report,” May 2018, http://www.themimu.info/sites/themimu.info/files/documents/Report_Durable_Peace_Programme_Endline_Report_in_Kachin_May2018.pdf (accessed November 26, 2018).

⁴⁴ Human Rights watch interview with KIO camp administrator (name withheld), by phone, January 2018.

⁴⁵ See, for example, Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.

⁴⁶ Catherine Lee, Amanda J. Nguyen, Tara Russell, Yasmina Aules & Paul Bolton, “Mental health and psychosocial problems among conflict-affected children in Kachin State, Myanmar: a qualitative study,” *Conflict and Health* (2018) 12:39, September 19, 2018, <https://conflictandhealth.biomedcentral.com/track/pdf/10.1186/s13031-018-0175-8> (accessed November 26, 2018).

the lack of employment opportunities, low wages, barriers to education, and the economic and social devastation created by decades of conflict.⁴⁷

Women are often the wage earners for their families, as many men are engaged in the conflict. “There is no education. No one has support,” a KWA worker said. “Those living in the camps are without money or anything. Not being able to make ends meet, it is women and girls who pay the price.”⁴⁸

Displacement in camps may make women and girls more accessible to traffickers. A Kachin activist said: “Normally the target is the family who are facing financial crisis. In the previous time, it was like this. But now the [brokers] are targeting the IDP camps. It’s a better place to gather people. They are in one space. Most of the brokers are involved as relatives or acquaintances.”⁴⁹ A KWA worker, herself a displaced person, explained the connection between trafficking and the conflict:

Suddenly, in 2011, fighting broke out. We had to run away and escape for our lives. In the past we just left for a short time...We thought once the Myanmar army stopped firing we could go back. But we never could go back—and slowly we had to move to the border area, because the Myanmar army targeted the civilian population. ...Then Chinese traffickers started coming here to persuade the civilians. ... [Young women] thought they would take any risk if it would help their family, help their younger siblings.⁵⁰

Displacement and economic desperation

Many interviewees were directly affected by the armed conflict. Several had relatives killed or injured in the fighting. Many more described losing their homes, livelihoods and possessions and being displaced. Ja Tawng, trafficked in 2015, said:

⁴⁷ Durable Peace Program, “Endline Report,” May 2018, http://www.themimu.info/sites/themimu.info/files/documents/Report_Durable_Peace_Programme_Endline_Report_in_Kachin_May2018.pdf (accessed November 26, 2018), p. 44.

⁴⁸ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

⁴⁹ Human Rights Watch interview with an activist working on trafficking cases (name withheld), Myitkyina, January 2018.

⁵⁰ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

[W]e lost everything we had. We had to leave everything when we ran from our village. I became separated from my husband. I stayed in the jungle and hid there with my babies. When my babies became hungry, I had to check the conditions outside the jungle. If it seemed stable, I would sneak out and go to the sugarcane field to find food for them.

Ja Tawng found her husband and they settled in an abandoned house that seemed safe:

But after staying there for a while, the jet fighters came. They shot everything they could see. They shot for four or five days and they started from the early morning from seven or eight a.m. They shot villagers and whomever they saw. They didn't care. All the villagers had to run and hide. All the villagers fled. The kids had to hide under rocks. My children and I hid in banana fields. The road was very muddy, so the kids cried out a lot. They lost their shoes in the muddy road. The jet fighters' missiles almost hit us. But we got away.

The family moved from place to place seeking safety. After several weeks of this, a friend said she could get Ja Tawng work in China in a sugarcane field. Ja Tawng went, bringing her two children; they were trafficked twice together.⁵¹

With displacement came loss of livelihoods. "The village was in the middle of the fighting," said Tsin Tsin, describing events in 2011. "There was shelling from both sides...we just ran with nothing. They burned all the houses." She stayed with relatives for a month and then found a tent where they remained for two years. Tsin Tsin had run a grocery store in the village but lost her livelihood when the family was displaced. Desperate to get her two children back in school, she gratefully accepted when another displaced woman offered work on a banana farm in China. The woman sold her.⁵²

⁵¹ Human Rights Watch interview with Ja Tawng, Myitkyina, January 2018.

⁵² Human Rights Watch interview with Tsin Tsin, Myitkyina, January 2018.

Once displaced, families cannot return, including because of the widespread presence of landmines on the Myanmar side of the border, and work is hard to find for people living in camps.⁵³ Seng Ja Ngai, a mother of five, was trafficked in 2014, at age 35:

In 2011, the fighting came. The military burned the house and destroyed everything we owned. When the civil war came to our village, I assumed it would not last too long. That's why we carried as much as we could, leaving everything else behind. Since then we never dared to go back...From the KIO side, they make some mines, and maybe the military also laid mines for a trap. So, no one can guarantee our security going back...We don't know how long the civil war will go on.

Her family struggled in the IDP camp. "We had no car or motorbike, so we could not go out anywhere. The NGO gave us rations, but it was not enough for us because I have five children." Seng Ja Ngai said she was trapped—needing transportation to find work, needing work to pay for transportation. The only work she could find was day labor paving a road near the camp, but at 50 yuan per day (\$8), it left her still struggling to survive day to day. A friend offered her work in China and sold her.⁵⁴

Many survivors interviewed for this report were the primary wage earners for their families. Moon Ja was trafficked in 2013 at age 27. Her family was displaced to a camp in 2011:

I was the breadwinner of my family—I took care of my mother and I had to look after her. So, to live in the IDP camp—the place is too small, and everything is difficult. So, one of my friends told me, "In China there are jobs and good salaries. Every month you can get 4,000 to 5,000 yuan [\$640 to \$800]."⁵⁵

⁵³ International Committee of the Red Cross, "For Myanmar's displaced, landmines stand in the way of returning home," May 7, 2018, <https://www.icrc.org/en/document/myanmars-displaced-landmines-stand-way-returning-home> (accessed November 26, 2018).

⁵⁴ Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.

⁵⁵ Human Rights Watch interview with Moon Ja, Myitkyina, April 2017.

The IDP camps can be very crowded. Because of lack of space, camps often restrict how long a person can be away without losing their place. This heightens vulnerability by pressuring families to split up.⁵⁶ Khawng Shawng and her husband decided one of them would have to go to China, while the other stayed behind to keep their space. When a Chinese couple came to the camp saying they needed a female cook for their construction company and promising wages of 1,500 yuan a month (\$240), Khawng Shawng packed her things and left with them within two hours. They then sold her for 20,000 yuan (\$3,200).⁵⁷

In June 2018, the Myanmar Ministry of Social Welfare, Relief and Resettlement announced plans to close IDP camps in Kachin, Karen, Shan, and Rakhine States.⁵⁸ The ministry said it was developing a strategy for closing the camps and would begin closures after the strategy was adopted.⁵⁹ The announcement provoked fear among many displaced people who worried that they would be forced out with nowhere to go.⁶⁰

In addition to the conflict and difficult economic situation in Kachin and northern Shan States, some trafficking survivors interviewed had faced additional problems. Several were orphans, grew up in abusive homes, or had faced domestic violence or abandonment. These factors left some more vulnerable to trafficking.

Ja Htoi Tsawm travelled to China often to do agricultural work for a few weeks or months at a time to support her four children after her husband, a drug user, abandoned the family. On a trip there in 2013, at age 29, she was trafficked by a woman she befriended as they worked together in a sugarcane field. She was held captive for two years. While she was gone, her in-laws sold her house and took the money. They put one of her children in an orphanage, and another of her children died while she was away.⁶¹

⁵⁶ See, for example, Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

⁵⁷ Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

⁵⁸ Nyein Nyein, "With Camps Slated for Closure, IDPs Fear for Safety in Home Villages," *The Irrawaddy*, June 13, 2018, <https://www.irrawaddy.com/news/camps-slated-closure-idps-fear-safety-home-villages.html> (accessed August 29, 2018).

⁵⁹ Nan Lwin Hnin Pwint, "Ministry Announces Plan to Close IDP Camps in 4 States," *The Irrawaddy*, June 5, 2018, <https://www.irrawaddy.com/news/Myanmar/ministry-announces-plan-close-idp-camps-4-states.html> (accessed August 29, 2018).

⁶⁰ Nyein Nyein, "With Camps Slated for Closure, IDPs Fear for Safety in Home Villages," *The Irrawaddy*, June 13, 2018, <https://www.irrawaddy.com/news/camps-slated-closure-idps-fear-safety-home-villages.html> (accessed August 29, 2018).

⁶¹ Human Rights Watch interview with Ja Htoi Tsawm, Myitkyina, July 2017.

School costs and other barriers to education

Barriers to education drive some girls to China. According to the United Nations, nearly one-third of Myanmar's children are not enrolled in school and only 16 percent of emergency-affected adolescents in Kachin and Shan States are currently attending post-primary education, in large part due to the lack of access to free secondary education within IDP camps.⁶² In families short on money, prohibitive school fees and costs combined with discriminatory gender roles may mean boys' education is prioritized over girls.⁶³ Tenth and eleventh grades are especially expensive, driving many girls out. "There's no money to continue their education, so girls leave and go to China," a KWA worker said.⁶⁴

"The root cause [of trafficking] is the political situation," said Khawng Shawng, 39, and a mother of two, who was trafficked in 2011. Khawng Shawng's children were ages 5 and 10 months at the time of the interview. Her five-year-old daughter had been attending kindergarten in the IDP camp where the family lived. "But in December [2017] the Myanmar army shelled the camp," Khawng Shawng said. "School was closed because of the shelling." She added:

Because of politics there is no peace in our country. People cannot do their own development. When I was young my family was rich, and we didn't have to worry. But one day the Myanmar army came, and we lost everything. My parents really wanted us to be educated but we didn't have the chance because of the conflict...It's the same now—we want to educate our children, but we can't. I hope for a democratic government that can develop the country.⁶⁵

Seng Ja Htoi said she left school and went to China, where she was trafficked, because while as an IDP she was eligible to study for free through ninth grade, she was unable to pay 1,300,000 kyat (\$980) for the tuition necessary to pass the tenth-grade exam. "This is why most Kachin young people leave education after grade 10," she explained.

⁶² United Nations in Myanmar, "Leaving no child behind: Access to education in Myanmar's displacement camps," undated, <http://mm.one.un.org/content/unct/myanmar/en/home/news/leaving-no-child-behind--access-to-education-in-myanmars-displac.html> (accessed November 26, 2018).

⁶³ Human Rights Watch interview with Seng Ja Htoi, Myitkyina, January 2018.

⁶⁴ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

⁶⁵ Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

Several girls went to China seeking money for education. “At that time, it was the summer holiday, so I assumed that if I worked for a few months then I could make more money and pay my school fee,” said Nang Shayi, trafficked at age 18. “In our family it was a hard time. That’s why I decided to go to China.” Nang Shayi went with a woman from the same village who was known and trusted by her family. The woman sold Nang Shayi for 20,000 yuan (\$3,200), and she was held for four years.⁶⁶

Several survivors interviewed were the eldest children in their family and expected to help support their families financially including by paying for younger siblings to study. Pan Pan Tsawm was one of seven children in a family living in an IDP camp. “I am the eldest sibling, so I wanted to earn money for them, so I decided to go to China,” she said. “My mother accepted the idea and she trusted my friend and thought I could believe her and thought that if I could support my siblings this would be a good way.” She was 15 when her friend drugged and sold her. She was held for three years and left behind a daughter when she escaped.⁶⁷

The lure of employment or a better life in China

On the China side of the border with Kachin and northern Shan States, there appears to be a demand for workers from Myanmar in sectors including agriculture and services. The shared ethnic identity of some groups in China and Myanmar creates greater comfort for some of Myanmar’s ethnic minority citizens in travelling to China, and there is a significant flow of workers, many female, travelling from Myanmar to China for legitimate employment opportunities which—even for people without legal authorization to work—are more readily available, and pay better, than in Kachin or northern Shan States.

Some survivors interviewed worked in China prior to being trafficked, and several worked there after being trafficked. Some workers cross the border daily; others go for weeks or months at a time, when opportunities arise and economic need dictates.

Most interviewees were recruited by people promising lucrative work in China. “I believed her and thought I was so lucky,” Seng Ja Ban said, about the woman who offered to pay her

⁶⁶ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

⁶⁷ Human Rights Watch interview with Pan Pan Tsawm, by phone, January 2018.

travel and food expenses on the way to a restaurant job across the border. The woman sold Seng Ja Ban, who was held for five years before escaping without her child.⁶⁸

A 13-year-old girl recruited Seng Ja Aung at age 20. The girl, who was Chinese, often visited Seng Ja Aung's IDP camp; her mother and stepfather lived there. She offered to find Seng Ja Aung work. "I imagined I could get a good job working in some kind of shop," Seng Ja Aung said. "She just said there are many jobs—in the shop, in another shop, in a restaurant...[She] arranged everything from the camp to get to China. On the way, we had to take a motorbike, we had to take cars...all arranged by that girl." The girl delivered Seng Ja Aung to a man who tried to sell her. Seng Ja Aung escaped before being sold.⁶⁹

False promises, often from relatives and friends

Survivors interviewed were usually recruited by someone they trusted. Six said they were sold by their own relatives. The mother of a woman trafficked by her cousin seven years earlier who never made it home told Human Rights Watch, "In the past, I never thought that a relative could do such a crime."⁷⁰

"The broker was my auntie," said Seng Ing Nu, trafficked at age 17 or 18. "She persuaded me." Seng Ing Nu travelled to China with her aunt, her aunt's friend, and a Chinese man. "I didn't understand the relationship between my auntie and the Chinese man," she said. The four travelled to what turned out to be the Chinese man's family home, and Seng Ing Nu's aunt left her there. The man had bought her; it took her three years to escape.⁷¹

A few women and girls traveled to China to visit family or vacation and were trafficked, sometimes by those who invited them.⁷² One woman and her cousin were working on the Myanmar side of the border when they were drugged and woke up in China.⁷³ Another was

⁶⁸ Human Rights Watch interview with Seng Ja Ban, Myitkyina, July 2017.

⁶⁹ Human Rights Watch interview with Seng Ja Aung, Myitkyina, July 2016.

⁷⁰ Human Rights Watch interview with parents of Ja Seng Tsawm, Myitkyina, January 2018.

⁷¹ Human Rights Watch interview with Seng Ing Nu, Myitkyina, December 2017.

⁷² See, for example, Human Rights Watch interview with Nang Lum Mai, Myitkyina, July 2017.

⁷³ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

sold by her three cousins after going to visit them.⁷⁴ A number of interviewees travelled to China without telling their families because their families would not have approved.⁷⁵

Htoi Moon Ja was 16 when family friends invited to vacation in China with them. She happily agreed. Fighting was happening near her village, her mother had died, and she and two siblings were staying with their teacher. “In the village, there more people who are poor, and only Chinese from Myanmar they have satellite, they have the dish,” Htoi Moon Ja said. “I knew that China is a good place.” The couple sold her.⁷⁶

Nang Seng Ja, at age 20, travelled to China with her aunt to visit family. While at her cousin’s house, she said she was drugged and woke up in a Chinese man’s house. The man said she had been unconscious for five days, and she believes he raped her while she was unconscious. She managed to flee and make it to a police station, but the police accepted a bribe of 5,000 yuan (\$800) to return her to the family. They then locked her in a room where her “husband” raped her daily.⁷⁷

Four of the survivors described the person who recruited them as a near stranger or someone they only knew as a potential employer or employment broker. Fifteen were recruited by friends, and 12 by acquaintances, often from their village or IDP camp. One young woman was recruited by a friend from bible school.⁷⁸

Several brokers were also trafficking survivors. “The traffickers are often trafficked themselves and then recruit others,” an NGO worker explained.⁷⁹ A Burmese woman whom Seng Ja Ngai met in China told Seng Ja Ngai she had been trafficked twice and had been promised 1,000 yuan (\$160) if she found a buyer for Seng Ja Ngai.⁸⁰

It is common in Kachin communities for a groom’s family to pay a dowry to the bride’s family at the time of marriage. This practice is sometimes exploited by traffickers who give

⁷⁴ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

⁷⁵ See, for example, Human Rights Watch interview with Khawng Ja, Myitkyina, April 2016.

⁷⁶ Human Rights Watch interview with Htoi Moon Ja, Myitkyina, July 2016.

⁷⁷ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

⁷⁸ Human Rights Watch interview with Ja Seng Mai, Myitkyina, July 2016.

⁷⁹ Human Rights Watch interview with NGO worker (name withheld), Myitkyina, May 2016.

⁸⁰ Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.



“Because of war, we are afraid to stay in our village. So, we moved to an IDP [internally displaced person] camp...The Myanmar army came to attack our village using massive arms...I am the eldest one in my family, and my family has financial problems. My friends called me to work in China, so I went with them.”—Young Kachin woman trafficked at age 15 and held for one year. © 2018 Human Rights Watch

“dowry” to purchase a woman or girl in a manner that may appear to her and her family to be legal and binding. “Parents are very ignorant and poor,” a Kachin activist said.

“Traffickers say they will give the dowry to the mother...There is a very long history of this. It is giving respect to the mother and father’s side—you have to give precious things...The Chinese brokers says, ‘We love your daughter and we will pay.’” She said brokers often give about 10,000 yuan (\$1,600) then resell the girl for 30,000 or 50,000 yuan (\$4,800 or \$8,000). “The parents don’t know that traffickers are using our customs and traditions.”⁸¹

A porous border

Significant portions of Myanmar’s border along Kachin and northern Shan States with China are controlled by the KIO, not the Myanmar government. As a result, border control is

⁸¹ Human Rights Watch interview with activist (name withheld), Myitkyina, May 16, 2018.

haphazard or non-existent. Border security in the region is further complicated by trafficking in the jade and timber trades, which are themselves marked by corruption.

Almost all the trafficking survivors interviewed were recruited in Myanmar and escorted to China by a person implicated in trafficking. The movement of these women and girls across the border was facilitated by loose border controls.

Some women and girls were trafficked through official border posts, with guards failing to detect trafficking or perhaps aiding and abetting the crime. But most skipped immigration formalities. Crossing the border without appropriate papers is not difficult. “There are many ways to cross the border,” an activist said. “At the checkpoints there are officers checking [papers]. But behind the office...” She said that people cross illegally during hours when the police checkpoint is functioning, within sight of the border guards who make no attempt to stop them.⁸²

Others go early. “We know what time there is no border guard, so we chose that time—very early, 6 a.m.,” said Tsin Tsin. “There are no guards on either side [Myanmar or China] then. In the day there are KIO soldiers on the Myanmar side. Sometimes they check the red book [temporary pass], sometimes they don’t. You need to get permission from the KIO [to cross the border] but if you go at 6 a.m. you don’t need permission.”⁸³

Htoi Moon Ja, trafficked at age 16, travelled from Myanmar to China with her traffickers via a gate where boats cross the border without going through formalities.⁸⁴ Several interviewees described an area where drug users carry people across the river for 10 yuan (\$1.59).⁸⁵ A KIO official explained: “Laiza in China and Laiza in Myanmar are like one village—it’s only to go further to mainland China that you need a passport.”⁸⁶

⁸² Human Rights Watch interview with activist (name withheld), Myitkyina, July 2016.

⁸³ Human Rights Watch interview with Tsin Tsin, Myitkyina, January 2018.

⁸⁴ Human Rights Watch interview with Htoi Moon Ja, Myitkyina, July 2016.

⁸⁵ Human Rights Watch interview with Ja Seng Mai, Myitkyina, July 2016; Human Rights Watch interview with Nu Nu Pan, Myitkyina, April 2017.

⁸⁶ Human Rights Watch interview with KIO official (name withheld), Myitkyina, January 2018.

This area of the border is also the site of extensive trafficking of timber and jade, which takes advantage of and contributes to the lawless environment.⁸⁷ “There are lots of illegal logging trucks crossing the border there,” Khawng Shawng, trafficked in 2011, said of the border area near her IDP camp. “It is very easy to pass illegally there.”⁸⁸

An escorted journey

Survivors interviewed usually said they were recruited by a trafficker in Myanmar and escorted to China.⁸⁹ They often described a chaotic voyage, where they did not know where they were, were made helpless by language barriers, had no means to pay their own way home, and felt swept along by events they did not understand. The journeys often involved a sequence of cars and buses, over several days and nights, sometimes while the victim was drugged. Some survivors thought traffickers might have complicated the journey intentionally, to confuse them and prevent them from finding their way home. Some survivors said they were kept in hotels; a few said they screamed for help, but no one came, leading them to believe that hotel staff were paid or convinced to ignore them. Several interviewees said traffickers took their identification documents.⁹⁰ The woman who trafficked Seng Ja Ban took her Myanmar ID card as soon as they crossed into China. “The broker told me there would be no need to use it in China, and if someone found it they would know we were illegal,” Seng Ja Ban said. “So that’s why she took the ID card.”⁹¹

Trafficked women and girls were often handed from one trafficker to another. A KIO official who had worked in anti-trafficking said: “The brokers from [Myanmar] are sub-brokers—not the main broker. They get a percentage of the price. The main broker is in Yingjiang [a town near the border on the China side]... There is a group—a broker in Myanmar, one in Yingjiang, one in China [beyond the border region].” He added:

⁸⁷ See, for example, Environmental Investigations Agency, “Organised Chaos: The illicit overland timber trade between Myanmar and China,” September 2015, <https://eia-international.org/wp-content/uploads/EIA-Organised-Chaos-FINAL-lr1.pdf> (accessed November 26, 2018); Global Witness, “Jade: Myanmar’s ‘Big State Secret,’” October 23, 2015, <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/myanmarjade/> (accessed November 26, 2018).

⁸⁸ Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

⁸⁹ The exceptions to this were four cases in which women and girls travelled safely to China to work or see family but were then trafficked by people they met in China.

⁹⁰ See, for example, Human Rights Watch interview with Shayi, Myitkyina, July 2017.

⁹¹ Human Rights Watch interview with Seng Ja Ban, Myitkyina, July 2017.

The Myanmar broker gives them to the China broker. The China broker provides a place to stay and food and shows them to a Chinese man and he looks and pays depending on how pretty [she is]. One hundred thousand yuan [\$15,900] or 70 thousand or 50, 30, 20—depending on how pretty. It's like trading jade—if jade is a good quality we make a call and trade from one broker to another. Same thing with a girl, traded from one broker to another.⁹²

Many women and girls were promised a job close to the border, but told, after reaching China, that that job was no longer available, and but another was, further into China. “Brokers usually say the job is in Yingjiang,” an activist said, a town that is just across the border.⁹³ “They are moved from very close to the farthest area, and then they disappear,” said a KWA worker. “Some girls are told, ‘We have to move to somewhere that pays more money,’ and they don’t even realize [they are being trafficked].”⁹⁴

Drugging of victims

Eleven of the trafficking survivors interviewed said that they were drugged by traffickers. At 14, Nang Nu Tsawm, one of eight children, needed money to fund her studies. A Shan woman offered her work in a clothing store in Myanmar, near the border, paying 50,000 kyat (\$38) per month. Nang Nu Tsawm and her cousin, 19, went to work there:

After a week there, I fainted. I think maybe they gave me some medicine or something. I don’t remember what happened. When I woke up, I heard the train and recognized that I was on the train. I don’t know how many days I had fainted or how long I was on the train. I saw only the Chinese letters. I could not read them. There were no Myanmar letters. I started crying. I saw a woman. Maybe she was a broker—I never met whoever it was who brought me on the train. She pinched my face. She was a Shan-Chinese woman. She could speak Burmese. It was me, my cousin and the woman.

⁹² Human Rights Watch interview with KIO official (name withheld), Myitkyina, January 2018.

⁹³ Human Rights Watch interview with an activist working on trafficking cases (name withheld), Myitkyina, January 2018.

⁹⁴ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

Nang Nu Tsawm's cousin had also fainted. Nang Nu Tsawm was sold and held in China about seven years.⁹⁵

Several women and girls were drugged on the pretext of being given medicine for car sickness. "She offered me a pill for dizziness," Seng Khawn said, about the friend who trafficked her. "After that I do not remember what happened to me." Ja Htoi Tsawm woke up locked in a room. Her clothing was with her, but her passport and money were gone. The room was in the home of a family she had been sold to. She escaped two years later.⁹⁶

Others believed traffickers put drugs in their food or drink. Htoi Nu Ja, then 36, was promised work in Myitkyina. She went there, bringing her 2-year-old son, with two acquaintances. "We arrived in Myitkyina bus station," she said. "They asked me if I was hungry and I said 'yes.' We tried some noodles and coffee, and then I don't remember what happened. I fainted." She was forcibly taken to China, separated from her child, and sold. She eventually escaped and managed to reclaim her son.⁹⁷

Paralyzed by the language barrier

Very few of the survivors interviewed could speak, understand or read Mandarin; they described a complete loss of their ability to communicate the moment they crossed the border. The language barrier often left trafficked women and girls feeling unable to escape even when in a public place or on public transport.

While held by Chinese families, women and girls struggled to communicate, making it harder for them to gain empathy or negotiate for their safety or release. Pan Pan Tsawm, trafficked at 15, was drugged by a friend and woke up in a locked room in a family's house. "I thought they were my boss, because my friends promised to find me a job. I thought I was going to work in their business," she said. "I cannot speak Chinese. We communicated using sign language." Pan Pan Tsawm's new "husband" explained, three days later, in sign language, that he had bought her, and then he raped her.⁹⁸

⁹⁵ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

⁹⁶ Human Rights Watch interview with Ja Htoi Tsawm, Myitkyina, July 2017.

⁹⁷ Human Rights Watch interview with Htoi Nu Ja, Myitkyina, April 2016.

⁹⁸ Human Rights Watch interview with Pan Pan Tsawm, by phone, January 2018.

Many had no idea where in China they were, even as years passed, which meant even if they managed to contact family or friends, they could not help would-be rescuers find them. Women who sought help from strangers struggled to communicate. Those who made it to the police encountered officials who could not understand them and generally did not have access to interpreters.

“You have been grabbed by this family”: victims realize they have been trafficked

Every trafficking survivor described a moment when the reality that their voyage to China had gone horribly wrong became undeniable. For some it was as abrupt as being drugged and waking up in a locked room. For others it was a creeping sense of unease.

Some brokers used deception to hand over victims to buyers. A trafficker told Mai Nu, 18, that she had to stay with a family, so they could register her with the government to make it legal for her to stay, and that an employer would pick her up soon. After several days, Mai Nu became anxious. The Chinese family brought a Myanmar woman to speak to her. She said, “Why are you not talking? Your mother-in-law is concerned that you are not talking.” Mai Nu asked, “Who is mother-in-law? I do not know who is that mother-in-law?”

The interpreter said, “You have been brought in this family for marriage...[Y]ou will not easily go home now. You have been grabbed by this family—you are to marry, and you will be here, and you will stay here.” Mai Nu called the friend who promised her work in a restaurant. She said she was told she now had “a different type of job, with a family.” The friend then stopped answering Mai Nu’s calls.⁹⁹

Other traffickers used threats to stop trafficking victims from resisting. Nang Nu Tsawm said at 14, she and her cousin, 19, were drugged and abducted. They awoke on a train with a woman who took them to Hunan province. “We stayed in a hotel,” Nang Nu Tsawm said. “When we arrived, the Shan-Chinese woman locked the door from the outside and warned us not to run away. She said if we try to run she will cut off our hands and legs.” After two

⁹⁹ Human Rights Watch interview with Mai Nu, Myitkyina, July 2016.



“Then the Chinese man said, ‘If you do not marry a man, the money we spent on you to bring you here...was 3000 Yuan and as you have already stayed here for 10 days, 4000 Yuan [US\$637] is needed to give me back now. Right now, count the money to give me. If not, I will tell the man who is going to marry you to come pick you up this evening or tomorrow.’”—Young Kachin woman, trafficked in 2015, who escaped from the house and reached the Chinese police before being sold. © 2018 Human Rights Watch

or three days, the woman found a buyer for Nang Nu Tsawm, who paid 80,000 yuan [\$12,700].¹⁰⁰

Some traffickers used physical violence. After an acquaintance offered Seng Ja Ban work in a restaurant in China—and travel expenses to get there—she and a friend accepted. The broker took them across the border and handed them off. A second broker took them to Kunming, the capital city of Yunnan province and left them in a train station. There two Chinese men grabbed them and forced them onto a train. Seng Ja Ban and her friend, with no money and unable to communicate and not knowing what else to do, stayed on the train for three days and three nights. The men then took them off the train and drove some distance before splitting up. “Me and my friend tried to stay together—we held each other and tried to stay together. But the Chinese men got mad and dragged us apart. I had to go

¹⁰⁰ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

with the Chinese husband,” Seng Ja Ban said. She managed to escape after about five years. Her friend never made it back to Myanmar.¹⁰¹

Some survivors described men—or female relatives of a “groom”—coming to see them. In some cases, potential buyers were asked whether they wanted to purchase the “bride.” In other cases, trafficked women and girls were told to choose from a selection of “husbands,” but in circumstances where it was clear they were being forced to marry.

Htoi Nu Ja was 36, married, and a mother of two when she was drugged and trafficked, along with her 2-year-old son. They were held in a locked room:

They fed us sometimes, but not always. After three days they brought the men to the compound. There was a high fence, so no one could see what was happening inside the compound. Outside the room they showed me to 10 men. At that time it was morning, 7 a.m. They separated me from my baby and showed me to the men. The original broker had gone, and a second broker came and showed me to the men and asked me which one I liked. When I said I didn’t like any of the men, the broker slapped me. This continued for a few days and I kept refusing. Then the broker raped me. The broker got mad—to calm himself down at night he raped me. It was a violent rape. When I did not take off my clothes he beat me.

Htoi Nu Ja said this continued for a week. “They kept slapping me and told me to choose a guy, [saying] ‘You’re not a beauty.’” She said that after a week, “I chose a Chinese man...a 40-year-old man.” He paid 30,000 yuan (\$4,800). Htoi Nu Ja’s son was taken from her then; she did not know where he was until several weeks later when a woman she believes was related to the trafficker helped her escape and recover her son.¹⁰²

Traffickers seemed to have a plentiful supply of potential buyers and networks spanning China. A mother of five, Seng Ja Ngai was trafficked at age 35 in 2014. Transported to Henan province in eastern China, she said, “[T]hey showed a Chinese man to me. But I had told them I didn’t want to get married. My face said I was angry.” The man declined to buy

¹⁰¹ Human Rights Watch interview with Seng Ja Ban, Myitkyina, July 2017.

¹⁰² Human rights Watch interview with Htoi Nu Ja, Myitkyina, April 2016.

her. The trafficker then took her to Hunan province. Two more men came to look and declined to buy her:

[T]he old woman [the trafficker] got mad at me. She said, “It is taking too long—this never happens!” Then we went to Fuzhou [in Fujian province in eastern China]. There I also did not find a man....At that time my age was over 30. So, the price for a bride from 18 to 25 is a good price. They can ask for whatever they want from the Chinese family. But over 30-years-old they couldn’t get as good a price as they want. So, the Chinese men were making her upset.

Seng Ja Ngai said the trafficker received a call saying there were “two little girls” in Yingjiang, near the Myanmar border, for her to sell. She rushed there, leaving Seng Ja Ngai with another trafficker.¹⁰³

Several survivors said traffickers tried to get them to agree to marriage—by offering them a “dowry” payment, trying to find a man they liked, promising the victim would be freed at a specific time, or arguing they could have a good life as a wife in China. But when interviewees refused to “marry” voluntarily they were forcibly sold. All interviewees described in this report as survivors were clear cases of trafficking.¹⁰⁴

When women resisted arrangements made by traffickers for them to “marry,” they were sometimes told they had no choice because the traffickers had spent so much money transporting and feeding them. At age 20, Ja Tsin Mai took a job as a nanny for a relative. Once in China, the relative urged Ja Tsin Mai to marry. When she refused, the relative said, “I can’t feed you anymore. You’ve already cost us much money, so you have to get married.” The relative chose a buyer, took the money, and handed over Ja Tsin Mai, who was held for about a year, and subjected to escalating physical and sexual violence.¹⁰⁵

¹⁰³ Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.

¹⁰⁴ Some experts interviewed described cases in which a bride’s family was complicit in forcing a woman or girl into marriage—and trafficking her—in return for a “dowry” payment. They also described cases—which are also trafficking—in which women and girls consented to travel to China for marriage but later discovered that their consent was based on deception after promised money was not paid, the man they were forced to marry was a different man or lived in different circumstances than was promised, or they were held prisoner and prevented from leaving. See, for example, Human Rights Watch interview with KWA staff member from Kachin State (name withheld), by phone, January 2018.

¹⁰⁵ Human Rights Watch interview with Ja Tsin Mai, Myitkyina, June 2017.

Others were told they could pay to be released. In some cases, the amount traffickers demanded was presented as the expenses the trafficker had incurred. In other cases, traffickers demanded as ransom the full sale price they expected for the woman or girl. None of the survivors interviewed were able to pay the amount demanded.

Ja Seng Htoi, at age 20, was trafficked by a relative. She said:

Different men came to the home every day and met with me. The Chinese man [a trafficker] asked me if I liked any of the men. I said, “No, I dislike them. I want to go back home.” Then the [traffickers] said, “We already spent the transportation fee for you. But if you can pay back the money, then you can go back.”

Ja Seng Htoi, unable to pay, eventually gave in and “chose” a husband. After four years in captivity, she managed to escape, but was forced to leave her baby behind.¹⁰⁶

While trafficked women and girls were experiencing violence in China, their families in Myanmar were often in agony over the realization that their daughter, wife, or mother had disappeared. A week after Nang Shayi, 18, left for China, her grandmother began to worry because she had not been in touch. She travelled to Yingjiang on the China side of the border and found the woman who recruited Nang Shayi. “The woman told my grandmother, ‘Oh, your granddaughter is a difficult person. That’s why we sent her to a place quite far from here,’” said Nang Shayi. She had been sold to a family a four-day bus ride from Kunming and was held for four years.¹⁰⁷

Some brokers visited families of trafficked women and girls for several months, bringing payments purported to be the woman or girl’s salary, to stop them worrying that they had lost contact with the woman or girl. “Often families don’t know it’s trafficking,” an activist explained. “The broker usually sends one or two lakh a month [\$75-150] to the family so they still believe in the broker. Mostly the broker convinced the family, ‘Your daughter is

¹⁰⁶ Human Rights Watch interview with Ja Seng Htoi, Myitkyina, April 2017.

¹⁰⁷ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

working in China.’...They have no contact with their daughter, but they believe that they are okay....Then after six months, no one can find the broker anymore.”¹⁰⁸

Eventually reality hits. “As the mother of Nang Seng Ja, I have only one daughter,” the mother of a young woman trafficked by her cousins said. “She is the only one for me. When I heard that my daughter was human trafficked, the feeling is one I can’t express. My world was totally blowing up and destroyed.”¹⁰⁹

Knowing participation in trafficking by the families buying women

Many of the survivors interviewed for this report said the families that purchased women and girls were fully aware that they were there involuntarily. Families told some of the women and girls they had been purchased and would be held against their will.

The families’ knowledge of the trafficking was often evidenced by careful measures they took to stop the women and girls from escaping and that some families that purchased trafficked women later threatened or attempted to resell them. Most of the trafficking survivors interviewed for this report were initially kept in a locked room, and remained under close watch for months or years, with their movement out of the house and access to telephones, money, and other people restricted or sometimes denied entirely.

Pan Pan Tsawm, trafficked at 15 and held for three years, said she remained locked in a room around the clock until she became pregnant six or seven months later. “When I had sex with him, his parents would lock the door from the outside,” she explained. Pan Pan Tsawm escaped back to Myanmar leaving her daughter behind.¹¹⁰

There were a few cases where the Chinese families appeared to have been under the impression that the “bride” had come willingly and that the money paid was not a fee to a trafficker but a dowry payment to her family. An activist said that in some cases a trafficker pretends to be the mother of the trafficked woman or girl and negotiates with the Chinese

¹⁰⁸ Human Rights Watch interview with an activist working on trafficking cases (name withheld), Myitkyina, January 2018.

¹⁰⁹ Human Rights Watch interview with mother of Nang Seng Ja, Myitkyina, June 2017.

¹¹⁰ Human Rights Watch interview with Pan Pan Tsawm, by phone, January 2018.

family for a dowry.¹¹¹ In two cases, families seem to have allowed or even helped trafficked women and girls to escape.¹¹² But most families seemed fully aware that they were buying a trafficked bride and in the instances that families seemed surprised to learn they had participated in trafficking, they sometimes said they would free the “bride” only if their money was returned, something the “bride” had little power to compel.

Life in captivity

Twenty-two of the 37 survivors interviewed for this report were held for a year or longer; 11 were held for three years or longer. The longest time in captivity among the survivors we interviewed was nine years.

Almost none of the survivors went through legal wedding ceremonies to their Chinese “husbands” though they were often referred to as wives by the families that bought them. Said one trafficking survivor, “[There was] no wedding ceremony. But he had sex with me. That’s how it was decided that we were married.”¹¹³ Some said the families that purchased them held a marriage celebration at some point, sometimes soon after the trafficked woman or girl’s arrival, or after she became pregnant or gave birth.

Seven months after she was sold, Seng Moon became pregnant. After learning of the pregnancy, the family held a celebration, inviting relatives and serving food, though no wedding ceremony took place. “I wore jeans and a red blouse—they gave it to me to wear. They tied me with a red ribbon,” Seng Moon said. “No one ever asked me if I wanted to be married.”¹¹⁴

In a few cases, the family had a ceremony, but none seemed to be a legal marriage.¹¹⁵ Nang Shayi, trafficked at 18, said the family had a ceremony a week after she was handed over to them. “It looked like a wedding reception. There was an announcement delivering the new couple. The villagers came and also his relatives. [But] no official person like here

¹¹¹ Human Rights Watch interview with an activist working on trafficking cases (name withheld), Myitkyina, January 2018.

¹¹¹ Human Rights Watch interview with Nang Lum Mai, Myitkyina, July 2017.

¹¹² Human Rights Watch interview with Seng Ja Aung, Myitkyina, July 2016.

¹¹³ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

¹¹⁴ Human Rights Watch interview with Seng Moon, Myitkyina, April 2017.

¹¹⁵ See, for example, Human Rights Watch interview with Nu Nu Pan, Myitkyina, April 2017.

[Myanmar]...No documents, because I was from Myanmar and I didn't have an ID card. So, there was no documentation for our marriage."¹¹⁶

Confinement

Some women and girls were held for weeks or months by traffickers before being sold, while others were turned over to purchasers within days or hours of crossing the border.¹¹⁷ Either way, many trafficked women and girls spent the first weeks or months after they were trafficked locked in a room. Traffickers carefully ensured that women and girls did not escape, and “brides” were guarded equally closely by the families that purchased them.

“My aunt told me ahead of time that I shouldn't talk about what happens to me,” said Seng Ing Nu, trafficked at age 17 or 18 by her aunt. “From the first night when we arrived in the Chinese man's house, I had to sleep with him,” she said. “At the beginning of the night, he followed me around. There were only two rooms.” After her aunt left, the family locked her in one of the rooms. “I heard that they worried about me trying to run away.”¹¹⁸

In some cases, harshness at the beginning seemed designed to break the trafficked “bride's” will. Seng Moon was 16 when she was trafficked by her sister-in-law:

My sister-in-law left me at the home. When I entered the home, the family members talked to me, but I didn't know what they were saying. The family took me to a room. In that room I was tied up again. The man tied me up. They locked the door—for one or two months. When it was time for meals, they sent meals in. I was crying...Each time when the Chinese man brought me meals, he raped me. There was a window, but the window was black, so I didn't know whether it was day or night. Whenever he brought the meal, he said “have the meal.” I said, “When you leave the meal, I will eat it.” But he usually raped me before I had the meal.¹¹⁹

¹¹⁶ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

¹¹⁷ A few managed to escape before being sold. All but three of the survivors who were sold said they were purchased by families; the remaining three were held by men living alone.

¹¹⁸ Human Rights Watch interview with Seng Ing Nu, Myitkyina, December 2017.

¹¹⁹ Human Rights Watch interview with Seng Moon, Myitkyina, April 2017.

The windows were blacked out, but Seng Moon tried to keep track of time by marking days on a calendar in the room. “After two months, they dragged me out of the room,” she said. “The father of the Chinese man said, ‘Here is your husband. Now you are a married couple. Be nice to each other and build a happy family.’”¹²⁰

Over time “brides” usually gained a bit more freedom. Women and girls were sometimes let out of a locked room once they became pregnant. After captive “brides” gave birth, families often became less vigilant about preventing their escape. But they often remained confined in the family compound or, if permitted out, were allowed only to go to the market and back and were closely supervised. Khawng Shawng was kept locked in a room for the first 10 days while the man who had bought her worked on the family’s coffee plantation. One day Khawng Shawng had no choice but to defecate on the floor. After that, the man let her out but kept her with him all day.¹²¹ “Even if I wanted to go to the toilet, my mother-in-law would wait,” said Khawng Ja, trafficked at age 17 and sold for 80,000 yuan (\$12,700).¹²²

In the early days of captivity, most women and girls interviewed were denied access to phones or allowed to use a phone only while being watched. A few managed to communicate with family or a friend by stealing a phone or getting someone else to contact family or friends on their behalf. Later, as restrictions loosened, a few found ways to reach out looking for help, often via WeChat, a popular Chinese messaging app. Many others remained incommunicado, sometimes for years.

Nang Seng Ja was trafficked by her three cousins, who planned to split the money. But Nang Seng Ja said the youngest cousin felt that she had been given less than her share of the proceeds. In revenge she gave Nang Seng Ja’s mother the phone number for the family who had purchased Nang Seng Ja. When her mother called, the family let them speak on speaker phone in the family’s presence. “Then my mom and I talked in Kachin and the family got mad. Then I told my mom, ‘If we can give them 88,000 yuan [\$14,000], they will release me.’” The Chinese family cut off the phone call, and Nang Seng Ja’s family went to

¹²⁰ Ibid.

¹²¹ Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

¹²² Human Rights Watch interview with Khawng Ja, Myitkyina, April 2016.

the specialized Myanmar anti-trafficking police. Two of Nang Seng Ja's cousins who were in Myanmar were arrested. The Chinese family went into hiding and kept Nang Seng Ja locked in a room again.¹²³

Rape

Once they were handed over to purchasers, the trafficked women and girls interviewed were—almost without exception—raped and subjected to continuing sexual slavery. Most of the women and girls said that they were raped the first night that they spent with the family that had purchased them and forced into sex regularly during their captivity. A woman who was trafficked twice explained: “The first husband, when I arrived in his home, I had to have sex with the man that night. I was sent into the room with the Chinese man and his father locked the room from the outside.”¹²⁴

Seng Moon Mai was raped as soon as she arrived at the home where the man who bought her lived with his parents and younger sister. “He just kept saying, ‘I bought you. You are my wife—I bought you,’” she said. “They knew I didn’t have any willingness to stay—that’s why they locked me in a room.” She said her “husband” demanded sex “so often.” “The first time I didn’t accept—I tried to escape. We were fighting each other in the room so many times, but after two or three months I thought ‘This is useless,’ so I stopped fighting.” Seng Moon Mai escaped after about a year and a half.¹²⁵

Seng Nu Ja, 17, managed to delay being raped for several weeks, as the man holding her captive tried to convince her to consent to sex with him. “After one month, he began to use force and was violent with me day and night,” she said.¹²⁶

Trafficked women and girls were under pressure to become pregnant and had almost no ability to refuse sex, to access and use contraceptive methods, or to protect themselves from sexually transmitted infections. Two women were sterilized while in China, one without realizing what was happening to her, and the other through coercion. One

¹²³ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

¹²⁴ Human Rights Watch interview with Mai Mai Tsawm, Myitkyina, June 2017.

¹²⁵ Human Rights Watch interview with Seng Moon Mai, Myitkyina, December 2018.

¹²⁶ Human Rights Watch interview with Seng Nu Ja, Myitkyina, January 2018.

interviewee tested positive for HIV after escaping and was certain her Chinese “husband” infected her. She said she unknowingly passed the virus on to the man she married after her escape. She was waiting to learn if her newborn was also infected.¹²⁷

Demands for children and forced pregnancy

Many of the trafficked women and girls interviewed said that the families who bought them really did not want a wife, but rather a child or children. They were often under enormous pressure to become pregnant quickly. One woman was even forced to undergo a medical examination at the demand of a potential buyer.¹²⁸

“I was locked in the room for one year,” said Seng Ja Ban, trafficked at age 30. “Before I had a baby, the family members—especially the mother-in-law—treated me badly. Her face was furious. Sometimes they didn’t feed me, because I didn’t get pregnant as soon as possible.”¹²⁹

Some trafficked women and girls said that they were raped nightly, or several times a day, as their “husband” tried urgently for a pregnancy. Nang Nu Tsawm was trafficked at age 14, “married” to a 15-year-old boy, and gave birth to two children she was forced to leave in China. “In the beginning they locked me in a room,” she said:

We were both still young. In the beginning the Chinese [boy] and I slept together but we never had sex, because we did not know about it. After two months, his parents took us and checked in the hospital to see if I was pregnant or not. They saw—no pregnancy. Then the mom complained. She talked to her son—my husband—and gave him some sex films to watch. Then, after he watched some kinds of movies, we started having sex.

“The Chinese man told me I would need to have a baby,” said Ja Seng Htoi, trafficked at 20. “I said I don’t want to have a baby. He pushed back and asked me to have a baby. [He said,] ‘Normally after Myanmar girls in China have a baby they go home—maybe you’re like

¹²⁷ Human Rights Watch interview (details withheld).

¹²⁸ Human Rights Watch interview with Ja Tawng, Myitkyina, January 2018.

¹²⁹ Human Rights Watch interview with Seng Ja Ban, Myitkyina, July 2017.

this.’ So, I decided to have a baby with him. The Chinese man told me that after the kid was one-year-old then I could go back.” Ja Seng Htoi had a baby. Her “husband” and his family initially refused to let her leave, but then relented and let her go while they kept the child.¹³⁰

Some trafficked women and girls feared not becoming pregnant because they were afraid of angering their captors. One described concealing a miscarriage out of fear. One family tried to resell the “bride” they had purchased when she did not become pregnant.¹³¹ Others tried to avoid pregnancy. One woman managed to secretly obtain and ingest drugs to induce abortion.¹³²

Several women were forced to undergo what they believed were forced fertility treatments. Seng Ja Ban was 30, married, and mother of a 5-year-old daughter when she was trafficked. She was held for five years and became pregnant at the end of the first year.

They gave me many medicines. I did not know what they were...Once a week I was injected. Sometimes I had a big drip [of intravenous fluid]. Every week they took me to the clinic. I did not know what the medicine was, or why I had to take it. Sometimes I had to try herbal medicine and they cooked it and boiled it and I had to drink it. I assume it was to make me pregnant. Some of the medicines made me allergic. Sometimes I became itchy on my skin.

She also said that she was given more medicines after giving birth and an adverse reaction to one nearly killed her. “After we give birth, no one cares about us anymore,” she said, adding that the family would not permit her to breastfeed her child.¹³³

A significant number of trafficked women and girls understood—or were told explicitly—that once they provided a baby, they could leave, so long as they left the baby. After Seng Moon gave birth to a boy, she told her “husband” that she wanted to go home to Myanmar.

¹³⁰ Human Rights Watch interview with Ja Seng Htoi, Myitkyina, April 2016.

¹³¹ Human Rights Watch interview with Ja Htoi Tsawm, Myitkyina, July 2017.

¹³² Human Rights Watch interview with Nang Lum Mai, Myitkyina, July 30, 2017.

¹³³ Human Rights Watch interview with Seng Ja Ban, Myitkyina, July 2017.

He replied: “No one plans to stop you. If you want to go back home, you can. But you can’t take my baby.”¹³⁴

Some families seemed equally happy to have a boy or a girl, but others preferred boys. Nang Shayi was trafficked at age 18 and became pregnant after five months. “Because the first child was a boy, they treated us very well,” she said. Then she gave birth to a girl. She said her “in-laws” told her she could not stay in China after having two children, and could not obtain documentation for her children, unless she was sterilized. She reluctantly underwent a sterilization procedure:

After doing the operation the Chinese man’s mother totally changed. She often yelled at me. They discriminated between the boy and the girl—even giving snacks. Especially his mother. Sometimes she yelled at me: “You Myanmar people are bullshit and son of a bitch! Because you are just sex workers and worthless persons!” She used all kinds of bad words. But the worst was the discrimination between the children. The husband was nice to me, but the problem was his mother. Sometimes she would physically attack me. I couldn’t stand such conditions any longer.

Taking her daughter with her, Nang Shayi ran and made it to Myanmar. She never saw her son again. Nang Shayi’s return to Myanmar has been difficult. “I’m still young but I can’t have any more babies,” she said. “For a woman, this looks like there is no hope for me.”¹³⁵

Seng Ja Ban, trafficked at age 30, was also sterilized against her will. “I did not give birth naturally—I had to have an operation,” she said. “When I did this, the Chinese family told the doctor to cut a part of my womb so that I could not have any more children. I didn’t know this at the time. When I came back to Myanmar I went to the hospital and got news and was told that a part of my womb doesn’t work, so I cannot have a baby.” She escaped after five years, leaving the child behind. Having had no contact with her family during her captivity, she returned to Myanmar to find her husband had remarried, and their daughter had been raised by his parents. She remarried but could no longer have children.¹³⁶

¹³⁴ Human Rights Watch interview with Seng Moon, Myitkyina, April 2017.

¹³⁵ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

¹³⁶ Human Rights Watch interview with Seng Ja Ban, Myitkyina, July 2017.

Assault

Some trafficked women and girls said that after they had resigned themselves to being held against their will, and subjected to sexual slavery, they managed to make some peace with their captors. Others, however, faced ongoing violence, with no ability to seek help.

Ja Tawng was trafficked twice with her two children. The second “husband” beat the children and threatened them. “He took a rope—he showed it to me and my children,” Ja Tawng said. “If you try to run away from here, look at this—I will tie you up,’ he said.”¹³⁷

Ja Tsin Mai said she was forced by the parents of her “husband” to do housework, laundry and work in the fields. They also beat her. She said that, “And then at night I had to have sex with the Chinese man [her “husband”]. I couldn’t stand it. I kept crying...But then they beat me severely...I was not allowed to go outside.” Her husband began beating her too, and the violence escalated:

I don’t know why they beat me. One day they beat me a lot. Even the neighbor came to the house and tried to stop them. When the neighbor stopped the mother, then the son beat me again. When the neighbor stopped the son, then the mother beat me...Every time I was beaten, I did not know what to do. I was bleeding from my nose and my mouth...No matter what, they beat me.”¹³⁸

Htoi Nu Ja was kidnapped in Myanmar, forcibly taken to China, raped by a trafficker, and separated from her 2-year-old son who had travelled with her. Then she was delivered to the family that bought her:

When I arrived, I met him and his parents. I didn’t know the language. But according to their facial expressions, they were nice to me. [But] that night the Chinese man raped me. Then he locked me in the room for the whole day. ...He came in and had sex with me every night. But one night it could not be okay anymore—it hurt too much. One night I refused to take off my

¹³⁷ Human Rights Watch interview with Ja Tawng, Myitkyina, January 2018.

¹³⁸ Human Rights Watch interview with Ja Tsin Mai, Myitkyina, June 2017.

clothes. The Chinese man kicked me, and I hit the corner of the wall. That's how I got this scar.”

Htoi Nu Ja's ear was also injured from a beating by the family. “[His] parents didn't know what was happening. They just let him lock me in the room and whenever he wanted sex with me he just came in.” She said after three weeks she was allowed out of the room but confined within the family's compound.¹³⁹

Forced labor

Several women described being treated as both “brides” and unpaid laborers. Ja Seng Nu was held for almost a year on a watermelon farm near Shanghai. She said she was locked in a room and raped every night by the son of the family owning the farm, “because the family wanted a child as soon as possible.” But she also had to get up very early, cook breakfast for the farm's workers, and then work in the fields all day. She also faced physical violence from her “husband,” who had paid 60,000 yuan (\$9,600) for her.¹⁴⁰

Ja Htoi Tsawm said she awoke in a locked room after being drugged. A woman came in and explained in sign language that Ja Htoi Tsawm would have to stay for at least one year. “I discovered that I was in the house of a Chinese man,” Ja Htoi Tsawm said. “I had to have sex with the man every night. If I denied him, he would threaten me with knives...I had to do lots of house work. I had to wash their clothes, cook for them, give a bath to his parents.”¹⁴¹

Tsawm Nu Ra, trafficked at age 16, was kept locked in a room. When she became pregnant after three months she was kept in the house and watched closely. But when she miscarried after three months, she was sent to work in the family's sugarcane fields, put in charge of the housework. While in the fields, she met three Kachin laborers employed by the family who helped her escape, after two years of captivity.¹⁴²

¹³⁹ Human Rights Watch interview with Htoi Nu Ja, Myitkyina, April 2016.

¹⁴⁰ Human Rights Watch interview with Ja Seng Nu, Myitkyina, July 2017.

¹⁴¹ Human Rights Watch interview with Ja Htoi Tsawm, Myitkyina, July 2017.

¹⁴² Human Rights Watch interview with Tsawm Nu Ra, Myitkyina, December 2017.

Daring escapes

Trafficked women and girls said they often waited months or years, hoping for a chance to escape. Some begged for help from people in the communities where they were held but were turned away. “After a week they let me wander around,” said Nang Shayi, trafficked at age 18. “The problem was, in the village, they’d told everyone if I tried to run away, the villagers should call them. They gave them the phone number to call. In the downtown, there was only a bus station, so if anyone saw me on a bus, they would contact the family. There was no escape.” Nang Shayi managed to escape after four years.¹⁴³

Ja Seng Mai escaped her traffickers several times only to be recaptured after neighbors refused to help. After she begged a Burmese-speaking Chinese woman for help, the woman replied, “Everyone stays here many years in this village—that’s why I can’t directly help you.” Ja Seng Mai later ran to the woman’s house, but the woman chased her away. Next, Ja Seng Mai saw a man on the street she thought looked like he was from Myanmar. She begged him to take her to the police, but he said: “We can’t. I can’t make a problem, and I don’t care, and I don’t want to help you.” The traffickers locked Ja Seng Mai in a room and beat her after they saw her speaking to the man. Eventually, after they worried about her not eating, Ja Seng Mai convinced the traffickers to take her outside to buy food. On the way, Ja Seng Mai saw a woman she thought looked kind. She ran and hugged her and held onto her but, not speaking Chinese, she could not communicate. Then she saw a police officer. Releasing the woman, she ran to the police officer and clutched his legs desperately until he took her to the police station.¹⁴⁴

Some spent months and years engineering their escape. Ja Tsin Mai managed to get 100 yuan from friends (\$16). When a relative of her captors came to visit, her mother-in-law was distracted and monitored her less closely than usual. Ja Tsin Mai began taking her belongings to the fields she worked in every day and hiding them in the bushes. One day she reclaimed the belongings, went to a nearby road and hailed a car. The men in the car agreed to drive her to a bus station for 70 yuan (\$11). Then she discovered it was the wrong bus station and had to pay 10 yuan (\$1.59) for a taxi to the right bus station. At the second bus station, she met a Chinese woman who spoke Burmese and was travelling to

¹⁴³ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

¹⁴⁴ Human Rights Watch interview with Ja Seng Mai, Myitkyina, July 2016.

Myanmar. The woman helped her make it onto the bus and across the border. “Along the way, I was afraid that the Chinese man would follow me and find me,” she said. “The whole time I was ducking my head.”¹⁴⁵

Help sometimes came from unexpected quarters. When Seng Moon Mai was not pregnant after eight months of frequent rape, the Chinese family brought a Kachin-speaking woman to tell her she needed to have a baby. Seng Moon Mai begged the woman to help her escape and the woman agreed. The woman told the family that Seng Moon Mai would not have a baby until two or three years had passed and she felt like a real member of the family. The woman visited a few times and then, about nine months after they first met, came and said she was going near the border. They made plans for Seng Moon Mai to wait by the road in the middle of the night next to a tea plantation; the family trusted her enough by now that she was not locked in at night.¹⁴⁶

Some victims helped each other. Mai Mai Tsawm, trafficked at 21, gradually gained permission to go to the market, where she met some other women also trafficked from Myanmar. One woman she met tried to run and was caught by her husband, Mai Mai Tsawm said:

He tied her neck and hands and pulled the rope tight—he tied the rope to the end of a motorbike and dragged her behind the bike. The lady was screaming. I have seen these kinds of events. It made me shocked and I recognized that if I did not behave well or tried to run again, they will torture me.

Mai Mai Tsawm said she did not know whether the woman had survived or not. She managed to steal her in-laws’ banking password and withdraw 2,000 yuan (\$318) without their knowledge. She still did not know how to get home, however—she had travelled with traffickers four or five days and did not know where she was. She found a solution:

For one person to get from there back to Myanmar would cost over 1,000 yuan [\$159]. I had met a woman [from Myanmar] who was also trafficked

¹⁴⁵ Human Rights Watch interview with Ja Tsin Mai, Myitkyina, June 2017.

¹⁴⁶ Human Rights Watch interview with Seng Moon Mai, Myitkyina, December 2018.

there. I met her in the market. She knew the way back. I told her that I had 2,000 yuan and offered to pay for her transportation. We made a plan to both get out from our families. The next day, I pretended to have a toothache.

Saying she needed a dentist, Mai Mai Tsawm was allowed out. She stole the family's identification documents and met her friend. They caught a train to Kunming. "To get the train ticket, we would have to show an ID card. That is why I stole the family documents—I used them to get train tickets." When they reached Kunming, the women were out of money. But they met some Kachin women there who gave them money to make it to Myanmar. Two months later, however, financially desperate because her family was displaced by fighting during her absence, Mai Mai Tsawm went back to China to look for work—and was trafficked again.¹⁴⁷

She is one of several interviewees who escaped only to be trafficked again.

Children left behind, and escapes with children

Ten interviewees gave birth in China to children fathered by their captors. Most were forced to leave the children behind when they escaped, or to choose between freedom and their children. "I gave birth," said Ning Ja Khawn, who became pregnant three months after she was sold. "After one year, the Chinese man gave me a choice of what to do...It took a lot of negotiation, but then I got permission to go back home. But not with the baby. The family members didn't allow me to take care of the baby—only give birth and give the baby milk. Breastfeed the baby—then the mother-in-law took the baby and cared for the baby. They would not let me be the mother."¹⁴⁸

Some women accepted that they could escape only if they left children behind. "In the beginning, I did not miss my son, because I thought he was not my baby—only the Chinese man's baby," said Seng Ing Nu, trafficked at age 17 or 18, who left a one-year-old behind when she escaped. "But now I got married to another man and had another baby. Now I miss him often." Seng Ing Nu never saw her son again after escaping in 2013.¹⁴⁹

¹⁴⁷ Human Rights Watch interview with Mai Mai Tsawm, Myitkyina, June 2017.

¹⁴⁸ Human Rights Watch interview with Ning Ja Khawn, Myitkyina, April 2016.

¹⁴⁹ Human Rights Watch interview with Seng Ing Nu, Myitkyina, December 2017.

Several women returned, or tried to return, to China to be with their children. Nang Nu Tsawm was trafficked at age 14, and “married” to a 15-year old Chinese boy. She gave birth to a girl and a boy and had been in China over five years when police, alerted to her presence when another trafficked bride in the village escaped and ran to the police, came to the home and arrested her for being in the country illegally. Nang Nu Tsawm was held in jail for several weeks then deported. Her children remained with the family that bought her. “When I arrived home, I missed my children so much,” Nang Nu Tsawm said. After a year she contacted her “husband” and asked to see her children. She travelled to the Chinese side of the border, and he came to meet her, but when she tried to go with him to his home she was stopped at a checkpoint for not having travel documents. “So, I turned back,” she said. “Since then I have never seen my children.”¹⁵⁰

Only three of the trafficked women and girls interviewed managed to escape with their children, and of those three, one escaped with one child while leaving the other behind. Marang Seng, trafficked at 18 and held for four years, gave birth in captivity to a son and a daughter. She said the family was very kind to her son but treated her daughter badly. Because the daughter was less guarded by the family than the son, Marang Seng managed to escape with her. Her son stayed behind, and she has never seen him again.¹⁵¹

Seng Moon, trafficked at 16, was determined to escape with her son, and after over two years in captivity she saw a chance. By now she was allowed to go to the market and there she met a Kachin woman selling vegetables. She begged the woman for money and the woman loaned her 1,000 yuan (\$160). She hired a car and made it to near the Myanmar border before running out of money. As she sat crying by the side of the road with her son, a Chinese woman stopped. After she explained her situation, the woman took them home and cared for them for a month, then gave Seng Moon 200 yuan (\$30) and told her how to get home by bus.

When Human Rights Watch interviewed Seng Moon, she was back in the IDP camp, and recently married. She had told no one aside from her family about her experience of being trafficked and had no plans to try to have the traffickers or the Chinese family arrested.

¹⁵⁰ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

¹⁵¹ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

“I’m afraid,” she said. “If the police hear my story, they will try to find the Chinese family—and the Chinese family will try to find me. I’m afraid they will find me.”¹⁵²

Rebuilding life back in Myanmar

The trafficking survivors interviewed for this report were, almost without exception, vulnerable to trafficking because of desperate poverty exacerbated by the armed conflict. When they escaped back to Myanmar, the same poverty awaited them, and some found their families had been harmed further, in their absence, by the conflict. They also struggled with new burdens of trauma, stigma, desperation to be reunited with children they were forced to leave in China, a need for legal assistance to pursue those who trafficked them, and health concerns.

Sitau Kong Nuey struggled to rebuild her life after the Chinese police deported her abruptly, five or six years after she was trafficked at age 14. She tried to return to the family that bought her because she missed her two children, but was blocked because she did not have a visa. She returned to China to work in a restaurant but fled when the owner tried to traffic her again. She found work in banana fields in Myanmar but said she had nearly died from poisoning from chemicals used in banana cultivation. When Human Rights Watch interviewed her, she had married six months earlier, but said her new husband was abusive and regularly beat her. The two of them were working on a road paving job, six days a week, 10 hours a day, but still unable to support their family, which included Nang Nu Tsawm’s husband’s five younger siblings.¹⁵³

Those who returned to Myanmar after being gone for years faced difficulties in trying to rebuild relationships with family members who had given them up for dead. “When I arrived back to my family, the family members thought that I was human trafficked and that I was killed, and they assumed I would never come back,” Nang Nu Tsawm said, trafficked at age 14, and gone five or six years.¹⁵⁴

¹⁵² Human Rights Watch interview with Seng Moon, Myitkyina, April 2017.

¹⁵³ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

¹⁵⁴ Ibid.

“Holding this secret inside”: Stigma and discrimination against trafficking survivors

Survivors of “bride” trafficking often face devastating stigma. Much of the stigma is related to the fact that victims have been raped and held in sexual slavery. “Some escaped from China, but do not dare to come back home because they are ashamed about the situation and what happened to them,” said Moon Moon Mai, who was trafficked at about age 46, discussing the 10 to 20 other survivors she said she knows:

In our Kachin society, we look down on people who live together with another person and don’t get married or have sex with another person without being married. We came back home and were looked down on by our community. Even though we got married with a Kachin guy—in the future, [by] his relatives and his family I’m sure I will be condemned and looked down upon forever. That’s why even those who escape from China just get married to a Chinese man in Myanmar.¹⁵⁵

This stigma, and the secrecy it prompts, cuts survivors off from the few services that exist, and reduces public awareness of the risk of trafficking in the communities most affected. Survivors often tried to conceal what had happened to them—sometimes even from their families. “There are people who were trafficked, but they have never told this to another person,” Ja Tsin Mai, trafficked in 2011, said. “They hide it as a secret. We do not talk about it openly.”¹⁵⁶

Some survivors’ loved ones urged them to keep quiet. After four months of being held in a locked room and repeatedly raped, Khawng Shawng escaped back to Myanmar and her husband:

He asked me, “How much money do you have?” I said, “Don’t ask me how much money, ask me what happened to me in China.” He asked, and I told him about my situation. My husband was crying. I was crying. Then my husband suggested, “Don’t tell this story to anyone else because people

¹⁵⁵ Human Rights Watch interview with Moon Moon Mai, Myitkyina, June 2017.

¹⁵⁶ Human Rights Watch interview with Ja Tsin Mai, Myitkyina, June 2017.

might look down on you because you were trafficked to China.” And that’s why until today I didn’t tell anyone.¹⁵⁷

Survivors and experts said women and girls who have been trafficked are sometimes seen as being at least partly to blame for being trafficked. “This happened because you were foolish,” was the response Htoi Nu Ja said she received when IDP camp acquaintances heard about her experience of being trafficked, sold, and raped.¹⁵⁸

“People might think that people trafficked to China have behaved in ways that are not good and that’s why they were trafficked,” said Seng Moon Mai, trafficked and held for a year and a half. “In the community there are so many people who look down on women who have been trafficked.”¹⁵⁹

In close-knit IDP camps or villages, rumors travel quickly. “In the beginning, I had so many difficulties,” said Shayi, trafficked at 17 in 2014, describing her return to the IDP camp. “Everyone was gossiping about me. I felt doubt. I was looked down on. When I came back I didn’t dare to go out...I am quite ashamed to meet my friends—whether they know or not about my story. I feel I have to talk with them, but I cannot share what happened.”¹⁶⁰

The stigma is so strong that it drives some survivors not to come home. When Seng Ja Htoi escaped back to Myanmar after being trafficked and held for two months, she went to live with a relative instead of returning to her family in the IDP camp. “I feel ashamed to stay in here and meet anyone from the camp, so now I stay outside,” she said. “Friends are gossiping about me because I was trafficked.”¹⁶¹

Some survivors blamed themselves. “I feel shame, because of what happened to me,” said Pan Pan Tsawm, trafficked at 15. She said she told only her family what had happened to her. “They say nothing. They gave no comment.”¹⁶²

¹⁵⁷ Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

¹⁵⁸ Human Rights Watch interview with Htoi Nu Ja, Myitkyina, April 2016.

¹⁵⁹ Human Rights Watch interview with Seng Moon Mai, Myitkyina, December 2017.

¹⁶⁰ Human Rights Watch interview with Shayi, Myitkyina, July 2017.

¹⁶¹ Human Rights Watch interview with Seng Ja Htoi, Myitkyina, January 2018.

¹⁶² Human Rights Watch interview with Pan Pan Tsawm, by phone, January 2018.

Shayi was trafficked at age 17, after seeking work to pay her and her sister's school fees. She said: "I was full of worry that I would get pregnant, but I kept praying for forgiveness. Poor people like us are greedy for money, which is why this happened to me. God may have been punishing me. So, I accepted it. My life had already been ruined."¹⁶³

About her plans for the future, Tsawm Ning Ja, trafficked at 19, said that her goal was to try to be as good as possible, because she believed being trafficked was her fault because she didn't obey her parents.¹⁶⁴

In spite of stigma, some survivors are determined to talk about their experiences to try to warn others. Nang Seng Ja, trafficked at age 20 by her cousins, had escaped three months before Human Rights Watch interviewed her. She had talked openly about her experiences but found it very hard. "When I returned, among my friends, I was looked down on wherever I went—because I am different...I have so many difficulties," she said. "I have so much shame."¹⁶⁵

Several women who had husbands in Myanmar before they were trafficked said their marriages broke down after they escaped because their husbands could not accept what they had been through. Seng Moon Mai, held for a year and a half, said: "My first husband, I tried to—really tried to—explain to him what happened. But he didn't accept it and we weren't happy, so we divorced. He didn't believe me." She remarried but had not told her new husband she had been trafficked. Her new husband's first wife went to China and disappeared, he believed because she was trafficked by his sister.¹⁶⁶

Seng Ja Ngai, a married mother of five, was held in China for a year. After she escaped, she said, "I was back in the camp. And then the IDPs looked down on me and condemned me. I joined some home prayer group, but wherever I went they looked at me with strange eyes. Looked down. And gossiped."

Two women were arrested for trafficking Seng Ja Ngai, but they served short sentences and one returned to the IDP camp and spread false stories about Seng Ja Ngai. "She told

¹⁶³ Human Rights Watch interview with Shayi, Myitkyina, July 2017.

¹⁶⁴ Human Rights Watch interview with Tsawm Ning Ja, Myitkyina, July 2016.

¹⁶⁵ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

¹⁶⁶ Human Rights Watch interview with Seng Moon Mai, Myitkyina, December 2017.

people that the man had no legs or no hands. That he used prosthetic limbs. That I got married to this man. So, all the people thought and believed this. Even my husband believed this. My husband no longer believed me. My husband then divorced me and told me I could not have a relationship with my children anymore...In my environment among my relatives, every person condemns and looks down on me. I want relief from this situation...I want to heal.”¹⁶⁷

“They are just staring all the time”: Unmet service needs of trafficking survivors

Most of the trafficking survivors interviewed said they were deeply traumatized by their experiences and were still struggling to recover. Most did not have any sort of specialized support, and even when services existed they usually did not provide the comprehensive and long-term assistance survivors often need. Recovery from the trauma of trafficking is further complicated by stigma, and the ways in which that stigma encourages them to hide their experiences.

A KWA worker said: “Most victims face terrible situations. They come back, and they are totally different from us. They are just gazing, staring...People who just came back don’t even dare to go outside and show their faces...They feel guilty for being [trafficked].”¹⁶⁸

“I felt a lot—I cried a lot,” said Ja Seng Nu, trafficked at age 30 and held for almost a year.

If I had to express my feelings, it would be “worthless.” I did not know how to express it—but I felt so much because of what happened. Now I heal by myself. My life was shaped by the other person, but I escaped by the grace of god. I did not have any choice. Since I came back, I was quite shy and ashamed, and so did not tell anyone, not even my friends.”¹⁶⁹

“I feel small—and sad about what happened to me,” said Seng Nu Ja, trafficked at age 17 and held for five years. “Compared to others, I was not the same anymore.”¹⁷⁰

¹⁶⁷ Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.

¹⁶⁸ KWA worker from Laiza (name withheld), Myitkyina, January 2018.

¹⁶⁹ Human Rights Watch interview with Ja Seng Nu, Myitkyina, July 2017.

¹⁷⁰ Human Rights Watch interview with Seng Nu Ja, Myitkyina, January 2018.

Those who had been forced to leave children behind often found this terribly hard to cope with. There is virtually no legal or social services assistance for women and girls who want to try to gain custody of children left in China.

The fact that most of the survivors were recruited and trafficked—or handed over to traffickers—by friends or even relatives further complicates their ability to come to terms with their experience by making it difficult for them to trust almost anyone. “I realized I can’t believe anyone,” said Ja Seng Nu, trafficked by a friend at age 30.¹⁷¹

The trauma of the experience can be lifelong. Human Rights Watch interviewed a 50-year-old woman who was trafficked in 1986 at the age of 15 and held for about a year. She said when she came back she was deeply distressed and went through a long course of traditional treatment “to get your soul to come back to your body.” She said she almost died twice because she was so depressed she stopped eating. When asked how long the symptoms continued, she replied, “Until now. I still feel fear and shock—it’s the trauma.”¹⁷²

There is very little available to survivors in terms of mental health services. The Myanmar government’s Ministry of Social Welfare, Relief and Resettlement said that it has case managers and social workers with training in psychosocial support in their offices. But these services reach only survivors receiving help from the ministry, which is likely a very small proportion of the total number of survivors. None of the survivors interviewed had received assistance from the Ministry of Social Welfare. Even with limited numbers of service recipients, the capacity is stretched—a ministry official said: “We also have to negotiate with local medical offices for help—we have limited capacity.”¹⁷³

The KWA has even less capacity. “They need counselling and care—but we’ve been unable to provide for such needs,” a KWA worker said.¹⁷⁴ Another said the organization monitors survivors for a few months “until they are back to normal.” The KWA has little ability to

¹⁷¹ Human Rights Watch interview with Ja Seng Nu, Myitkyina, July 2017.

¹⁷² Human Rights Watch interview with Nang Seng Mai, Myitkyina, December 2017.

¹⁷³ Human Rights Watch interview with Dr. San San Aye, Director General, Myanmar Department of Social Welfare, Naypyidaw, January 18, 2018.

¹⁷⁴ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

assess the psychosocial needs of survivors; one worker argued that survivors were not seriously traumatized because she had never needed to admit anyone to a hospital.¹⁷⁵

Some survivors searched for treatment. “When I talked about my experience to others, they got a shock,” said Moon Ja, trafficked at age 27 in 2013. “They felt sorry for me. I felt quite painful [about] the experiences and events. I had to take medicine to recover.”¹⁷⁶

Others found even the few services that exist unwelcoming. “There was no physical damage to my body,” said Khawng Shawng, trafficked in 2011, and held for four months. “But a man I didn’t accept had sex with me and that always remains with me and it’s really hard and it always has an effect on my life.” Khawng Shawng said she sought care from an organization that visits her IDP camp to provide treatment for people with psychosocial disabilities. “But whenever I went there they ask me what kind of illness I have, so I didn’t go back.”¹⁷⁷

“We need jobs in our own country”: Prevention and long-term needs of survivors

Every survivor interviewed said the most effective way to end bride trafficking—and assist survivors--would be to provide opportunities for vulnerable women and girls to earn an adequate living in Myanmar. As long as poor and displaced people cannot feed and educate themselves in Kachin and northern Shan States, the prospect of better paid work in China will be an unavoidable option for many desperate women and girls.

After two years of being held against her will in China, Mai Mai Tsawm escaped. She came home to discover that fighting had broken out and her family had been displaced to a camp. Two months after escaping, desperate for work, Mai Mai Tsawm went back to China. She was trafficked again.¹⁷⁸

“I have so many things in my heart, but it is hard to share them,” said Tsin Tsin, a mother of three who was trafficked after her family’s village was shelled and their home burned.

¹⁷⁵ Human Rights Watch interview with KWA staff member from northern Shan state (name withheld), by phone, January 2018.

¹⁷⁶ Human Rights Watch interview with Moon Ja, Myitkyina, April 2017.

¹⁷⁷ Human Rights Watch interview with Khawng Shawng, Myitkyina, January 2018.

¹⁷⁸ Human Rights Watch interview with Mai Mai Tsawm, Myitkyina, June 2017.

“There are so many difficulties in my life. I could not afford for my children to have a good quality education. We’re really upset about our life. We’re not able to provide good things for our children—things to eat, to drink—so all the time we feel upset. It’s been so long since we had to flee our village and we cannot keep anything for our children.”¹⁷⁹

“Even though the INGOs [international nongovernmental organizations] and other aid groups come, for a family like us, it’s not enough,” said Seng Ja Ngai, a mother of five, trafficked in 2014. “That’s why we have to go to the China side and work there—because there are no jobs in the place we live...If they can create job opportunities and job places where we stay, and provide us some career, that will be helpful for us. It means we won’t have to go to China.”¹⁸⁰

“My suggestion is that the authority or government can create job opportunities for youths in Kachin State and in the IDP camps,” said Moon Moon Mai, trafficked and held for seven months. “Each and every one has to work for their survival. So, if they have problems in their family, no jobs, even if they know about these horrible things happening in China, they have no choice—they have to work there.” She said that with start-up funds, many people could open small businesses in Myanmar, if assistance to do so was available.¹⁸¹

¹⁷⁹ Human Rights Watch interview with Tsin Tsin, Myitkyina, January 2018.

¹⁸⁰ Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.

¹⁸¹ Human Rights Watch interview with Moon Moon Mai, Myitkyina, June 2017.

“Services are totally inadequate”: Lack of assistance for survivors

Human Rights Watch’s research found almost no services available in China for trafficking victims from Myanmar. So scarce are services that some women described police officers paying out of their own pockets for them to get home to Myanmar. One woman said the Chinese police connected her with an NGO that helped her get home, but this was an isolated case. NGOs in Myanmar and the KWA said they had not been able to forge collaborations with organizations in China and relied instead on personal networks.

Inside Myanmar, both the Myanmar government—in government-controlled areas—and the Kachin Women’s Association (KWA)—in KIO-controlled areas—provided some services for survivors. But these services reached a small number of women and girls and are very narrow in scope—and too poorly resourced—to meet the complex needs survivors have for long-term comprehensive help such as for medical care, counselling, legal assistance, livelihoods, and reintegrating into their communities.

In addition to the Myanmar government and the KWA, local NGOs in Myanmar provide crucial assistance, including trying to recover women and girls who have been trafficked, and assisting survivors and helping them obtain justice. These NGOs have expertise and capacity, but struggle to do this work with very little—and intermittent—funding, and limited cooperation from the police they seek to mobilize on survivors’ behalf. Services provided by the Myanmar government and the KWA are discussed below.

Myanmar government

The Department of Social Welfare (DSW), within the Myanmar Ministry of Social Welfare, Relief, and Resettlement, is responsible for assisting trafficking victims and offers various services. The resources allocated to them is not sufficient for the demand. “Services are totally inadequate,” a foreign diplomat said. “DSW is nice—everyone likes them. But they just don’t have the resources to do anything. They are under-resourced to the point of dysfunction.”¹⁸²

¹⁸² Human Rights Watch interview with a foreign diplomat (name withheld), Yangon, May 20, 2016.

According to the ministry, the services that the Department of Social Welfare provides are: “(a) Fulfilling the basic necessity, (b) Providing psycho-social support, (c) Voluntary medical checkup and arrangements for treatment if necessary, (d) To issue temporary travel documents for those who are without/have lost their citizenship cards and to coordinate with the National Registration and Citizenship Department.”¹⁸³ The government provides these services only to people returned from China to the Myanmar police after being trafficked.¹⁸⁴ It does not assist people who were being trafficked but were intercepted before crossing the border, or people who escaped without police involvement.¹⁸⁵

The ministry says it provides emergency assistance, immediately following repatriation, to trafficking survivors via four shelters, which each have 50 beds, two of which, in Muse and Mandalay, the ministry says primarily serve women repatriated from China.¹⁸⁶ Survivors usually stay at these shelters briefly, often for as little as two or three days, while the government arranges to send them back to their community of origin. While in the shelter, they receive a medical checkup and psychosocial (mental health) support services and may be linked with civil society organizations that visit the shelters.¹⁸⁷ An activist raised concerns that these shelters are too short-staffed to provide much in the way of services.¹⁸⁸

The ministry provides longer term livelihoods assistance to some survivors, including, for some, a cash grant the ministry said recently increased from 500,000 kyat to 10 lakh (from US\$380 to \$750).¹⁸⁹ In response to a request from Human Rights Watch, the ministry wrote that “the following is the number of trafficked women who received support each year”:¹⁹⁰

¹⁸³ Letter to Human Rights Watch from Republic of the Union of Myanmar, Ministry of Social Welfare, Relief and Resettlement Department of Rehabilitation, March 16, 2018, on file with author and included as annex II.

¹⁸⁴ Human Rights Watch interview with Dr. San San Aye, Director General, Myanmar Department of Social Welfare, Naypyidaw, January 18, 2018.

¹⁸⁵ Ibid.

¹⁸⁶ In January 2018, the Ministry of Social Welfare said shelters in both Muse and Mandalay are serving women returned from China, but in their March 2018 letter the ministry mentioned only the Muse shelter.

¹⁸⁷ Human Rights Watch interview with Dr. San San Aye, Director General, Myanmar Department of Social Welfare, Naypyidaw, January 18, 2018.

¹⁸⁸ Human Rights Watch interview with activist (name withheld), Yangon, January 2018.

¹⁸⁹ Human Rights Watch interview with Dr. San San Aye, Director General, Myanmar Department of Social Welfare, and follow up discussion with her staff from the Rehabilitation Division, Naypyidaw, January 18, 2018.

¹⁹⁰ Letter to Human Rights Watch from Republic of the Union of Myanmar, Ministry of Social Welfare, Relief and Resettlement Department of Rehabilitation, March 16, 2018, on file with author and included as annex II.

Sr No.	Year	Number receiving follow-up care	Support Services						Total Support Services
			Educa-tion	Health	Econo-mic	Agricul-ture	Live-stock	Vocat-ion	
1	2010	-	-	-	-	-	-	-	-
2	2011	54	2	5	12	-	1	-	20
3	2012	11	-	-	-	-	1	-	1
4	2013	49	-	1	12	-	1	-	14
5	2014	83	-	-	-	-	5	-	5
6	2015	92	1	3	23	-	3	-	30
7	2016	154	1	5	56	2	14	4	82
8	2017	181	-	5	79	-	20	7	111
Total		624	4	19	182	2	45	11	263

The ministry, in March 2018, said they planned to expand services in the following areas:

- (a) Information Center for Trafficked Persons, Mandalay, will be opened in order to provide necessary information and psychosocial support to the trafficking victims, to connect them with organizations that provide assistance to trafficking victims and to connect them with jobs.
- (b) To request more funding in order to provide assistance to the trafficking victims who reside in remote areas in addition to the one-time assistance.
- (c) Training those who are directly providing services to the trafficking victims in capacity building in accepting trafficking victims, and reintegration and rehabilitation of the trafficking victims so that they can provide effective services.
- (d) To widely broadcast a cartoon program from Myanmar Television so that people will know extensively the services provided by the Information Center for Trafficked Persons.¹⁹¹

¹⁹¹ Ibid.

Kachin Women’s Association

The Kachin Women’s Association is a volunteer-staffed body affiliated with the KIO, which works in KIO-controlled areas, providing assistance including anti-trafficking efforts.¹⁹² Several KWA staff members said they try to offer assistance to survivors, primarily focused on livelihoods, including teaching handicrafts. The KWA also tries to help survivors who do not want to return to their communities due to stigma to resettle elsewhere. Sometimes survivors can only access this help by travelling to Laiza, but funds are not always available for this journey.¹⁹³ These efforts have been curtailed in recent years by lack of resources and security concerns. There was some indication that there has been increased awareness over time by trafficking survivors of KWA’s efforts in this area.¹⁹⁴

¹⁹² The KWA is wholly separate from the Kachin Women’s Association of Thailand (KWAT). KWAT is a civil society organization that also works in Kachin State. It is one of several civil society organizations that have worked, with few resources, to assist trafficking victims.

¹⁹³ Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

¹⁹⁴ See, for example, Human Rights Watch interview with Shayi, Myitkyina, July 2017.

“We’ll call if we find her”: Weak law enforcement responses to “bride” trafficking

“I really feel depressed for losing my daughter, and I feel really sad. We don’t have any money, so we don’t know how to look for her.”

—Mother of a trafficked woman, who was turned away by Myanmar anti-trafficking police

Institutional and political barriers to ending trafficking

Several dynamics have contributed to a failure—by Myanmar, China, and the KIO—to take effective measures to end trafficking of women and girls from Myanmar to China. A major issue is the complexity of taking effective action when doing so requires coordinated responses by law enforcement officials and social service providers in Myanmar, the KIO-controlled area of Myanmar, and China.

There are also social and political barriers that hamper efforts to protect women and girls. The Kachin people are the target of pervasive and longstanding discrimination by the Myanmar government, which undermines the government’s interest—on a local or national level—in protecting and assisting Kachin women and girls.¹⁹⁵ The Myanmar government and the KIA are at war, and many of the women and girls who are being trafficked are from communities and families perceived by the Myanmar government—fairly or unfairly—to be KIA supporters or sympathizers. This further reduces the Myanmar government’s interest in protecting them.

The Myanmar government also frequently prosecutes persons it believes have had contact or maintain connections with the KIA or the KIO. Many are prosecuted under the Unlawful Associations Act of 1908, which criminalizes association with organizations the government deems illegal. Article 17/1 of the law imposes sentences of two to three years and a fine for “[w]hoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the

¹⁹⁵ See, for example, Costa Laoutides & Anthony Ware, “For land and people: The Kachin conflict in Myanmar,” Asian Currents/Asian Studies Association of Australia, August 19, 2015, <http://asaa.asn.au/for-land-and-people-the-kachin-conflict-in/> (accessed January 9, 2019).

purpose of any such association or in any way assists the operations of any such association."¹⁹⁶

KIO control creates some genuine barriers to the Myanmar government's ability to assist trafficking victims. But the Myanmar government has dramatically exacerbated the situation by intentionally imposing restrictions on aid organizations, which has had a devastating effect on access to food, health care, shelter, water, and sanitation for displaced people.¹⁹⁷ These restrictions are particularly harsh in KIO-controlled areas but also widespread in government-controlled areas.¹⁹⁸

Donor assistance for displaced people in Kachin and northern Shan States is inadequate to meet the urgent needs of a long-term displaced population. The abuses committed by the Myanmar government and military—and the ensuing humanitarian crisis—in Myanmar's Rakhine State against the Rohingya people, has drawn international and donor attention away from the crisis in Kachin State.

Ethnic tensions, exacerbated by the conflict, discourage organizations working in the KIO-controlled area from forming partnerships with donors and organizations operating in government-controlled areas.¹⁹⁹ Aid organization staff members who are from non-Kachin ethnic groups in Myanmar also have limited access to the KIO-controlled area, due to security concerns related to ethnic tensions.²⁰⁰

The KIO has few resources, limited governance capacity, and limited ability to negotiate or cooperate on an equal footing on law enforcement matters with China or the Myanmar government. There are few channels of communication between the KIO and the Myanmar government, and little political will on either side to create them, making coordination close to non-existent. The KIO's dependence on China's continued good-will to keep the

¹⁹⁶ Union of Myanmar, Unlawful Associations Act, 1908.

¹⁹⁷ Fortify Rights, "They Block Everything: Avoidable Deprivations in Humanitarian Aid to Ethnic Civilians Displaced by War in Kachin State, Myanmar," August 2018, http://www.fortifyrights.org/downloads/They_Block_Everything_EN_Fortify_Rights_August_2018.pdf (accessed August 31, 2018).

¹⁹⁸ Human Rights Watch interview with international organization (name withheld), Yangon, January 2018.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

border open and allow humanitarian supplies and other materials enter KIO-controlled areas also makes the KIO reluctant to press China to rectify this problem.

The Myanmar government is a weaker partner to China—financially dependent on its much larger neighbor, has little interest in creating friction with China, and is unable to make demands. It has a soured relationship with an increasing number of donor governments, for reasons including international outcry over the atrocity crimes committed by the Burmese military in Rakhine State, among other issues.

The Chinese government, mindful of social unrest that could be caused by many men unsuccessfully seeking brides, has little incentive to shut down the flow of brides from neighboring countries.

When foreign embassies, international bodies, and donors—including the United States via its annual Trafficking in Person’s (TIP) report—examine trafficking in Myanmar, many different types of trafficking compete for their attention. For example, the 2018 US TIP report section on Myanmar mentions the trafficking of “brides” from Myanmar to China, but also details several other types of trafficking.²⁰¹

The large-scale and varied nature of trafficking in Myanmar has meant that the sale of “brides” in China has received limited attention in Myanmar. The Chinese government’s suppression of the media limits the ability of journalists to highlight this among many other issues in China. These factors have contributed to a lack of pressure on the Myanmar and Chinese governments and the KIO to reform. A foreign diplomat said that the Myanmar government had recently seen trafficking as an issue “they want to make progress on” but has focused on forced labor and child soldiers, not bride trafficking.²⁰²

There have been some positive efforts, but they have too often been in the form of good plans that remained unimplemented. In 2009, the Chinese and Myanmar governments signed a “Memorandum of Understanding between the Government of the Union of Myanmar and the Government of the People’s Republic of China on Strengthening the

²⁰¹ US Department of State, Office to Monitor and Combat Trafficking in Persons, “2018 Trafficking in Persons Report: Myanmar,” undated, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282623.htm> (accessed August 17, 2018).

²⁰² Human Rights Watch interview with a foreign diplomat (name withheld), Yangon, May 20, 2018.

Cooperation on Combating Human Trafficking.”²⁰³ The memorandum commits both countries to a series of steps, including joint investigation of trafficking cases, cooperation on prevention efforts, and humane and coordinated assistance to victims. China and Myanmar are also among the six countries that signed the 2004 Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), which contains valuable commitments regarding anti-trafficking prevention and law enforcement efforts, as well as assistance to victims.²⁰⁴ Many of the abuses described in this report could be prevented if these agreements were being fully implemented.

In Myanmar, the government in 2013 launched a 10-year National Strategic Plan for the Advancement of Women (NSPAW).²⁰⁵ The NSPAW contained little detail on anti-trafficking plans but did refer to the issue.²⁰⁶ Implementation of the NSPAW has stalled, however, and efforts are underway to develop detailed implementation plans.²⁰⁷

Myanmar government anti-trafficking efforts

Myanmar government border guards have been aware of and even at times complicit in human trafficking across the border. Several trafficking victims described the car stopping at the border and their traffickers getting out to speak to guards before the car was permitted to continue across the border without inspection.²⁰⁸ The 2018 US TIP report said: “Burmese women are increasingly transported to China and subjected to sex trafficking

²⁰³ Memorandum of Understanding between the Government of the Union of Myanmar and the Government of the People’s Republic of China on Strengthening the Cooperation on Combating Human Trafficking (2009), available at <http://unact.org/publication/memorandum-of-understanding-between-the-government-of-the-union-of-myanmar-and-the-government-of-the-peoples-republic-of-china-on-strengthening-the-cooperation-on-combating-human-trafficking-2009/> (accessed November 28, 2018).

²⁰⁴ Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), signed October 29, 2004, available at: [http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/cambodia%20%20-%20commit%20mou%20\(2004\)/cambodia%20%20-%20commit%20mou%20\(2004\).pdf?vs=1929](http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/cambodia%20%20-%20commit%20mou%20(2004)/cambodia%20%20-%20commit%20mou%20(2004).pdf?vs=1929) (accessed November 28, 2018).

²⁰⁵ Myanmar National Committee for Women’s Affairs, “National Strategic Plan for the Advancement of Women (2013-2022),” Ministry of Social Welfare, Relief, and Resettlement, 2013.

²⁰⁶ Ibid.

²⁰⁷ See, for example, Alliance for Gender Inclusion in the Peace Process, “The ‘Localisation’ of Women, Peace and Security in Myanmar,” May 2018, https://www.agipp.org/sites/agipp.org/files/the_localisation_of_women_peace_and_security_in_myanmar.pdf (accessed November 28, 2018), p. 11.

²⁰⁸ See, for example, Human Rights Watch interview with Nang Lum Mai, Myitkyina, July 2017.

and domestic servitude through forced marriages to Chinese men; Burmese government officials are occasionally complicit in this form of trafficking.”²⁰⁹

Prevention

Although the Myanmar government says that its anti-trafficking efforts focus on prevention, prosecution, and rehabilitation, there is little evidence of work in the area of prevention in relation to bride trafficking to China, aside from some sporadic efforts to detect trafficking at border crossings.²¹⁰ There are no significant ongoing efforts by the government to raise awareness of trafficking in the communities most at risk. “The government says every day they are working on trafficking prevention, but we don’t see this in the villages,” an NGO worker said.²¹¹ Lack of funding and competing priorities means that prevention of “bride” trafficking has not been a priority for NGOs either, even though some would be well-positioned to do this work.

Law enforcement

Under Myanmar’s 2005 Anti-Trafficking in Persons Law, anyone convicted of trafficking is subject to a minimum sentence of 10 years and a maximum sentence of life imprisonment.²¹² But few cases ever make it that far. The Myanmar government’s response to trafficking is hampered by unresponsive and poorly resourced police, corruption, slow courts, and, in “bride” cases, pressure to drop or not pursue charges so as not to implicate a victim’s family members. Interviewees consistently said that it was difficult to mobilize the Myanmar police to act on trafficking cases.

Part of the problem is lack of resources, which encourages both corruption and inaction. “Police salaries are very low and the budget for the police is low,” a women’s rights expert said. “To investigate violence against women, police need to use a motorcycle, but they have no fuel...This is a problem in the whole country...If people earn decent salaries then

²⁰⁹ US Department of State, Office to Monitor and Combat Trafficking in Persons, “2018 Trafficking in Persons Report: Myanmar,” undated, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282623.htm> (accessed August 17, 2018).

²¹⁰ Human Rights Watch interview with Dr. San San Aye, Director General, Myanmar Department of Social Welfare, Naypyidaw, January 18, 2018.

²¹¹ Human Rights Watch interview with NGO worker (name withheld), Myitkyina, May 2016.

²¹² Union of Myanmar, Anti-Trafficking in Persons Law, 2005, article 24.

they can do their job properly.”²¹³ But given the lack of will to take on these cases, it isn’t clear that raising wages alone would significantly improve police performance.

“The difficulty working with the police is it takes a long time,” an activist explained. “They don’t have enough forces...The Myanmar government is very bureaucratic and slow, and the territory is very large.” The activist said the government’s response has improved since 2016, with better coordination between the police and NGOs. “In previous times when we told the police [about a case] they said, ‘Is it your business? It’s none of your business.’ Now they respond nicely and staff the case. But it is still very slow.”²¹⁴

The Myanmar police have specialized anti-trafficking units, including one in Myitkyina in Kachin state which is staffed by seven or eight officers.²¹⁵ The specialized police have received extensive international support.²¹⁶ Human Rights Watch heard mixed feedback about these units, with them responding effectively in some cases but failing to do so in others.

Until recently, all the Myitkyina anti-trafficking officers were men, making it more difficult for women and girls to access help.²¹⁷ Across Myanmar’s police force, about 8 percent of officers are women.²¹⁸ “Police women are very few, so victims of rape and sex abuse don’t dare to tell details to police,” an activist said. She added that the few women in the Myanmar police are rarely investigators and are more often working as guards or in settings like the airport.²¹⁹ A foreign diplomat was blunter: “Most of those 6 percent are serving tea to men.”²²⁰

An activist who works with the anti-trafficking unit in Myitkyina said the office is a “scary environment” that is often empty when people go seeking help.²²¹ Police—at times

²¹³ Human Rights Watch interview with women’s rights expert (name withheld), Yangon, January 2018.

²¹⁴ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

²¹⁵ Ibid.

²¹⁶ See, for example, Australia—Asia Program to Combat Trafficking in Persons, “Myanmar: 2018 Snapshot,” undated, <https://www.aaptip.org/myanmar/> (accessed November 28, 2018).

²¹⁷ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

²¹⁸ Katrin Schregenberger, “Wanted: More female police officers,” *Frontier Myanmar*, February 26, 2018, <https://frontiermyanmar.net/en/wanted-more-female-police-officers> (accessed November 11, 2018).

²¹⁹ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

²²⁰ Human Rights Watch interview with foreign diplomat (name withheld), Yangon, May 20, 2016.

²²¹ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

including the anti-trafficking unit—often simply turn victims and families away. After their daughters went to China to work together in 2015 and disappeared, the families of Seng Nu Tsawm and Numri Pan desperately searched for them. The woman who recruited them to go to China lived in the same village with the two families, and another broker who was involved lived about 16 kilometers away. Seng Nu Tsawm and Numri Pan left abruptly and had not been in touch since they went, even though Seng Nu Tsawm’s two children are with her parents. The families decided to send Numri Pan’s younger sister to China with the same broker to try to find them. The broker promised Numri Pan’s sister work at the same plantation with her sister. But after they crossed the border, the broker told Numri Pan’s sister that there was no work at that plantation. She said Seng Nu Tsawm and Numri Pan had gone to work elsewhere in China, but Numri Pan’s sister could not join them. Instead, the broker said, Numri Pan’s sister should marry, and could earn money by doing so. Numri Pan’s sister refused and fled back to Myanmar.

Convinced now that Numri Pan and Seng Nu Tsawm had been sold as brides, the two families went to the anti-trafficking unit of the Myanmar police. By then the two women had been missing for three months. “They said to wait and see,” said Seng Nu Tsawm’s mother. “They kept saying, ‘We will try and look for them—wait and see.’” When Human Rights Watch interviewed the families, the women had been missing for almost three years. “We went about five times to the police,” Seng Nu Tsawm’s mother said. “Always they say, ‘Let’s look for them. We will reply if we have found them.’...We already informed as much as we know to the police, but they say nothing, [they have] no solution.” The family tried on their own to track down the second broker, but without success. The first broker still lives in their village and now says she does not know what happened to Seng Nu Tsawm and Numri Pan.²²²

An ostensible lack of resources is intertwined with police corruption. Said one expert on trafficking: “We have an anti-trafficking law, but we have corruption problems. Brokers are never arrested because they can pay a bribe and always escape. Police and courts and border guards are all accepting bribes.”²²³ “The traffickers are not afraid of the police,” an NGO worker said. “Because they can bribe the police.”²²⁴

²²² Human Rights Watch interview with families of Seng Nu Tsawm and Numri Pan, Myitkyina, January 2018.

²²³ Human Rights Watch interview with activist (name withheld), Yangon, January 2018.

²²⁴ Human Rights Watch interview with NGO worker (name withheld), Myitkyina, May 2016.

Htoi Nu Ja's family became worried when they did not hear from her for a month. Htoi Nu Ja had been promised a job by the brother-in-law of a neighbor, so her family asked the neighbor where she was. He denied any knowledge of her whereabouts. Htoi Nu Ja's family then "pawned their land, their home" to pay the police to act. The police, she said, went to the broker's relatives' home and arrested several of his family members, including the man who had introduced Htoi Nu Ja to him. The broker himself ran away, however, and the police did not pursue him, nor rescue Htoi Nu Ja.²²⁵

Without payment, the police are unlikely to investigate cases. Even when they act they often demand that the person bringing the complaint have done the investigative legwork for them. An activist explained: "To get a broker arrested, I have to investigate and find all the information myself and bring it to the police." The same activist described a situation where the broker's location was known, but police delayed:

They said they didn't have a car or cycle. I hired a light truck for them. Then they said, "This car is not suitable for us in our uniforms." Then they waited the whole day for their car to be available. I reported to them in the morning. In the evening, when their car was available, the broker had disappeared.

The activist said police then refused to obtain an arrest warrant because the perpetrator had fled to another state in Myanmar. After the police finally agreed to obtain the warrant they said they couldn't give the warrant to the police in the state where the perpetrator was located because they had no money for transportation. They finally agreed to let the activist take the warrant to the police in the other state, after initially saying only police could convey a warrant. After the suspect was arrested, the activist had to pay travel and food costs for police to escort him back to face charges. "Transportation etcetera is a problem, so no police want to accept such cases," the activist said.²²⁶

Even when victims are returned to Myanmar, the Myanmar police do not necessarily assist them or act against suspected traffickers. Chinese police transported Seng Ja Aung back to Myanmar and handed her over to the anti-trafficking unit. The Myanmar police, however,

²²⁵ Human Rights Watch interview with Htoi Nu Ja, Myitkyina, April 2016.

²²⁶ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

immediately passed her to an NGO and took no further action. A worker from the NGO said that police often do this “[b]ecause they know we are about transportation and send them back to their families, and the Myanmar government does not have a budget for that.”²²⁷

Even when Myanmar police do act, their efforts almost invariably stop at the border with China. After Nang Seng Ja was trafficked by her cousins, her mother obtained the phone number for the Chinese family who purchased her. She was able to speak to Nang Seng Ja who explained her situation. Nang Seng Ja’s parents went to the police, and police arrested one cousin and Nang Seng Ja’s aunt, who were back in Myanmar. The police told Nang Seng Ja’s parents, however, that there was nothing they could do to pursue the arrest of the other cousins, who remained in China. They also appear to have made no efforts to contact or coordinate with the Chinese police to recover Nang Seng Ja although her mother knew where she was located. Frustrated by the lack of effort by the police, Nang Seng Ja’s parents hired a trafficking survivor to recover Nang Seng Ja. The hired person succeeded at a cost of 10,000 yuan (\$1,600) and half of the family’s property.²²⁸

Another barrier victims and families face in seeking justice in Myanmar courts is fear that family members could also face prosecution if a criminal case goes forward. This is a fear because the broker often pays some money to families to reassure them that the trafficked woman or girl is employed and fine—and to help inoculate themselves from prosecution by making family members complicit. An activist said that brokers in court normally said that:

[T]he family already received a dowry of two or three lakh [\$150 to 225] for their daughter. According to the 2005 [Myanmar anti-trafficking] law, if a person or family received dowry they are a perpetrator too and are implicated. From the family’s side, when they hear this they don’t want to charge the perpetrator...Then I have to explain, “It wasn’t dowry because you didn’t know, and it wasn’t presented to you as dowry.” But many of them are afraid to be in court or speak in court.²²⁹

²²⁷ Human Rights Watch interview with Seng Ja Aung and NGO worker (name withheld), Myitkyina, July 2016.

²²⁸ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

²²⁹ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

Once cases make it to court, there are additional delays, including trial processes that can stretch on for most of a year, and requirements that witnesses and victims make multiple trips to appear.²³⁰

Another gap is the lack of compensation for victims. Most of the criminal provisions in the 2005 anti-trafficking law permit imposition of a fine as well as imprisonment. Under Myanmar's Code of Criminal Procedure, a trial or appeals court can determine that such fines be paid to the victim of the crime who suffers a substantial loss or injury.²³¹ Facilitating compensation from perpetrators to victims would help assist women and girls who are often struggling to rebuild their lives while living in desperate poverty.

Chinese government anti-trafficking efforts

Local Chinese officials have also been complicit in trafficking, through actions including preventing victims from escaping and helping people involved in trafficking avoid justice. One trafficked woman said that on a day when she and her “husband” were near the border she tried to escape him and cross the river, but a Chinese border guard helped him stop her from escaping.²³² Another woman managed to flee the house and make it to a police station only to have the police accept a bribe from the family that bought her in return for returning her to them.²³³

Prevention

Chinese authorities have shown little indication of any concerted effort to prevent trafficking, except through routine border control activities. Even at the border, there seems to be little organized action to detect and record information that could help anti-trafficking efforts. For example, a survivor who crossed the border legally said the Chinese authorities could not read her personal details in her seven-day pass because they were

²³⁰ Ibid.

²³¹ Article 454 states that whenever: “a criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or sentence or which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied. ... in the payment to any person of composition for any loss or injury caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a civil Court.” Myanmar Code of Criminal Procedure (1898, as amended) http://www.burmalibrary.org/docs14/Code_of_Criminal_Procedure+schedules.pdf, art. 454.

²³² Human Rights Watch interview with Nang Lum Mai, Myitkyina, July 2017.

²³³ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

written in Burmese. She said they asked her to pronounce it and entered it phonetically in their computer. They did not ask her date of birth, where she was from, or any other details.²³⁴

The Chinese government does not appear to regard trafficking of women from Myanmar as a systemic problem. In September 2017, the government invited a group of women’s rights organizations from Myanmar on a two-week study visit to learn about China’s work on behalf of women’s development. A woman who participated described a session during the tour:

A woman professor there presented. She said, “We did a study of women trafficked from Myanmar. ... The problem is Myanmar women don’t know Chinese culture. Once they learn Chinese language and culture, their marriages are fine. They can live happily. They meet and fall in love and marry.” ... They said they have 11 border checkpoints where they have centers to teach about Chinese language and culture to become a good Chinese wife...They lobbied us, saying, “Tell your government the Chinese government is doing very good things for Myanmar women.”²³⁵

Many interviewees described passing police checkpoints while travelling within China but said that traffickers seemed able to talk their way through the checkpoints. Nang Shayi said that at age 18 she was on a bus, being trafficked, when police came on the bus to check ID cards at night. She had no identification or passport. “I did not understand what they were talking about, so I just stared at them,” she said. “I didn’t know what to say—I closed my mouth and kept silent. Maybe the Chinese policeman assumed that something was wrong with me—I wasn’t normal. They skipped me and allowed me to pass.”²³⁶

Some described traffickers taking steps to evade checkpoints. When women and girls encountered checkpoints as they tried to escape back to Myanmar, the checkpoints seemed not to create a barrier to their escaping, but also offered them no help.

²³⁴ Human Rights Watch interview with Mai Nu, Myitkyina, July 2016.

²³⁵ Human Rights Watch interview with activist (name withheld), Yangon, January 2018.

²³⁶ Human Rights Watch interview with Nang Shayi, Myitkyina, December 2017.

Law enforcement

Survivors described a deeply flawed response by the Chinese police. In most cases police seemed uninterested, or viewed victims simply as undocumented immigrants, showing little or no intention of arresting the traffickers or buyers. We learned of one case, in which Chinese police accepted a bribe to give a woman back to a family she had run to them to escape.²³⁷

Khawng Ja was trafficked at age 17. She managed to send her father a photo of the ID card of her “husband.” With this information, her family asked a Chinese man they knew to help. He found the man’s location using the ID card and went to the local police station there and explained that Khawng Ja had been trafficked, showing them the ID card, his own ID card, and Khawng Ja’s photo. He told her family their response: “The police said, ‘We do not know anything about human trafficking and we are not able to do anything about this.’” The man tried himself to convince the family to let Khawng Ja go, but they refused. After three years she managed to escape on her own.²³⁸

When Chinese police became involved, they often seemed unwilling to investigate. An activist in Myanmar said they only contact Chinese police if they know the exact location of the victim and can pay for an interpreter to be able to communicate.²³⁹ Moon Ja escaped and ran to the Chinese police. They helped her get home but did not try to apprehend the traffickers or buyers. “They asked me the ID number of the broker—I did not know,” she said. “So, they asked me, ‘Where does she live?’” Moon Ja could not give her address but said she could find the recruiter in Myanmar. “The police said if we do not know the address or ID card number then it’s too difficult—no follow up.” Moon Ja did not have the address of the family that bought her, so she said the police also refused to look for them.²⁴⁰

Police operated as if families that purchased trafficked women and girls are blameless, no matter how much evidence suggested that they knowingly participated in trafficking, and

²³⁷ Human Rights Watch interview with Nang Seng Ja, Myitkyina, June 2017.

²³⁸ Human Rights Watch interview with Khawng Ja, Myitkyina, April 2016.

²³⁹ Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

²⁴⁰ Human Rights Watch interview with Moon Ja, Myitkyina, April 2017.

no matter how brutally the purchased “bride” had been treated. In the cases researched by Human Rights Watch, only once did Chinese police arrest family members who bought trafficked women and girls. Even in that case, the victims were never called to testify and do not know whether their buyers were prosecuted or convicted.²⁴¹

The family that bought Mai Nu seemed surprised when she said she had been trafficked, but they kept her captive anyway, locking her up and cutting her communication with her family. They said they would release her only if they got back the money they paid for her—but they had given the money to the trafficker, who would not return it. Mai Nu managed to escape to a police station after three to four months. “When I saw the Chinese police I just cried, cried, cried,” she said. She couldn’t speak Chinese, so she got a pen and wrote in English: “I said: ‘I’m Burmese, I need help.’ And I just tried everything. ‘I want to go to Myanmar.’” She said the police questioned her and arrested her. She said they questioned the Chinese family but did not charge them. Mai Nu was then deported.

When victims made their way to the Chinese police, police often treated them as criminals violating immigration rules rather than as crime victims. They resolved the situation through deporting, and sometimes jailing, victims—not pursuing traffickers or purchasers.

Six of the women and girls interviewed escaped on their own initiative and fled to the Chinese police. Three of these were detained for weeks, as was a woman arrested at the home of the family that bought her. Several were held for 45 days or more. One was held for 62 days, in three different police stations.²⁴² It was not clear to these women why they were being held: some thought it was punishment for immigration violations; others thought it just took the police time to figure out how to get them home. One woman slept on a chair in a police station for 45 days and was held for several days with no food.²⁴³ One said she was verbally abused.²⁴⁴

When women were repatriated to Myanmar by Chinese police it was often done in a haphazard way. Moon Ja said that after she escaped, police did not detain her but paid for

²⁴¹ Human Rights Watch interviews with Ja Seng Mai and Tsawm Ning Ja, Myitkyina, July 2016.

²⁴² Human Rights Watch interview with Seng Ja Ngai, Myitkyina, June 2017.

²⁴³ Ibid.

²⁴⁴ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

her to go to Myanmar and sent her alone. At the train station she hid in terror when she believed she saw her “husband.”²⁴⁵ Others described being dropped at the border, left without enough money to get home, or being forced by police to crawl through a hole in the border fence.

One woman came to the notice of the police accidentally and was arrested. Nang Nu Tsawm, drugged, abducted and sold at 14, had two children and had been held in Hunan for five or six years. She said:

[O]ne of the Shan girls who was also trafficked in the same neighborhood ran away to the police station. She reported it to a policeman. The policeman knew about her then. The police went to me and took me from the Chinese man’s house and sent us both [her and the Shan woman] to jail.

Nang Nu Tsawm said she was jailed with 10 other trafficked women, all from Myanmar: “There was no interpreter. The Chinese policeman asked me why I was there with no passport or ID card. ‘This means you are taking advantage of living in our land.’ They told us, ‘People like you should be killed.’” Nang Nu Tsawm said they were jailed for three weeks, then transported to the border. “We crossed illegally back into Myanmar,” Nang Nu Tsawm said. “Each border gate has a fence along the border side, but sometimes there is a hole in the fence. So, the Chinese policemen forced us to cross through the hole in the fence. On the other side we had to find our way back home ourselves.” She said each woman was given 100 yuan (\$16) to get home, which was not enough. Nang Nu Tsawm had to beg a taxi driver to take her to her family’s home and be paid on arrival, although she had been gone for five or six years with no contact with her family and did not know if they would still be there.²⁴⁶

One trafficked woman said a Chinese police officer who helped her return to Myanmar asked her to help him find jade for buyers in China—another illicit business flourishing on the Myanmar-China border.²⁴⁷

²⁴⁵ Human Rights Watch interview with Moon Ja, Myitkyina, April 2017.

²⁴⁶ Human Rights Watch interview with Nang Nu Tsawm, Myitkyina, June 2017.

²⁴⁷ Human Rights Watch interview with Moon Ja, Myitkyina, April 2017.

Four survivors interviewed said the Chinese police intervened proactively, though the cases did not necessarily lead to justice. Ja Seng Nu was freed by police when they checked workers' documents at a farm where she had been both a "bride" and forced to cook and work in the fields, unpaid, for almost a year. The police found three trafficked women that day, including Ja Seng Nu. The police transported them to the border. They did not arrest Ja Seng Nu's "husband" or his family, and do not appear to have investigated or sought to catch the traffickers.²⁴⁸

Two women managed to contact the Chinese police and get help escaping. Trafficked in 2009, Mai Mai Tsawm escaped after two years. After only two months back in Myanmar, financial pressures again forced her to seek work in China. She was trafficked again almost immediately. This time she quickly recognized what was happening:

I heard from others that if a woman was trafficked in China they could make a phone call to number 110. This is the police hotline. The second time when I was trafficked, I tried that line...I told them, "I do not know where I am now." They said, "Please take the ID card of the Chinese man and send it to us."

Mai Mai Tsawm took a photo of the man's ID card and sent it to the police, and an officer came that day to get her. Police then held her in jail for 20 days for having an expired passport before transporting her to the border, leaving her to make her own way home from there.²⁴⁹

Several interviewees who had worked with both the Chinese police and the Myanmar or KIO police, spoke favorably of the Chinese police compared to their police counterparts in Myanmar with respect to combatting trafficking.²⁵⁰ A KWA worker said they find the Chinese

²⁴⁸ Human Rights Watch interview with Ja Seng Nu, Myitkyina, July 2017.

²⁴⁹ Human Rights Watch interview with Mai Mai Tsawm, Myitkyina, June 2017.

²⁵⁰ See, for example, Human Rights Watch interview with KWA staff member from northern Shan State (name withheld), by phone, January 2018; Human Rights Watch interview with activist working on trafficking cases (name withheld), Myitkyina, January 2018.

police more helpful than the KIO or Myanmar police, because the Chinese police have significantly more resources.²⁵¹

The Chinese government reported in 2013 that 14 percent of its police force was women.²⁵² None of the trafficking survivors interviewed who had contact with the Chinese police described encountering female police officers. A greater presence by female officers, including specialized female investigators trained to work with female trafficking survivors and victims of other forms of violence against women, could make it easier for women and girls to seek police assistance and inform the police about crimes, particularly crimes of sexual violence.

Kachin Independence Organization anti-trafficking efforts

KIO officials often point to the KWA as the KIO-associated organization responsible for matters regarding trafficking as well as other issues concerning women and girls in KIO-controlled areas.²⁵³ The KWA is staffed entirely by volunteers and has a small operating budget—largely raised by efforts such as selling t-shirts—that leaves them chronically short on funds.²⁵⁴

With its few resources, the KWA tries to provide a broad range of assistance to women and children, in an environment where few other services are available. “We don’t know what to prioritize—education, health, trafficking, land, IDPs,” a KWA worker said.²⁵⁵ Some KWA workers are themselves displaced people living in camps, but the KWA often struggles to access IDP camps where they do not have residents on staff because of security concerns.²⁵⁶

²⁵¹ Human Rights Watch interview with KWA staff member from northern Shan State (name withheld), by phone, January 2018.

²⁵² National Bureau of Statistics, “Statistical Report on the State of Implementation in 2013 of the Chinese Women’s Development Guidelines (2011-2022),” February 3, 2015, http://www.stats.gov.cn/tjsj/zxfb/201501/t20150122_672472.html (accessed August 31, 2018, translation by Human Rights Watch).

²⁵³ Human Rights Watch interview with KIO camp administrator (name withheld), by phone, January 2018.

²⁵⁴ Human Rights Watch interview with KWA staff member from Kachin State (name withheld), by phone, January 2018.

²⁵⁵ Ibid.

²⁵⁶ Human Rights Watch interview with KWA staff member from northern Shan state (name withheld), by phone, January 2018; Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

Prevention

KWA representatives said the group does awareness raising about trafficking in IDP camps. This effort, however, has been curtailed by lack of funds and lack of access to the camps due to security. A KWA worker from northern Shan State said for the last two years they had to suspend most of these activities in her area due to insecurity and lack of resources.²⁵⁷

The KIO has at times tried to enforce a policy requiring anyone travelling from a KIO-run IDP camp to China to first obtain a passport or one-week pass and permission from the camp manager. A camp manager said he believed this had reduced trafficking. It is not clear how consistently the KIO could enforce this rule, given the porous nature of the border.²⁵⁸

Law enforcement

KIO police and KWA officials said they work together on trafficking cases, with the KWA sometimes referring cases to the KIO police, or appearing as witnesses in KIO trials.²⁵⁹ But the KWA handles more cases than the police, often referred to them by camp managers, and those cases typically do not lead to arrests or prosecutions.²⁶⁰

The KWA does not always refer cases to the KIO police for prosecution. “If we know a little bit about the broker we gather them and give awareness,” a KWA worker said. “After KWA gives awareness, we forgive them.” She said they would take a broker to the police only if, after awareness raising, they still wouldn’t admit to wrongdoing.²⁶¹ Another KWA worker said, “There is no prison available, so we make the broker promise to be good and release him.”

The KWA is at times fearful of confronting powerful traffickers, and KWA workers living in the camps may be concerned for their own safety if they act against brokers in the camp.²⁶²

²⁵⁷ Human Rights Watch interview with KWA staff member from northern Shan state (name withheld), by phone, January 2018.

²⁵⁸ Human Rights Watch interview with KIO IDP camp administrator (name withheld), by phone, January 2018;

²⁵⁹ Human Rights Watch interview with senior KIO police official (name withheld), by phone, January 2018.

²⁶⁰ See, for example, Human Rights Watch interview with KIO camp administrator (name withheld), by phone, January 2018.

²⁶¹ Human Rights Watch interview with KWA staff member from northern Shan State (name withheld), by phone, January 2018.

²⁶² Human Rights Watch interview with KWA staff member from Kachin state (name withheld), by phone, January 2018.

When Ja Seng Htoi's mother began worrying about her, she asked the KWA for help. The KWA could not assist, and Ja Seng Htoi remained captive in China for over four years. After escaping on her own, Ja Seng Htoi asked the KWA to compel the trafficker to pay the money received for her—28,000 yuan (\$4,460)—as compensation. She said KWA representatives were afraid to make this demand, and instead took the case to the KIO court. But the judges also seemed afraid and refused to act, telling Ja Seng Htoi: "You are now safe. This is your fate. Forgive her and move on."²⁶³

A KWA worker from northern Shan State acknowledged that victims often want traffickers punished. "We are not able to follow all the survivors' wishes," she said. "We just hope our way of giving education will change the broker's life." She said she would like to see traffickers jailed, if the KWA and KIO police had resources for the task.²⁶⁴

The KWA can be effective at recovering victims, especially if they are near the border. After a year in captivity, Rang Seng Ma managed to reach her father by phone. He asked the KWA for help. Rang Seng Ma said that soon after, a member of the KWA came to the house where she was being held, near the border, on the Chinese side. The KWA representative scolded the family holding Rang Seng Ma and took Rang Seng Ma with her. The family did not try to prevent them from leaving. But the KWA did not refer the case to the KIO police to bring criminal charges against the family, or the friend who trafficked Rang Seng Ma, even though they knew the location of the family and the identity of the trafficker.²⁶⁵

Even when the KWA refers a case to the KIO police, the police may expect the KWA to locate the trafficker or the victim, a task neither the KWA nor the police have much capacity for, especially in locations beyond the border region.²⁶⁶ "When we are going to chase someone, we can if it is only going to cost 1,000 yuan [\$160], but if it's 10,000 yuan [\$1600] we don't have enough budget and we can't do the case," a KIO police official

²⁶³ Human Rights Watch interview with Ja Seng Htoi, Myitkyina, April 2016.

²⁶⁴ Human Rights Watch interview with KWA staff member from northern Shan state (name withheld), by phone, January 2018.

²⁶⁵ Human Rights Watch interview with Rang Seng Ma, Myitkyina, July 2017.

²⁶⁶ Human Rights Watch interview with Laiza police official (name withheld), by phone, January 2018.

explained. “Some victims and cases of human trafficking we can’t solve because the person is too far, or we can’t find them.”²⁶⁷

KIO officials said the KIO has a system of police and courts, with a prison, but not its own penal code.²⁶⁸ They said the KIO is in the process of developing a penal code, and that at present their courts use a mix of Myanmar and China law.²⁶⁹ KIO judges may also apply local customary law.²⁷⁰

A senior police official said that the KIO has about 200 police officers, but the police sometimes leave their policing duties to fight alongside soldiers.²⁷¹ Sixteen of these police officers are women, and most of them do office work.²⁷²

A KIO police official said they try at times to cooperate with the Chinese police, but face difficulty:

Cases arise, but the problem is we cannot investigate them deeply because the women have been sold in China and it is not our jurisdiction. We can’t go into China. So even if someone complains, we can’t do much. [Collaboration] depends on the destination. If the destination is not far from Laiza we can work with the China police to chase them. But if it’s far, it’s hard to work with the China police.²⁷³

A KIO officer said they find that police in different parts of China operate in different ways and when the jurisdiction is beyond the border region they find it difficult to contact the police and secure cooperation.²⁷⁴ He also said when trafficked women and girls are

²⁶⁷ Ibid.

²⁶⁸ E.g. Human Rights Watch interview with senior KIO police official (name withheld), by phone, January 2018.

²⁶⁹ Human Rights Watch interview with senior KIO police official (name withheld), by phone, January 2018.

²⁷⁰ Erin M. Kamler, “Women of the Kachin Conflict: Trafficking and Militarized Femininity on the Burma-China Border,” *Journal of Human Trafficking*, vol/ 1, issue 3, 2015, <https://www.tandfonline.com/doi/full/10.1080/23322705.2015.1014664?scroll=top&needAccess=true> (accessed November 28, 2018); Human Rights Watch correspondence with experts (names withheld), October 31 and November 1, 2018.

²⁷¹ Human Rights Watch interview with senior KIO police official (name withheld), by phone, January 2018.

²⁷² Ibid.

²⁷³ Human Rights Watch interview with Laiza police official (name withheld), by phone, January 2018.

²⁷⁴ Ibid.

repatriated from China they are not identified by the Chinese authorities as having been trafficked—they are simply identified as criminals arrested for entering China illegally.²⁷⁵

KIO interviewees said KIO courts deal with five or fewer cases of trafficking of women and girls per year. For example, an official said that in 2017 the KIO courts in Laiza dealt with four cases of women and girls being trafficked, out of a total of 20 to 30 cases heard by the court, and sentenced brokers in all four cases to imprisonment.²⁷⁶ The KIO said that in 2016 and 2017 all KIO courts put a total of 10 brokers in prison for trafficking, with maximum sentences of six years of imprisonment with hard labor.²⁷⁷

A KIO police official acknowledged the role of the armed conflict in increasing vulnerability of Kachin women and girls: “Due to the fighting, war caused women to go to China to work, and parents to marry girls there. People are displaced to camps—the fighting has caused human trafficking to increase.”²⁷⁸ Another KIO police official sought to downplay the criminal nature of the problem—and hence the role of the police—saying he believed that most of the cases involved parents giving up their daughters as brides in exchange for dowry payments. This perspective, which conflicts with Human Rights Watch’s research findings, accepts as legal the forced marriage of women and girls by their relatives.²⁷⁹

Families and survivors seeking the KIO’s help reported being turned away because they could not pay for expenses or bribes to various parties. When Ja Seng Tsawm was trafficked, her parents sought the KIO’s help because the cousin who had sold Ja Seng Tsawm lived in a KIO-controlled area. They made 10 trips across the front line from government-controlled areas to Laiza, an expensive journey that they could ill-afford, to seek the KIO’s help. They said every trip they got the same response: “The KIO told us that if we could not pay enough to the Chinese police there would be no way to get our daughter back.” By the time Human Rights Watch interviewed her parents, Ja Seng Tsawm

²⁷⁵ Ibid.

²⁷⁶ Human Rights Watch interview with senior KIO police official (name withheld), by phone, January 2018; Human Rights Watch interview with Laiza police official (name withheld), by phone, January 2018.

²⁷⁷ Human Rights Watch interview with senior KIO police official (name withheld), by phone, January 2018.

²⁷⁸ Ibid.

²⁷⁹ Human Rights Watch interview with Laiza police official (name withheld), by phone, January 2018.

had been in China for over seven years and had two children. She and her parents had given up hope of her making it home.²⁸⁰

Seng Ja Brim went to the KIO seeking justice after she was trafficked in 2016. She said they promised to act but did nothing. She believes that if she had been able to pay a bribe she might have received a different response, but having no money to pay them, she gave up. “I thought I don’t have anything—I’m poor—so they won’t help me,” she said.²⁸¹

When the KIO did act, it could be abusive. The KWA helped recover Ja Tawng after she was trafficked, and the KIO arrested the broker. Ja Tawng said the KIO officer slapped the broker twice and officers then tied the broker into wooden stocks in the IDP camp and left her there for 15 days. “After 15 days [she] confessed,” Ja Tawng said.

Ja Tawng said the two arrested traffickers were jailed for six months. “They were able to be released quickly,” she said. “They did such a crime, taking away my human dignity.” She believes the sentences were not longer because of bribes to the authorities. She knows another victim trafficked by the same family, and said several of the traffickers, whom she knows and can identify, received no punishment at all. After being released, the two traffickers again were Ja Tawng’s neighbors in the IDP camp and created problems for Ja Tawng, she said, by spreading rumors and lies about her.²⁸²

Seng Ing Nu was trafficked at 17 or 18, held for three years and escaped without her baby son, whom she never saw again. After the broker tried to force her to return to the family she had escaped, she approached KIA soldiers she knew for help. “When they heard about my story they started to plan to punish the broker. They considered whether to put her in jail or kill her... The sentence was going to be too harsh—I didn’t want it to be so strict,” Seng Ing Nu said. “[A]ccording to our beliefs, killing another person is something we should never do.” Seng Ing Nu said she sent a message through one of the soldiers to the KIO leadership. “The message said, ‘I am fine now. I feel better. Don’t hurt her anymore.’” The broker was not punished and remained Seng Ing Nu’s neighbor. “Whenever I meet her

²⁸⁰ Human Rights Watch interview with parents of Ja Seng Tsawm, Myitkyina, January 2018.

²⁸¹ Human Rights Watch interview with Seng Ja Brim, Myitkyina, January 2018.

²⁸² Human Rights Watch interview with Ja Tawng, Myitkyina, January 2018.

again I feel upset and frustrated. Like something—a bad feeling—in my heart. But I try to forgive her. But everyone in the village knows that she’s still trafficking, even now.”²⁸³

KIO camp managers could play a key role in raising awareness of the risks of trafficking and connecting survivors and families with KIO police and the KWA, but this appears infrequent. At age 17, Shayi was trafficked with two other young people from their KIO-run IDP camp. The girl trafficked with Shayi managed to reach her family by phone, but the family did not know how to find her or have the money to travel. They asked the camp manager for help, but the family told Shayi that he “acted like it was none of his business.” When Shayi escaped, after six months of rape and beatings, she sought help from the camp manager, but he did nothing. She added that he mocked her and a trafficked young man as “model” trafficking victims when she said that they would try to catch the broker themselves.²⁸⁴

An activist with experience working with all three police forces—the Myanmar government, Chinese government, and KIO—said that the KIO could act quickly, saying that in one case the KIO had arrested a broker and quickly handed the broker over to an NGO in a government-controlled area for them to seek his prosecution.²⁸⁵

²⁸³ Human Rights Watch interview with Seng Ing Nu, Myitkyina, December 2017.

²⁸⁴ Human Rights Watch interview with Shayi, Myitkyina, July 2017.

²⁸⁵ Human Rights Watch interview with an activist working on trafficking cases (name withheld), Myitkyina, January 2018.

Obligations under international and domestic law

International law

The governments of Myanmar and China are bound by international human rights law conventions that they have ratified and by customary international law. The KIO, as a non-state actor, is not formally bound by international human rights law treaties. However, as the de facto governing body in part of Myanmar's Kachin State, the KIO is responsible for serious abuses it commits that would be violations of international human rights law if carried out by the Myanmar government.

Trafficking

Both China and Myanmar have ratified the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the "Trafficking Protocol"), which outlaws all forms of trafficking of people.²⁸⁶ The Trafficking Protocol defines "trafficking in persons" as:

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 payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.²⁸⁷

The Trafficking Protocol defines trafficking of children as: "The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation" regardless of whether the means set out in the general section are present.²⁸⁸

²⁸⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime ("Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003. Myanmar acceded to the Trafficking Protocol on March 30, 2004; China acceded to the Trafficking Protocol on February 8, 2010. The Trafficking Protocol is also known as the Palermo Protocol.

²⁸⁷ Trafficking Protocol, art. 3(a).

²⁸⁸ Trafficking Protocol, art. 3(c).

Exploitation is defined as including “at a minimum, the exploitation or 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.”²⁸⁹

For both adults and children, the Trafficking Protocol states that consent by the victims is irrelevant to the question of whether an act constitutes trafficking.²⁹⁰ The protocol obligates governments to introduce measures to prevent trafficking, protect and assist trafficking victims, and cooperate to combat trafficking.

Discrimination against women and girls

The trafficking of women and girls from Myanmar to China is both a form of and a consequence of discrimination against women. International human rights law requires states to ensure the equal rights of men and women, and forbids discrimination on the basis of sex.²⁹¹ The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)—to which Myanmar and China are parties—obligates states to eliminate discrimination against women in all areas.²⁹² CEDAW provides that governments ensure that women enjoy the same fundamental freedoms and rights as men, including the rights to life and health, and to guarantee their “full development and advancement.”²⁹³ This includes efforts to address attitudes and behaviors that may be harmful to women.²⁹⁴

UN independent expert bodies have established that gender-based violence, or “violence that is directed against a woman because she is a woman or that affects women

²⁸⁹ Trafficking Protocol, art. 3(a).

²⁹⁰ Trafficking Protocol, art. 3(b).

²⁹¹ See Universal Declaration of Human Rights (UDHR) G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

arts. 2, 7; International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, arts. 2.1, 3, 26. China has signed but not ratified the ICCPR; Myanmar has not ratified the ICCPR; International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, arts. 2.2, 3. China ratified the ICESCR on March 27, 2001. Myanmar ratified the ICESCR on October 6, 2017.

²⁹² Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981. China ratified CEDAW on November 4, 1980. Myanmar acceded to CEDAW on July 22, 1997.

²⁹³ CEDAW, arts. 2,3.

²⁹⁴ CEDAW, art. 5.

disproportionately,” constitutes a form of discrimination.²⁹⁵ The CEDAW committee, the body responsible for monitoring and reporting on CEDAW, has clarified that states’ responsibility to eliminate discrimination requires them to take appropriate measures to prevent or investigate and punish discriminatory actions of private actors.²⁹⁶

The CEDAW Committee, in its General Recommendation No. 26 on women migrant workers, details specific obligations of countries of origin to “respect and protect the human rights of their female nationals who migrate for purposes of work,” including measures related to pre-departure, during their time in the country of destination, and upon return.²⁹⁷

The CEDAW Committee, in its most recent review of Myanmar in 2016, wrote that Myanmar “remains a source country for trafficking in persons, in particular women and girls, for purposes of sexual and labour exploitation.” The committee raised the following concerns:

- (a) That women and girls continue to be trafficked to neighboring and other countries for sexual and labour exploitation;
- (b) That limited progress has been made to address the root causes of trafficking, including poverty, illiteracy and domestic violence;
- (c) That there is no national referral mechanism to address trafficking in persons.

The CEDAW committee, in this review, called on Myanmar to:

- (a) Expedite the review of Myanmar’s Anti-Trafficking in Persons Law (2005) and ensure that new anti-trafficking legislation is comprehensive and in line with international norms and standards;
- (b) Intensify efforts to address the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims, including by

²⁹⁵ UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), General Recommendation No. 19, Violence against Women (Eleventh session, 1992), Compilation of General Recommendations and General Comments adopted, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf (accessed August 18, 2017), paras. 6, 7.

²⁹⁶ CEDAW Committee, General Recommendation No. 19, para. 9; CEDAW Committee, General Recommendation No. 28, on the core obligations of States parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, U.N. Doc. CEDAW/C/GC/28, December 16, 2010, paras. 9, 13.

²⁹⁷ CEDAW Committee, General recommendation No. 26 on women migrant workers, U.N. Doc. CEDAW/C/2009/WP.1/R, December 5, 2008, http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf (accessed October 27, 2017), para. 24.

providing them with access to shelters, legal, medical and psychosocial assistance;

(c) Establish a national referral mechanism and intensify awareness-raising efforts aimed at promoting the reporting of trafficking crimes, the early detection of women and girls who are victims of trafficking and their referral to appropriate services;

(d) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information with other countries in the region and harmonizing legal procedures to prosecute traffickers, in particular with neighboring countries.²⁹⁸

In the most recent CEDAW Committee review of China, in 2014, the committee welcomed China's adoption of a 2013-2020 National Plan of Action on Combating Human Trafficking. The committee expressed concern, however, "about the absence of comprehensive anti-trafficking legislation and the lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption."

The committee called on China in part to:

(a) Provide information in its next report on the adoption of comprehensive anti-trafficking legislation with an explicit definition of trafficking in persons and explain how it complies with international standards;

(b) Continue to intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including working with other countries in the region by exchanging information and harmonizing legal procedures to prosecute traffickers.²⁹⁹

Dowry and bride price

International human rights instruments recognize that social and cultural norms may be linked to attitudes and behaviors that are harmful to women and girls. CEDAW calls on states to modify or abolish customs and practices that discriminate against women, and

²⁹⁸ CEDAW Committee, Concluding observations on the combined fourth and fifth periodic reports of Myanmar, July 25, 2016, CEDAW/C/MMR/CO/4-5, para. 29.

²⁹⁹ CEDAW Committee, Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 14, 2014, para. 29.

also to take measures to change patterns of conduct of men and women, with a view to eliminating prejudices and practices based on the idea of inferiority or superiority of either of the sexes or stereotyped gender roles.³⁰⁰ This includes the payment of dowry and bride price, which the CEDAW Committee and the UN Committee on the Rights of the Child consider to be harmful, discriminatory practices.³⁰¹

Forced labor

In addition to the prohibition on forced labor as a form of exploitation under the Trafficking Protocol, there are additional international prohibitions on forced labor. These include the International Labour Organization (ILO) Convention No. 29 (Forced Labor) which defines forced labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."³⁰² Myanmar has ratified ILO Convention No. 29, but China has not done so.

Sale of children

Children have higher levels of protection under international law. China and Myanmar have ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which complements the Trafficking Protocol. It defines the sale of children as any transaction in which a child is transferred by a person or group to another for remuneration or any other consideration.³⁰³ It emphasizes that "a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited."³⁰⁴

³⁰⁰ CEDAW, arts. 2(f) and 5(a).

³⁰¹ CEDAW Committee/CRC Committee, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18 (November 14, 2014), para. 24.

³⁰² ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, art. 2. Myanmar ratified the convention on March 4, 1955. China has not ratified the treaty.

³⁰³ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted May 25, 2000, G.A. Res. 54/263, annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc A/54/49 Vol. III (2000), entered into force January 18, 2002, art. 2(b). China ratified the protocol on December 3, 2002. Myanmar acceded to the protocol on January 16, 2012.

³⁰⁴ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, preamble.

Right to education

Education is a basic right enshrined in various international treaties ratified by Myanmar and China, including the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).³⁰⁵ Under international human rights law, everyone has a right to free, compulsory, primary education, free from discrimination.³⁰⁶ The UN Committee on Economic, Social and Cultural Rights has stated that the right to fundamental education extends to all those who have not yet satisfied their “basic learning needs.”³⁰⁷ International law also provides that secondary education shall be generally available and accessible to all without discrimination. The right to secondary education includes “the completion of basic education and consolidation of the foundations for life-long learning and human development.”³⁰⁸ It also includes the right to vocational and technical training.³⁰⁹

National Law

Myanmar

Women have a right to be protected from discrimination under Myanmar’s 2008 constitution, which states: “The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. ...The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth.”³¹⁰

³⁰⁵ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990., art. 6. China ratified the CRC on March 2, 1992. Myanmar acceded to the CRC on July 15, 1991.

³⁰⁶ ICESCR, arts. 13 and 2; see also UN Economic and Social Council, Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33, E/CN.4/1999/49, January 13, 1999, http://repository.un.org/bitstream/handle/11176/223172/E_CN.4_1999_49-EN.pdf?sequence=3&isAllowed=y (accessed September 13, 2018).

³⁰⁷ CESCR, General Comment No. 13, The Right to Education (Art. 13 of the Covenant), U.N. Doc. E/C.12/1999/10 (1999), para. 23.

³⁰⁸ *Ibid.*, paras. 11–12.

³⁰⁹ UDHR, art. 26; ICESCR, art. 13(2)(b); CRC, art. 28. Technical and vocational education and training refers to all forms and levels of the educational process involving, in addition to general knowledge, the study of technologies and related sciences and the acquisition of practical skills, know-how, attitudes and understanding relating to occupations in the various sectors of economic and social life. Convention on Technical and Vocational Education 1989, adopted November 10, 1989, No. 28352, art. 1(a). For further information, see also Convention on Technical and Vocational Education, November 10, 1989, art. 3, http://portal.unesco.org/en/ev.php-URL_ID=13059&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed September 13, 2018).

³¹⁰ Constitution of the Republic of the Union of Myanmar (2008), arts. 347-348.

Trafficking is prohibited under the 2005 Anti-Trafficking in Persons Law.³¹¹ The law defines trafficking in persons as:

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

- (1) threat, use of force or other form of coercion;
- (2) abduction;
- (3) fraud;
- (4) deception;
- (5) abuse of power or of position taking advantage of the vulnerability of a person;
- (6) giving or receiving of money or benefit to obtain the consent of the person having control over another person.³¹²

The Myanmar government told the United Nations, ahead of the 2016 CEDAW Committee review, that it is in the process of revising the 2005 law.³¹³ However, to date, there has been little clarity on the content or progress of that legal revision.

Women and their families are vulnerable to abuse by traffickers because Myanmar's laws fail to protect women in important ways. Payment of dowry is legal in Myanmar and commonly practiced in some communities including among the Kachin people.³¹⁴ Marital rape is not a crime.³¹⁵ Domestic violence is largely seen as a private matter.³¹⁶ A new draft law designed to crack down on violence against women has languished in parliament for

³¹¹ Union of Myanmar, Anti-Trafficking in Persons Law, 2005.

³¹² Ibid, art. 3(a).

³¹³ CEDAW Committee, Concluding observations on the combined fourth and fifth periodic reports of Myanmar, July 25, 2016, CEDAW/C/MMR/CO/4-5, para. 29.

³¹⁴ Gender Equality Network, "Raising the Curtain: Cultural Norms, Social Practices and Gender Equality in Myanmar," November 2015, http://themimu.info/sites/themimu.info/files/documents/Report_Raising_the_Curtain_GEN_Nov2015.pdf (accessed August 29, 2018), p. 55.

³¹⁵ CEDAW Committee, Concluding observations of the Committee on the Elimination of Discrimination against Women: Myanmar, Forty-second session, CEDAW/C/MMR/CO/3, November 7, 2008, para. 46.

³¹⁶ UNFPA Myanmar, "Statement: A silent emergency: Violence against women and girls," November 25, 2016, <http://myanmar.unfpa.org/en/news/silent-emergency-violence-against-women-and-girls> (accessed August 29, 2018).

years.³¹⁷ Child marriage is legal in Myanmar, including the marriage of children under the age of 14, and there are no protections against forced marriage.³¹⁸

Marriage, divorce and other areas of personal law in Myanmar are governed by a customary law that varies depending on the religion of the individuals involved.³¹⁹ Many of these laws impose or permit harmful and discriminatory gender norms.³²⁰

Myanmar's failure to protect the rights of women and girls increases their vulnerability to trafficking. Although child marriage and dowry are illegal in China, Myanmar's tolerance of child marriage and dowry make women and girls and their families vulnerable to being tricked into believing or feeling compelled that if a dowry has been paid there is an obligation to marry. This may occur even if the "bride" is a child, or the family believed when they accepted the money that it was wages. Discriminatory personal status laws in Myanmar may dissuade women and girls who escape after trafficking from believing they have any right to regain children left behind in China. Tolerance of violence against women and girls in Myanmar, including forced marriage and marital rape, can lead to abuses against trafficked women and girls being normalized, including by law enforcement officials.

China

China's constitution guarantees women equal rights, stating: "Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, social and family life. The state protects the rights and interests of women."³²¹

Trafficking is prohibited under article 240 of the Criminal Law, which states:

³¹⁷ Ibid.

³¹⁸ CEDAW Committee, Concluding observations on the combined fourth and fifth periodic reports of Myanmar, July 25, 2016, CEDAW/C/MMR/CO/4-5, para. 46.

³¹⁹ Melissa Crouch, "Constructing Religion by Law in Myanmar," *Review of Faith & International Affairs*, 2015, 13:4, 1-11, <https://www.tandfonline.com/doi/pdf/10.1080/15570274.2015.1104961> (accessed August 29, 2018).

³²⁰ Gender Equality Network, "Raising the Curtain: Cultural Norms, Social Practices and Gender Equality in Myanmar," November 2015, http://themimu.info/sites/themimu.info/files/documents/Report_Raising_the_Curtain_GEN_Nov2015.pdf (accessed August 29, 2018).

³²¹ Constitution of the People's Republic of China, art. 48.

Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

- (1) being a ringleader of a gang engaged in abducting and trafficking in women and children;
- (2) abducting and trafficking in three or more women and/or children;
- (3) raping the woman who is abducted and trafficked...
- (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim...

By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.³²²

Families knowingly buying trafficked women and girls are also criminally responsible, under article 241 the Criminal Law, which states: “Whoever buys an abducted woman or child shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.”³²³ Article 241 states that buyers who commit other acts prohibited by the Criminal Law, such as rape or false imprisonment, shall be convicted of those offenses as well.³²⁴ Article 236, referenced in article 241, imposes a minimum sentence of 3 to 10 years imprisonment for rape, with higher penalties in aggravated cases.³²⁵ Article 238 authorizes criminal charges against a person who “unlawfully detains another person” and imposes a sentence of “fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.”³²⁶

³²² Criminal Law of the People’s Republic of China (translation provided here: http://english.court.gov.cn/2015-12/01/content_22595464_23.htm), art. 240.

³²³ Criminal Law of the People’s Republic of China, art. 241.

³²⁴ Ibid.

³²⁵ Criminal Law of the People’s Republic of China, art. 236.

³²⁶ Criminal Law of the People’s Republic of China, art. 238

But the sanctions imposed on buyers of trafficked women and girls permit a defendant to potentially receive no prison time, absent a rape conviction. These sentences seem inappropriately light considering the extreme abuse, including sexual slavery, imposed by many of the families that bought women and girls whom we interviewed.

The Criminal Law also leaves a dangerous loophole for buyers of trafficked people. The last paragraph of article 241 states: “Whoever buys an abducted woman or child but does not abuse the child, and does not obstruct the rescue of the child, may be given lighter punishment; or does not obstruct the woman from returning to her original place of resident as she wishes, may be given lighter or mitigated punishment.”³²⁷ This provision permits a buyer of a trafficked woman to be eligible for not only a lower punishment within the sentencing range specified by the statute (“lighter” punishment) but also a punishment below the range specified by the statute (“mitigated” punishment).

This paragraph may explain why Chinese police were quick to excuse families that bought the survivors interviewed for this report. This provision further undermines the already limited punishment imposed under article 241. It allows the buyer of a trafficked “bride” to avoid full punishment for knowingly participating in trafficking if they just let the woman or girl go—at a moment when the woman or girl may have already escaped against the buyer’s will.

The Chinese government should remove this loophole in article 241. But even under the existing law, police in China should prosecute those family members responsible for knowingly purchasing trafficked women and girls. The possibility that their sentences will be mitigated under the final paragraph of article 241 does not eliminate their criminal responsibility as buyers. In addition to the offense of being a buyer, other abuses, such as rape, assault, and false imprisonment, almost invariably committed by buyers of trafficked

³²⁷ Criminal Law of the People’s Republic of China, art. 241, as amended by Ninth Amendment to the Criminal Law of the People’s Republic of China, effective Nov. 1, 2015 (translation by Human Rights Watch). This provision was amended in 2015—the previous version left an even larger loophole, permitting buyers who let women or girls escape potentially avoid all punishment. Previous version is Criminal Law of the People’s Republic of China (translation provided here: <http://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>), art. 241.

“brides,” are also crimes under Chinese law and should be consistently prosecuted in trafficking cases.³²⁸

Traffickers reportedly use deception at times to trick buyers, pretending to be the mother of the trafficked woman or girl in order to negotiate with a Chinese family for a dowry. Even when this occurs, the Chinese families are breaking the law: China’s 1980 Marriage Law prohibits forced and coerced marriages, and dowry or other forms of payment in association with a marriage.³²⁹ Child marriage is also illegal in China—a provision relevant in cases in which the trafficked “bride” is under the legal age of marriage, which for women in China is 20.³³⁰ In addition to the national law, several provinces in China have passed laws banning arranged and “mercenary” marriage.³³¹

³²⁸ Criminal Law of the People’s Republic of China (translation provided here: <http://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>), arts. 236, 234, 238.

³²⁹ Marriage Law of the People’s Republic of China, 1980, arts. 3, 5.

³³⁰ *Ibid.*, art. 6.

³³¹ CEDAW Committee, “Consideration of reports submitted by states parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, third and fourth periodic reports of States parties: China,” June 10, 1997, CEDAW/C/CHN/3-4, <http://www.un.org/womenwatch/daw/cedaw/cedaw20/china.htm> (accessed August 16, 2018), art. 16.

Recommendations

To the Government of Myanmar and the Government of China

- Government anti-trafficking efforts should give greater attention to “bride” trafficking from Myanmar to China, including targeted efforts to prevent this form of trafficking, rescue and assist victims, and detect and prosecute perpetrators and buyers.
- Improve implementation of the 2004 Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) and the 2009 “Memorandum of Understanding between the Government of the Union of Myanmar and the Government of the People’s Republic of China on Strengthening the Cooperation on Combating Human Trafficking,” to undertake effective and coordinated anti-trafficking prevention, law enforcement, and assistance to victims.
- Support the work of local and international NGOs with proven track records of preventing trafficking and assisting victims and their families.

Prevention

- Collaborate in developing formalized—and government monitored—recruitment pathways for people from Myanmar, including Kachin and northern Shan States, to legally obtain employment in China and safely travel there.
- Collaborate in strengthening efforts at and near the border to raise awareness of the risk of trafficking, detect trafficking, assist victims and potential victims, and maintain a shared watchlist of suspected traffickers.

Law enforcement

- Direct police to respond swiftly and appropriately to all credible reports of trafficking.
- Discipline, including by termination, officers who do not assist or who demand money from victims or families; appropriately prosecute any officials complicit in trafficking.
- Ensure police can access interpretation services to communicate across language barriers.

- Undertake coordinated cross-border responses to every report of “bride” trafficking. Ensure that police responses include a prompt and competent effort to: 1) locate and safely recover the victim; 2) apprehend and prosecute the perpetrators on both sides of the border—including brokers, traffickers, and buyers; 3) reunite the victim with any children left in China; and 4) link the victim with services as needed.
- Develop strategies to recruit and retain more female police.
- Place female officers in investigator roles in all anti-trafficking units and other units interacting with female crime victims.
- Provide coordinated cross-border assistance to safely recover all children that escaped survivors left in China.
- Provide coordinated cross-border assistance to ensure that trafficking survivors are able to travel home safely and obtain needed services.

To the Government of Myanmar

Prevention

- Develop and implement effective public awareness campaigns to inform people in high-risk areas, such as IDP camps, and those crossing the border or applying for travel documents, of the risk of trafficking and measures to protect themselves.
- Ensure adequate food, medical and other assistance reaches residents of IDP camps and other conflict-affected residents of Kachin and northern Shan States.
- Ensure that education free of charge, including free secondary education, is available and accessible to all children, including girls, living in IDP camps or otherwise affected by the conflict.
- Ensure that any plans to close IDP camps are designed and implemented in a manner that respects Myanmar’s human rights obligations, create sustainable strategies for displaced people to be able to return home, and integrate anti-trafficking and protection measures.

Law enforcement

- Provide resources to the anti-trafficking police to ensure they have adequate capabilities, powers, training and transportation to investigate trafficking cases, including by working with police in China.

Law reform

- Pass legislation to improve gender equality, including making marital rape illegal, improving the state response to domestic violence, setting the minimum age of marriage at 18 with no exceptions, and banning forced marriage and dowry.
- Encourage trial and appeals courts to use Criminal Procedure Code article 454 to direct payment of fines imposed on those convicted under the anti-trafficking law to the trafficking victim.
- Revise the legislative framework relevant to anti-trafficking efforts, including the 2005 anti-trafficking law, to ensure it is comprehensive and in line with international standards, including: defining a child as anyone under the age of 18; ensuring that the law provides equal treatment for women and men; and defining trafficking of children so that there is no required demonstration of force, fraud, or coercion.

Services

- In partnership with community and religious leaders, implement community awareness programs to combat social stigma against trafficking victims, their children, and their families.
- Increase the services available to survivors of trafficking, both in terms of the number of people served and the scope of services.
- Develop new ways to reach out to survivors eligible for services and broaden eligibility criteria to include people who are victims of attempted trafficking or who escaped without police involvement.
- Provide comprehensive services to trafficking survivors including:
 - 1) emergency shelter;
 - 2) crisis and long-term counselling;
 - 3) emergency and, as needed, ongoing medical care, including access to abortion, ob/gyn care, and HIV prophylactics, testing and treatment;
 - 4) legal assistance to help pursue charges against and compensation from perpetrators and obtain custody of children in China;
 - 5) livelihood support, including access to education and training; and
 - 6) counselling for families to combat stigma and support reintegration.

To the Government and Military of Myanmar

- Abide by international human rights and humanitarian law in military operations in Kachin and northern Shan States and hold accountable those responsible for abuses.
- Facilitate the delivery of humanitarian assistance to civilians in need in Kachin and northern Shan States.

To the Government of Myanmar and the Kachin Independence Organization

- Seek opportunities on humanitarian grounds to develop mechanisms to coordinate anti-trafficking efforts.
- Ensure that any ceasefire or peace agreements include mechanisms to address the livelihoods and freedom of movement of displaced and other war-affected populations, including women.

To the Government of China

- Develop measures to encourage reporting of suspected trafficking, including raising the awareness of staff in transportation companies, hotels, markets and healthcare facilities.
- End the practice of jailing trafficking survivors for immigration violations and assist their return to Myanmar. Facilitate their safe return to China to assist in investigation and prosecution of crimes committed against them.
- Remove the provision in article 241 of the criminal law that permits buyers to reduce their criminal responsibility by releasing the victim.
- Ensure that anti-trafficking legislation is in line with international standards and best practices; remove the death penalty as a possible punishment.
- Provide services for survivors of trafficking, regardless of their nationality or immigration status, including:
 - 1) emergency shelter;
 - 2) crisis and, where needed, longer-term counselling;
 - 3) emergency and, as needed, on-going medical care, including access to abortion, ob/gyn care, and HIV prophylactics, testing and treatment; and
 - 4) legal assistance to help pursue charges against and compensation from perpetrators and obtain custody of children in China.

- Facilitate public awareness about the problem of bride trafficking.
- Facilitate cross-border humanitarian and development assistance programs from China to Kachin State.
- End restrictions on reproductive rights, such as the current “two-child policy.”
- Permit domestic and foreign NGOs to assist people at risk of trafficking and trafficking victims.

To the Government of China and the Kachin Independence Organization

- Develop formalized—and monitored—recruitment pathways for people from KIO-controlled areas of Myanmar to legally obtain employment in China and safely travel there.
- Strengthen coordination between the Chinese government and the Kachin Independence Organization in trafficking prevention, anti-trafficking law enforcement, and provision of services to women and girls who have been trafficked or are at risk of trafficking.
- Provide coordinated cross-border assistance to escaped survivors to safely recover their children remaining in China.

To the Kachin Independence Organization

- Clarify the roles of the KWA and KIO police on matters relating to trafficking, in which the KWA takes the lead in prevention and service provision, and the KIO leads on investigating cases, recovering victims, apprehending perpetrators, and coordinating with prosecutors and courts on prosecutions.
- Support the KWA and other organizations working in KIO-controlled areas to prevent trafficking, identify and locate victims, and provide services to survivors.

Prevention

- Develop and implement effective public awareness campaigns to inform people in high-risk areas, such as IDP camps, and those crossing the border or applying for travel documents, of the risk of trafficking and measures to protect themselves.
- Strengthen efforts at and near the border to detect trafficking, assist victims and potential victims. and maintain a shared watchlist of suspected traffickers.

- Facilitate humanitarian and development assistance to IDP camp residents and others affected by the armed conflict.
- Negotiate with the Myanmar and Chinese governments to facilitate the delivery of humanitarian and development assistance to Kachin and northern Shan states.
- Ensure that education free of charge, including free secondary education, is available and accessible to all children, including girls, living in IDP camps or otherwise affected by the conflict.
- Improve gender equality, including by making marital rape illegal, improving the KIO response to domestic violence, setting the minimum age of marriage at 18 with no exceptions, and banning forced marriage and dowry.

Law enforcement

- Provide resources to the KIO police to ensure they have adequate capabilities and transportation to investigate trafficking cases, including by working with Chinese police.
- Direct police to respond swiftly and appropriately to all credible reports of trafficking.
- Discipline, including by termination, officers who do not assist or who demand money from victims or families; appropriately prosecute any officials complicit in trafficking.
- Ensure police can access interpretation services to communicate across language barriers.
- Undertake coordinated cross-border responses to every report of “bride” trafficking. Ensure that police responses include a prompt and competent effort to: 1) locate and safely recover the victim; 2) arrest and prosecute the perpetrators on both sides of the border—including brokers, traffickers, and buyers; 3) reunite the victim with any children left in China; and 4) link the victim with services as needed.
- Provide coordinated cross-border assistance with police in China to ensure that trafficking survivors are able to travel home safely and obtain needed services.
- Develop strategies to recruit and retain more female police.
- Place female officers in investigator roles in all units interacting with female crime victims.
- End abusive punishments such as the use of the stocks and the death penalty.

- Ensure that the proposed new KIO penal code complies with international human rights standards and reflects anti-trafficking best practices.
- Until a new penal code is developed, prosecute trafficking cases according to the provisions of Myanmar’s 2005 Anti-Trafficking in Persons Law.

Services

- In partnership with the KWA and community and religious leaders, implement effective, widespread community awareness programs to combat social stigma against trafficking victims, their children, and their families.
- Provide comprehensive services to survivors including:
 - 1) emergency shelter;
 - 2) crisis and long-term counselling;
 - 3) emergency and, as needed, on-going medical care, including access to abortion, ob/gyn care, and HIV prophylactics, testing and treatment;
 - 4) legal assistance to help pursue charges against and compensation from perpetrators and obtain custody of children in China;
 - 5) livelihood support, including access to education and training; and
 - 6) counselling for families to combat stigma and support reintegration.

To the Kachin Women’s Association

- End the practice of educating and forgiving traffickers and brokers rather than seeking KIO law enforcement action against them.
- Seek to provide comprehensive services, including health, mental health, livelihoods, and legal assistance, to trafficking survivors.
- Work, in partnership with the KIO, with community and religious leaders to implement effective, widespread community awareness programs to combat social stigma against human trafficking victims, their children, and their families.

**To International Donors, International Organizations, and the United Nations
(UNDP, UNICEF, OCHA, WFP, UN Women, UNODC, UNHCR, OHCHR, UN Resident
Coordinator's Office in Myanmar, and other UN agencies operating in Kachin and
northern Shan States)**

- Support enhanced services for trafficking victims through assistance to nongovernmental organizations experienced in this work in both Myanmar government and KIO-controlled areas.
- Support projects providing livelihoods development for displaced people and others affected by the conflict in Kachin and northern Shan States.
- Assist the Myanmar government and the KIO to develop and implement with the Chinese government safeguarding system for workers travelling from Myanmar to China to allow them to communicate with their relatives and raise an alarm if they are being trafficked.
- Assist the Myanmar and Chinese governments and the KIO in developing and maintaining a shared watchlist of suspected traffickers and jointly track data on “bride” trafficking cases.
- Press the Myanmar and Chinese governments to make greater efforts to end “bride” trafficking through supporting better implementation of COMMIT and the “Memorandum of Understanding between the Union of Myanmar and the Government of the People’s Republic of China on Strengthening the Cooperation on Combating Human Trafficking” and through high-level engagement and mechanisms such as UN treaty review processes and the US annual trafficking in persons report.
- Urge the Myanmar government and military, and the Chinese government to facilitate the delivery of humanitarian assistance to people at risk in Kachin and northern Shan States.
- Urge the Myanmar and Chinese governments and the KIO to undertake the recommendations in this report and assist them in doing so.

Acknowledgements

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The report was edited by Liesl Gertholtz, director of women's rights at Human Rights Watch. It was reviewed by: Richard Weir, Myanmar researcher; Brian Root, senior quantitative analyst; Sophie Richardson, China director; Yaqui Wang, China researcher; Zama Neff, children's rights director; and Phil Robertson, deputy Asia director. Legal review was by James Ross, legal and policy director, and program review by Tom Porteous, deputy program director. Linda Lakhdar, legal advisor, assisted with legal review. Dr. Erin Kamler and Dave Mathieson also reviewed the draft.

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We would like to acknowledge the courage and resilience of the women and girls interviewed for this report who escaped and survived trafficking. We thank them so much for trusting us with their stories.

Annex I. Letter from Human Rights Watch to the Ministry of Public Security, Public Security Bureau of Yunnan Province, and All-Women's Federation of China

2018 年 12 月 20 日

公安部
中华人民共和国
北京市东城区东长安街 14 号
邮编：100741

主旨：缅甸“新娘”被贩运中国

尊敬的赵克志部长：

本人谨代表人权观察向您致意。人权观察是一个国际非政府组织，对全世界 90 多个国家的人权议题进行监察、报导和倡议。

我们写信给您，是为了缅甸克钦邦和掸邦北部成年及未成年女性被贩运到中国，当做“新娘”出售的问题。人权观察对此议题进行多年调研，将在未来数月内发布报告，详细说明我们的发现和倡议。我们愿意与您分享调研成果，并请您提供某些信息，协助我们确保所描绘的图像足够充分和精确。

该报告发现，“新娘”贩运在该区域普遍发生，尤其在邻近中国边境社区和境内流徙者营区。受害者通常受到社区内熟识且信任的人所招募。这个人承诺她们在中国有优渥工作，并护送她们穿越边界。我们访问到的贩运幸存者许多都在旅途中被喂食毒品；其他人则在越过边界后被告知原本承诺的职缺已不存在，但只要再转往中国其他地方将有另一个工作。

这些成年或未成年女性最后被卖给中国家庭，售价介于人民币 21,000 元至 90,000 元（3,000 到 13,000 美元）。成交之后，这些妇女或少女通常被关进上锁的房间，时间从几天、几星期到几个月，不断被强迫性交。她们通常被买主家庭囚禁多年，被迫为这个家庭怀孕生子。

我们的调研指出，虽然中国已经立法严禁人口贩运，并根据 2004 年《湄公河部长级反拐行动》（COMMIT）和 2009 年《关于加强打击拐卖人口犯罪合作谅解备忘录》作出承诺，但中国政府在防制人口贩运、执行反贩运法律和援助贩运受害者方面存在许多重大失误。

我们的主要发现包括：

- 1) 中国警方和缅甸警方或克钦独立组织警方之间缺乏有效协作；
- 2) 未充分努力通过提高意识或边界防控措施遏止人口贩运；
- 3) 没有主动积极调查人口贩运举报案件，救援“新娘”贩运受害者，或逮捕加害者；
- 4) 警方不逮捕被贩运“新娘”的买主已成模式，不论是否有明确证据显示买主知情参与人口贩运；

- 5) 逃脱的贩运幸存者向中国警方求助时，一般以违法入境羁押数星期后遣返，而非视为犯罪被害人；
- 6) 贩运幸存者通过特殊而且经常不顺畅、不友善的系统被遣返缅甸，几乎没有任何协助幸存者的服务；以及
- 7) 对于在中国育有子女的被贩运妇女及少女，没有协助她们获得子女监护权的系统。

为帮助我们确保报告内容的正确性，我们需要下列各项信息，敬请惠予提供：

- 1) 任何有关中国执法机关应对缅甸和中国之间“新娘”贩运问题的官方说明；
- 2) 任何有关中国执法机关应对“新娘”贩运、缅甸和中国之间的人口贩运或更广泛人口贩运防治问题的政府政策或培训文件；
- 3) 任何有关缅甸“新娘”贩运或来自缅甸的妇女和少女贩运案件的统计数据，包括任何您可提供描述前述案件和执法机关应对的特征的详细数据；以及
- 4) 任何中国政府加强应对人口贩运的计划，不论是一般性或专门针对缅甸“新娘”贩运者。

非常感谢您的关注。如果您有任何疑问，请随时通过 barrh@hrw.org 或 +1-646-479-2703 与我联系。

女性权利部高级研究员
海瑟·巴尔
谨上

副本：
云南省公安厅厅长
中华全国妇女联合会主席

Annex II. Letter to Human Rights Watch from Republic of the Union of Myanmar, Ministry of Social Welfare, Relief and Resettlement, Department of Rehabilitation

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့်ပြန်လည်နေရာချထားရေးဝန်ကြီးဌာန
ပြန်လည်ထူထောင်ရေးဦးစီးဌာန

စာအမှတ်၊ ၁၆၀ /၀၀၈/ ၃-၂ / ၂၀၁၈
ရက်၊ ၅၊ ၂၀၁၈ ခုနှစ်၊ မတ်လ ၁၆ ရက်

သို့

MS.Heather Barr
Senior Researcher
Women's Rights Division, Human Rights Watch

အကြောင်းအရာ။ Human Rights Watch မှမေးခွန်းများနှင့် စပ်လျဉ်း၍ ပြန်လည်ထူထောင်ရေးဦးစီးဌာနနှင့်သက်ဆိုင်သော အချက်အလက်များ ပေးပို့ခြင်းကိစ္စ

ရည်ညွှန်းချက်။ Human Rights Watch ၏ (၂၃.၈.၂၀၁၈) ရက်စွဲပါစာအရ ရည်ညွှန်းပါစာဖြင့် Human Rights Watch မှ " မြန်မာနိုင်ငံမှ တရုတ်နိုင်ငံသို့ သတို့သမီးများအဖြစ် လူကုန်ကူးခံနေရသည့် အမျိုးသမီးများနှင့်မိန်းကလေးများ၏အခြေအနေအပေါ် သုတေသန" ပြုလုပ်ရာတွင် လိုအပ်သည့်သတင်းအချက်အလက်များအတွက် မေးခွန်းများ ပေးပို့တောင်းခံလာခြင်းနှင့် စပ်လျဉ်း၍ ပြန်လည်ထူထောင်ရေးဦးစီးဌာနနှင့် သက်ဆိုင်သော မေးခွန်းများကို ပူးတွဲပါအတိုင်း ဖြေကြားပေးပို့ပါသည်။


ညွှန်ကြားရေးမှူးချုပ် (ကိုယ်စား)
(ဒေါက်တာထွန်းဇော်၊ ညွှန်ကြားရေးမှူး)

မိတ္တူကို -

- (၁) ညွှန်ကြားရေးမှူးချုပ်ရုံး
- (၂) ညွှန်ကြားရေးမှူးချုပ်ရုံး၊ လူမှုဝန်ထမ်းဦးစီးဌာန
- (၃) ဒုတိယညွှန်ကြားရေးမှူးချုပ်၊ ပြန်လည်ထူထောင်ရေးဦးစီးဌာန
- (၄) အဓိကစာတွဲ (၅) လက်ခံစာတွဲ (၆) စာတွဲအမှတ်၊ ၉၉၉/ ၁-၂/ ၂၀၁၈

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လူ့အခွင့်အရေးစောင့်ကြည့်ရေးအဖွဲ့ (Human Rights Watch) ၏ မေးခွန်းများနှင့်စပ်လျဉ်း၍
ပြန်လည်ထူထောင်ရေးဦးစီးဌာနမှ ပြန်လည်ပြောကြားချက်များ

မေးခွန်း က (၅)

၁။ ၂၀၁၀ခုနှစ်မှ ၂၀၁၇ခုနှစ်အထိ တရုတ်နိုင်ငံမှ ပြန်လည်လွှဲပြောင်းလက်ခံခဲ့သည့် လူကုန်ကူး
ခံရသူ အမျိုးသမီးဦးရေမှာ အောက်ပါအတိုင်းဖြစ်ပါသည်-

စဉ်	ခုနှစ်	ပြန်လည်လက်ခံသူ ဦးရေ		စုစုပေါင်း
		၁၈ နှစ် အောက်	၁၈ နှစ် အထက်	
၁	၂၀၁၀	၂၉	၁၃၅	၁၆၄
၂	၂၀၁၁	၁၆	၁၂၂	၁၃၈
၃	၂၀၁၂	၂၆	၁၂၇	၁၅၃
၄	၂၀၁၃	၁၇	၁၂၂	၁၃၉
၅	၂၀၁၄	၁၅	၁၀၉	၁၂၄
၆	၂၀၁၅	၁၈	၈၂	၁၀၀
၇	၂၀၁၆	၂၅	၈၀	၁၀၆
၈	၂၀၁၇	၃၉	၁၄၂	၁၈၁
	စုစုပေါင်း	၁၈၅	၉၃၀	၁၁၁၅

မေးခွန်း ဂ

၂။ တရုတ်နိုင်ငံမှ ပြန်လည်လွှဲပြောင်းလက်ခံခဲ့သော လူကုန်ကူးခံရသူများအား မူဆယ်၊ ယာယီ
လက်ခံစောင့်ရှောက်ရေးဂေဟာတွင် ယာယီလက်ခံစောင့်ရှောက်၍ မအာက်ပါဝန်ဆောင်မှုများဆောင်
ရွက်ပေးလျက်ရှိပါသည်-

- (က) အခြေခံလိုအပ်ချက်များ ဖြည့်ဆည်းပေးခြင်း၊
- (ခ) Psycho Social Support ပေးခြင်း၊
- (ဂ) ၎င်းတို့၏ ဆန္ဒအရ ကျန်းမာရေးဆေးစစ်ပေးခြင်းနှင့် လိုအပ်ပါက ဆေးကုသမှုခံယူနိုင်

03m/Nrbvchnd R&R 110063.pdf

ရန်ပုံစံဆောင်ရွက်ပေးခြင်း၊

(ဃ) နိုင်ငံသားစိစစ်ရေးကော်မရှင်း/ ပျောက်ဆုံးသူများအတွက် ယာယီခရီးသွားထောက်ခံ
စာထုတ်ပေးနိုင်ရန်နှင့် နိုင်ငံသားစိစစ်ရေးကော်မရှင်းရရှိနိုင်ရန် အမျိုးသားမှတ်ပုံတင်နှင့်
နိုင်ငံသားဦးစီးဌာနနှင့် ညှိနှိုင်းဆောင်ရွက်ပေးခြင်း

၃။ မိဘရပ်ထံပြန်လည်အပ်နှံပြီးသော လူကုန်ကူးခံရသူများအား ပြန်လည်ထူထောင်ရေး
အထောက်အပံ့များဆောင်ရွက်ပေးနိုင်ရန် နောက်ဆက်တွဲစောင့်ရှောက်မှုဆောင်ရွက်ပေးပြီး၊
နောက်ဆက်တွဲစောင့်ရှောက်မှုများမှရရှိလာသော တစ်ဦးချင်းစီ၏ ပြန်လည်ထူထောင်ရေးအစီအစဉ်
များအရ လူကုန်ကူးခံရသူတစ်ဦးချင်း၏ လိုအပ်ချက်ပေါ်မူတည်ပြီး ပြန်လည်ထူထောင်ရေးအထောက်
အပံ့များကို ဆောင်ရွက်ပေးလျက်ရှိရာ နှစ်အလိုက် ထောက်ပံ့ပေးခဲ့သည့် လူကုန်ကူးခံရသူ အမျိုးသမီး
ဦးရေမှာအောက်ပါအတိုင်းဖြစ်ပါသည်-

စဉ်	ခုနှစ်	နောက်ဆက် တွဲစောင့်ရှောက်မှု ဦးရေ	ထောက်ပံ့ပေးမှု						စုစုပေါင်း
			ပညာ ရေး	ကျန်း မာ ရေး	စီးပွား ရေး	စိုက် ပျိုး ရေး	မွေး မြူ ရေး	သက် မွေးဝမ်း ကျောင်း	
၁	၂၀၁၀	-	-	-	-	-	-	-	-
၂	၂၀၁၁	၅၄	၂	၅	၁၂	-	၁	-	၂၀
၃	၂၀၁၂	၁၁	-	-	-	-	၁	-	၁
၄	၂၀၁၃	၄၉	-	၁	၁၂	-	၁	-	၁၄
၅	၂၀၁၄	၈၃	-	-	-	-	၅	-	၅
၆	၂၀၁၅	၉၂	၁	၃	၂၃	-	၃	-	၃၀
၇	၂၀၁၆	၁၅၄	၁	၅	၅၆	၂	၁၄	၄	၈၂
၈	၂၀၁၇	၁၈၁	-	၅	၇၉	-	၂၀	၇	၁၁၁
စုစုပေါင်း		၆၂၄	၄	၁၉	၁၈၂	၂	၄၅	၁၁	၂၆၃

မေးခွန်း ဃ (၆)

၄။ အောက်ပါ ဝန်ဆောင်မှုများကို တိုးချဲ့ဆောင်ရွက်မည်ဖြစ်ပါသည်-

(က) လူကုန်ကူးခံရသူများအတွက် လိုအပ်သည့် သတင်းအချက်အလက်များပေးခြင်း၊ စိတ်လှူမှုရေးဆိုင်ရာအထောက်အပံ့များပေးခြင်း၊ လူကုန်ကူးခံရသူများအတွက် ထောက်ပံ့မှုပေးနေသည့် အဖွဲ့အစည်းများနှင့် ချိတ်ဆက်ပေးခြင်းနှင့် အလုပ်အကိုင်အတွက် ချိတ်ဆက်ပေးခြင်းတို့ကို ဆောင်ရွက်ပေးနိုင်ရန် လူကုန်ကူးခံရသူများအတွက် သတင်းအချက်အလက်မှုဝေရာစင်တာ (Information Center for Trafficked Persons) မန္တလေးအား ထပ်မံဖွင့်လှစ် ဆောင်ရွက်မည်ဖြစ်ပါသည်။

(ခ) ပေးလမ်းခြင်းများပေးသည့်အတွက် နေထိုင်သော လူကုန်ကူးခံရသူများအား ပြန်လည်ထူထောင်ရေး အထောက်အပံ့အဖြစ် One Time Assistance ထက်ပိုသော ထောက်ပံ့မှုများ ပေးနိုင်ရန် ရန်ပုံငွေတိုးမြှင့် တောင်းခံခြင်း၊

(ဃ) လူကုန်ကူးခံရသူများအား တိုက်ရိုက်ဝန်ဆောင်မှုပေးနေသူများအား လူကုန်ကူးခံရသူများအား ထိရောက်သော ဝန်ဆောင်မှုများပေးနိုင်ရန် လူကုန်ကူးခံရသူများ ပြန်လည်လက်ခံရေး၊ ပြန်လည်ဝင်ဆံ့ပေါင်းစည်းရေးနှင့် ပြန်လည်ထူထောင်ရေးလုပ်ငန်းများဆိုင်ရာ ဖွဲ့စည်းခြင်းနှင့်သင်တန်းများဖွင့်လှစ်ခြင်း၊

(င) လူကုန်ကူးခံရသူများအတွက် သတင်းအချက်အလက်မှုဝေရာစင်တာ၏ ဆောင်ရွက်ပေးနေသော ဝန်ဆောင်မှုများကို ပြည်သူများအတွင်း ကျယ်ကျယ်ပြန့်ပြန့်သိရှိနိုင်ရေး ပြန်မာ့ရုပ်မြင်သံကြားတွင် ရုပ်ပြကာတွန်းအစီအစဉ် ထုတ်လွှင့်ခြင်း။



(above) A church-run camp for internally displaced persons in Kachin State, Myanmar. Over 100,000 people are currently internally displaced as a result of fighting in Myanmar's Kachin and northern Shan States. Many have been displaced since fighting escalated in 2011 following a 17-year ceasefire. In the camps there is little access to employment and people struggle to feed their families.

(front cover) A young woman who was trafficked at age 17 by a friend's mother who promised her a well-paid child care job and then sold her to a family in China as a "bride." Once purchased, she was confined and subjected to sexual slavery, but managed to escape after several months and return home to Myanmar.

Photos © 2018 Human Rights Watch

“Give Us a Baby and We’ll Let You Go”

Trafficking of Kachin “Brides” from Myanmar to China

The Myanmar and Chinese governments have failed to stem trafficking of ethnic Kachin women and girls as “brides” to families in China. Hundreds are trafficked each year and sold into sexual slavery for the equivalent of US\$3,000 to \$13,000.

“Give Us a Baby and We’ll Let You Go” documents the key factors that are driving the trafficking. The report also documents the failures of law enforcement that allow the trafficking to flourish. Many survivors of trafficking told Human Rights Watch that they sought jobs in China because they faced desperate lives in camps of people displaced by fighting in Myanmar’s Kachin and northern Shan States. In China, many families struggle to find brides for their sons due to the country’s gender imbalance, exacerbated by the “one-child policy” in place from 1979 to 2015.

Survivors of trafficking said trusted people, including family members, promised work in China, then sold them. Once purchased they were typically locked in a room and raped repeatedly. Survivors said the Chinese families often seemed more interested in a baby than a “bride.” After giving birth they could sometimes escape, but usually only by leaving their children behind with little hope of seeing them again. Back in Myanmar, survivors have little access to services and grapple with stigma as they try to rebuild their lives.

Law enforcement officials on both sides of the border have made little effort to end trafficking. The Myanmar and Chinese governments, and the Kachin Independence Organization, should do more to prevent trafficking, recover and assist victims, and prosecute traffickers. Donors should support organizations assisting victims.