



universität
wien

MASTER THESIS

Titel der Master Thesis / Title of the Master's Thesis

„Is it Enough? China's Response to 'Push and Pull'
Factors that Contribute to the Trafficking of Burmese
Women for the Purpose of Forced Marriage in China“

verfasst von / submitted by

Wittney Sadler, Bc.

angestrebter akademischer Grad / in partial fulfilment of the requirements for the
degree of

Master of Arts (MA)

Wien, 2021 / Vienna 2021

Studienkennzahl lt. Studienblatt /
Postgraduate programme code as it
appears on
the student record sheet:

UA 992 884

Universitätslehrgang lt. Studienblatt /
Postgraduate programme as it appears on
the student record sheet:

Master of Arts in Human Rights

Betreut von / Supervisor:

MMag.a DDr.in Ursula Naue

Table of Contents

1	<i>Introduction</i>	1
1.1	Background	1
1.2	Research Problem	2
1.3	Research Aims and Objectives	4
1.4	Significance	5
1.5	Limitations	6
1.6	Key Terms	6
2	<i>Research Approach</i>	8
2.1	Conceptual Framework	9
2.1.1	Concept of Lee's Push and Pull Factors	9
2.1.2	Supply and Demand	11
2.1.3	Concept of Gender Roles	12
2.1.4	Human Rights-Based Approach	14
2.1.5	Summary of Conceptual Framework	17
2.2	Methodology	18
3	<i>Analysis of Push and Pull Factors</i>	20
3.1	Overview	20
3.2	The Creation of the 'Demand'	21
3.2.1	Gender Imbalance	23
3.2.2	One-Child Policy, Male Preference, Sex-Selective Abortions	24
3.2.3	Rural to Urban Migration	26
3.2.4	Socio-Cultural Factors	27
3.3	The Creation of Push Factors	32
3.3.1	Political Factors	33
3.3.2	Economic Factors	37
3.3.3	Socio-Cultural Factors	40
3.4	Summary of Push and Pull Factors	43
4	<i>China's Response to the Push and Pull Factors</i>	44
4.1	Background	45
4.2	Addressing the Demand - Gender Imbalance	45
4.2.1	"Care for Girls" Campaign	46
4.2.2	Two-Child Policy	50
4.3	Addressing the 'Push' Factors – Foreign Policy	54
4.3.1	Background	54
4.3.2	Humanitarian Action– IDPs and Refugees	55
4.3.3	Pilot Project of Poverty Reduction Cooperation in Myanmar	62
4.4	Conclusion of Response	68
4.4.1	China's Primary Focus	70
5	<i>Conclusion and Recommendations</i>	71
5.1	Recommendations	76

6	<i>Bibliography</i>	83
7	<i>Bibliography – Legislation and Case Law</i>	95
8	<i>English Abstract</i>	96
9	<i>German Abstract</i>	97

Abbreviations and Acronyms

HRBA	Human-rights based approach
HRW	Human Rights Watch
ID	Identification
IDP	Internally Displaced People
IGO	Intergovernmental Organization
ILO	International Labor Organization
IOM	International Organization for Migration
KIA	Kachin Independence Army
KIO	Kachin Independence Organisation
KWAT	Kachin Women's Association Thailand
KYAT	Myanmar Currency
M&E	Monitoring and Evaluation
NGO	Non-Governmental Organization
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PRC	People's Republic of China
SAWC	South Asian Women's Centre
SDG	Sustainable Development Goals
SRB	Sex Ratio at Birth
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNIDO	United Nations Industrial Development Organization
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar

1 Introduction

In order to combat the trafficking of women for the purpose of forced marriage it is essential to identify relevant ‘push and pull’ factors that could be influencing the phenomenon. This research aims to identify ‘push and pull’ factors that affect trafficking for the purpose of forced marriage as well as identify and analyze China’s response to these factors.

1.1 Background

The phenomenon of trafficking for the purpose of forced marriage is something that has been occurring for decades, but hadn’t received significant international attention until the 2006 report conducted by the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children.¹ Sigma Huda discusses her thematic study on the emergence of forced marriage in the context of human trafficking, in particular how it can be considered as either a part of human trafficking or an act of it, as well as emphasizes the need to address the ‘demand’ side of this phenomena.² In this report, Huda expresses that forced marriages can take place in many different situations around the world, but primarily the victims of this phenomena are girls and women.³ In her thematic study, Huda concluded that there are several different reasons for forced marriages that take place around the world including, financial reasons such as, to settle debts, to receive dowries, for families to gain control over the lives of their daughters’, as a status symbol, to obtain residence permits and many others.⁴ Huda further highlights the difficulties in obtaining data and statistics on this matter, as the private nature of this phenomena often leads it to stay hidden and

¹ UN Human Rights Council & S Huda, *Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children*, Sigma Huda, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Geneva, United Nations, 24 January 2007, pp. 1–22, A/HRC/4/23 <<https://digitallibrary.un.org/record/592360?ln=en#record-files-collapse-header>>.

² UN Human Rights Council and Huda, pp. 1–22.

³ UN Human Rights Council and Huda, pp. 1–22.

⁴ UN Human Rights Council and Huda, pp. 1–22 (p. 11).

unreported.⁵ Additionally, the report acknowledges the complexities of this matter due to patriarchal structures, traditions, customs and religious practices, which heavily influence the human rights of these women regarding marriage, sexual autonomy, bearing children, and so forth.⁶ This report is significant for a number of reasons, not only because it shines light on this phenomenon but also it begins to address the complex nature of it as it stated that the individuals who are trafficked for the purpose of forced marriage are often exposed to a myriad of abuses including, physical, sexual, and psychological abuse from their spouses as well from their spouse's families. Not to mention that if the individual tries to resist or leave the marriage they are often faced with abuse, violence, and general ostracism from their own families.⁷

1.2 Research Problem

It was estimated that, “65,000-74,000 migrants from Kachin State and Northern Shan State were living in Dehong Dai and Jingpo Autonomous Prefecture, of whom 7,700-10,400 were married to Chinese men. Of these married migrant women, 2,300-2,500 were in forced marriages and around 1,000 were trafficked into forced marriage.”⁸ Furthermore, they surmise that if this study had a larger scope including more regions and populations the numbers of persons trafficked into forced marriage would increase.⁹

Over the last several decades the imbalance between genders in China has exponentially grown in part due to the one-child policy from 1979 to 2015. This policy has contributed to approximately 30-40 million more men than women in China.¹⁰ It is projected that by 2030 approximately 25% of Chinese men in their late thirties have yet

⁵ UN Human Rights Council and Huda, pp. 1–22 (p. 11).

⁶ UN Human Rights Council and Huda, pp. 1–22 (p. 14).

⁷ UN Human Rights Council and Huda, pp. 1–22 (p. 15).

⁸ W Courtland Robinson & C Branchini, *Estimating trafficking of Myanmar women for forced marriage and childbearing in China*, John Hopkins Bloomberg School of Public Health, December 2018, pp. 1–74 (p. 43), <https://www.jhsph.edu/departments/international-health/news/_publications/ETFM_Full%20Report.pdf>.

⁹ Courtland Robinson and Branchini, pp. 1–74 (p. 43).

¹⁰ H Barr, ‘China’s Bride Trafficking Problem’, in *Human Rights Watch*, 2019, <<https://www.hrw.org/news/2019/10/31/chinas-bride-trafficking-problem>> [accessed 28 March 2021].

to be married.¹¹ This large imbalance has contributed to the need for more women in China and has turned China into a ‘destination’ country for the trafficking of women for the purpose of forced marriage.

This ‘demand’ is then often fulfilled by the surrounding South Asian ‘source’ countries such as, Myanmar, North Korea, Cambodia, and Pakistan to name a few.¹² Women in the “source” state Myanmar are particularly vulnerable due to the ongoing internal conflict within Myanmar. 2011 marked the end of the “cease fire” within Myanmar which has led to over 100,000 people, particularly Kachin and other ethnic minorities, to be displaced within the state and has led to increased hostilities. This internal conflict has left many just trying to survive within the state, thus creating the perfect environment for traffickers to target these vulnerable people.¹³ These girls and women who are trafficked to China are then subjected to horrendous acts including being drugged, raped, being entered into sexual slavery and labor, to name a few.¹⁴

Previously, in a 2014 report published by the South Asian Women’s Centre (SAWC) the focus is on South Asians within Canada with the focus to provide a specific framework to establish how forced marriage is a form of human trafficking and how this issue can be addressed at the community level in terms of trainings and consultations to empower the community to address this issue.¹⁵ This was followed by the book, “Marriage Trafficking – Women in Forced Wedlock” by Kaye Quek, she highlights, the need for marriage to be considered as a distinctive form of trafficking in its own right. Furthermore, she provides a framework for being able to identify specific characteristics that can be attributed to marriage trafficking and how marriage can constitute situations of trafficking. She does this through case study analyses in the US, Canada, and the UK.¹⁶ Additionally, in late 2020 the United Nations Office on Drugs

¹¹ Human Rights Watch, “Give Us a Baby and We’ll Let You Go”, in *Human Rights Watch*, 2019, <<https://www.hrw.org/report/2019/03/21/give-us-baby-and-we-ll-let-you-go/trafficking-kachin-brides-myanmar-china>> [accessed 20 May 2021].

¹² Barr.

¹³ Human Rights Watch.

¹⁴ Ibid.

¹⁵ SOUTH ASIAN WOMEN’S CENTRE, *FORCED MARRIAGE AS A FORM OF HUMAN TRAFFICKING*, Toronto, SOUTH ASIAN WOMEN’S CENTRE, 2014, pp. 1–58, <<http://www.sawc.org/wp-content/uploads/2015/04/Forced-Marriage-as-a-Form-of-Human-Trafficking-Resource-Guide.pdf>>.

¹⁶ Kaye Quek, *Marriage Trafficking: Women in Forced Wedlock* (1st edn, Routledge 2018) 13.

and Crime (UNODC) published a report on "Interlinkages Between Trafficking in Persons and Marriage". This issue paper covered a multitude of things but primarily focused on how forced marriages can fall within the scope of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons.¹⁷ This report was a breakthrough for this topic as it was one of the first official issue papers of its kind to depict how human trafficking and forced marriage can intersect. This issue paper has provided a general overview of this phenomenon but lacks the detailed analysis of specific, in-depth case studies and within its primary data collection of interviews, it fails to include representatives of different minority groups.

Each of these sources have contributed to the identification of a relevant and important research area. The UNODC report lacks in-depth case studies and the inclusion of minorities, Kaye Quek's book focuses on western states, thus leaving out other regions, and the SAWC report applies its recommendations and legal analysis in the Context of Canada, thus not shining light on other states or regions in the world.

These gaps and focuses on other areas provides an opportunity for this thesis to address the research problem, which is the need for identifying the 'push and pull' factors that contribute to this phenomenon but also identifying and analyzing how the relevant parties have addressed this growing problem. This is important because in order to be able to properly respond to the trafficking of women for the purpose of forced marriage it is essential to understand what factors are contributing to it as well as how stakeholders are currently addressing the problem.

1.3 Research Aims and Objectives

Due to the lack of research on 'push and pull' factors contributing to this phenomenon in Myanmar and China, this research aims to identify 'push and pull' factors that influence this phenomenon as well as to determine how this has been addressed through relevant policies to ascertain what is being done to address this phenomenon, if it's effective, and how it can be improved.

¹⁷ UN Office on Drugs and Crime, *Interlinkages between Trafficking in Persons and Marriage*, Vienna, UN Office on Drugs and Crime, 7 October 2020, pp. 1–97, <https://www.unodc.org/documents/human-trafficking/2020/UNODC_Interlinkages_Trafficking_in_Persons_and_Marriage.pdf>.

The research objectives include:

1. To identify ‘push and pull’ factors contributing to trafficking for the purpose of forced marriage
2. To identify China’s response to some of these ‘push and pull’ factors
3. Evaluate the inclusion of a Human-rights based approach (HRBA) in the policy response
4. Identify relevant recommendations to improve the response to these ‘push and pull’ factors as well as to the phenomenon

This thesis seeks to answer the primary research question of: “How has China responded to the ‘push and pull’ factors that contribute to the trafficking of Burmese women for the purpose of forced marriage in China?” To stay within the scope of this thesis, the ‘push and pull’ factors identified will not be all inclusive but limited to a select few as well as with the policy response.

1.4 Significance

This research will contribute to the body of literature addressing the trafficking of women for the purpose of forced marriage by providing additional insight into the phenomenon in the context of Myanmar and China as well as taking a step further to understand and identify ‘push and pull’ factors that contribute to this phenomenon and how it has been addressed within China. Thus, it’s not just looking at the phenomenon in context of international law and by providing a framework as the UNODC document mentioned in Chapter 1.2 does or creating its own classification and framework as Quek does which is illustrated in Chapter 1.2. This research attempts to connect all these various aspects together, which has not been done, and to end with recommendations on how the human rights-based approach (HRBA) can be incorporated in policy responses to this phenomenon in the addressing of root causes as well as tackling the problem directly to take a holistic response.

1.5 Limitations

One of the primary limitations to this thesis was the access to information largely due to the language barrier, thus the quality of resources is affected. It was challenging to identify and access relevant legal and political sources, thus, to overcome this as much as possible, secondary sources consisting of local organizations, international organizations, as well as journal articles were primarily utilized. Additional limitations to this thesis deal with the methodology, in not being able to identify and analyze all relevant ‘push and pull’ factors as well as Myanmar’s policy responses as it was not within the scope of this thesis to be able to do this, as well as not being able to conduct my own research which would have been ideal as there’s still a great need for research to be collected on this phenomenon in order to understand the scope and severity of the trafficking of Burmese women for the purpose of forced marriage in China.

1.6 Key Terms

According to Kaye Quek author of, *Marriage Trafficking Women in Forced Wedlock*, the concept of ‘Marriage Trafficking’ is relatively new and under-recognized, therefore she highlights the necessity of looking at the intersection of marriage and human trafficking as it encompasses a multitude of human rights violations that can occur all at the same time and are not represented in the classical types of trafficking such as sexual and labor trafficking, thus requires its’ own classification and distinction. Quek provides a theoretical conception of the term ‘Marriage Trafficking’ to highlight these intricacies.¹⁸

To answer this research question, this thesis will utilize some elements of Quek’s concept of marriage trafficking as a basis for understanding. Quek’s theorization of ‘Marriage Trafficking’ includes multiple types of marriage including polygamous marriages, whereas this thesis will focus solely on forced marriage in the context of human trafficking. Additionally, Quek argues that the concept of marriage as an institution in it of itself could be a form of trafficking, however this thesis intends to

¹⁸ Quek.

focus on forced marriage and how it can either be an element or act of trafficking.¹⁹ However, the key argument outlined by Quek is still very crucial and critical to this thesis and that is that marriage trafficking can be depicted as a combination of the practices and abuses that occur during sex trafficking and labor trafficking, as well as potential reproductive exploitation of women.²⁰ Additionally, Marriage trafficking is often considered a more private type of trafficking, contrary to other types of trafficking which are more public. Furthermore, it's highlighted that the scope and type of exploitation faced by women who are trafficked for marriage is not for a short period of time, but lasts a lifetime, which is unlike other types of trafficking such as for labor or sex trafficking.²¹

Another key concept that is relevant to this thesis is 'forced marriage'. There is not an international legal definition of forced marriage, however it is outlined and referred to in multiple Human Rights Provisions. As summarized by the UNODC Interlinkages between Trafficking in Persons and Marriage it states that the General Assembly has put forth numerous resolutions in 2012, 2014, 2015, and 2019 asking for forced marriage to be addressed.²² In several of the resolutions the practice of forced marriage was determined to be, "a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices and human rights violations and that such violations have a disproportionately negative impact on women and girls."²³ Additionally, the resolutions highlight the numerous root causes contributing to the practice of forced marriage which include, poverty and lack of education.²⁴ Thus, it's evident that 'forced marriage' is a violation of human rights and can be extremely detrimental to the victims.

The last key concept to answering this thesis is that of 'human trafficking'. This thesis will utilize the definition stated in, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United*

¹⁹ Quek, pp. 1, 2.

²⁰ Quek, p. 55.

²¹ Quek, p. 75.

²² UN Office on Drugs and Crime, pp. 1–97 (p. 17).

²³ UN Office on Drugs and Crime, pp. 1–97 (p. 17).

²⁴ UN Office on Drugs and Crime, pp. 1–97 (p. 17).

Nations Convention against Transnational Organized Crime. As outlined in the protocol:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.²⁵

Understanding the definition as defined in the Trafficking protocol is critical for understanding the phenomenon this thesis is referring to.

2 Research Approach

This thesis seeks to answer the research question, "How has China responded to the 'push and pull' factors contributing to the trafficking of Burmese women for the

²⁵ United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 2000, <<https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>>.

purpose of forced marriage in China?” To answer this research question, this thesis utilized a secondary data collection to determine ‘push and pull’ factors and then conducted a document policy analysis to ascertain how China has responded to the identified ‘push and pull’ factors. This was then followed by recommendations on how to incorporate a human rights-based approach to properly tackle this phenomenon of trafficking for the purpose of forced marriage by addressing root causes and by tackling it directly.

The below concepts will be applied in the identification of the ‘push and pull’ factors and in the analysis of China’s response to these ‘push and pull’ factors which are contributing to the trafficking of Burmese women for the purpose of forced marriage in China.

2.1 Conceptual Framework

This thesis utilized a conceptual framework to best understand and address this research question and phenomenon as depicted in Chapter 1.3. This allowed for the utilization of several relevant concepts and approaches to be combined and applied to this thesis to further inform the reader on this phenomenon of trafficking women for the purpose of forced marriage.

2.1.1 Concept of Lee’s Push and Pull Factors

First and foremost, this thesis utilized the push and pull theory of migration as a basis for understanding on what potential ‘push and pull’ factors can play a role in migration. The initial push and pull theory were formulated by Everett Lee in his article, *A Theory of Migration*, which was written in 1966. Lee defines 4 primary factors that contribute to the reasons for migration which are, “Factors associated with the area of origin, Factors associated with the area of destination, Intervening obstacles, and Personal factors.”²⁶ In brief, Lee states that there are a multitude of factors that motivate people to leave and venture outside of their origin country for further opportunities, thus establishing the concept of ‘push factors’. Lee further surmises that these opportunities

²⁶ L Everett, ‘A Theory of Migration’, in *Demography*, vol. 3, 1966, 47–57 (p. 50).

in the destination country are what ‘pull’ individuals to leave their origin country, thus creating the concept of ‘pull factors’. Additionally, Lee believes that the personal factors, such as age, gender, and education, combined with the various ‘push and pull factors’ are what ultimately drive people to migrate.²⁷

The concept of ‘push and pull’ factors is connected to human trafficking in multiple ways. The UNODC states that there are several general contributors that influence a person’s desire to migrate which includes, political instability and conflict, conditions of poverty, forms of oppression, a society with limited human rights, and lack of opportunity due to social and economic reasons. These situations which offer limited stability within a country and further displace people, often makes individuals more vulnerable to the various forms of exploitation including trafficking.²⁸ Each of the above depicted factors, “exert pressures on victims that “push” them into migration and hence into the control of traffickers, but other factors that tend to “pull” potential victims can also be significant.”²⁹ As can be seen, there are numerous factors that both ‘push’ and ‘pull’ people to want and/or need to migrate, which then makes them very vulnerable to traffickers to then be exploited.

Patrick Kerr elaborates on the various ‘push and pull’ factors. Kerr states that the ‘push’ factors, such as an unstable political situation within a country, an abusive home life, and poverty, are what persuade persons to migrate and potentially put themselves in dangerous situations with traffickers.³⁰ He goes on to state that the ‘demand’ itself can be a ‘pull’ factor, as it is creating the market for the demanded service, which can then be fulfilled by trafficked individuals.³¹ Kerr makes the argument, “There is no “push” without “pull” ... The more “push” factors that one experiences, the stronger the effect of the “pull” factor of demand. When someone is trafficked, this also perpetuates the same preexisting “push” factors.”³² Additionally, he discusses the situation of

²⁷ Everett, 47–57.

²⁸ UNODC, ‘Tool 9.2 Addressing the root causes of trafficking’ in *Toolkit to Combat Trafficking in Persons*, New York, United Nations Office on Drugs and Crime, 2008, pp. 1–531 (p. 454), <[https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook\[1\].pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook[1].pdf)>.

²⁹ UNODC, pp. 1–531 (p. 454).

³⁰ PL Kerr, ‘Push and Pull: The Intersections of Poverty, Health Disparities, and Human Trafficking’, in *Public Health & Social Justice*, vol. 3, 2014, 1–4 (p. 3).

³¹ Kerr, 1–4 (p. 3).

³² Kerr, 1–4 (p. 3).

individuals who have escaped their trafficking situation and how they are then just put right back into the same situation that ‘pushed’ them to leave in the first place but are then faced with the shame and stigma associated with being trafficked.³³

Thus, for the purpose of this thesis, the notion that there are a multitude of ‘push and pull’ factors that contribute to women seeking other opportunities based on their current situations, thus responding to ‘push’ factors, leads them to be vulnerable to traffickers. From a trafficking point of view, this creates the ‘supply’, which was represented in Myanmar, which is ultimately responding to the ‘demand’ of “needing” wives within China.

2.1.2 Supply and Demand

The concept of ‘push and pull’ factors will then be further expanded on with the concepts of ‘supply and demand’. In a report by the International Labour Office, it describes that there are three levels to demand, but it explains that in the context of human trafficking it is much more complicated, as supply and demand are very much connected with each other, meaning that the demand in some cases creates the supply, but the supply can also create the demand.³⁴ Furthermore, it states that just because there is a gap or need to be filled it doesn’t necessarily mean that it needs to be filled by illicit means, in this case, by trafficked individuals.³⁵ It’s important to note, that the supply and the demand are interconnected as previously stated, especially in the case of trafficking, which is relevant for this thesis.

This thesis identified the ‘push and pull’ factors along with the ‘supply and demand’ components as this is a more holistic approach to ultimately addressing this phenomenon. There are numerous debates about the focus of demand-led or supply-led approaches. For example, in a study by Anderson and Davidson in 2003, they concluded that demand is based on social, cultural, and historical factors and that it’s

³³ Kerr, 1–4 (p. 3).

³⁴ International Labour Organization, *The Demand Side of Human Trafficking in Asia: Empirical Findings*, Regional Project on Combatting Child Trafficking for Labour and Sexual Exploitation (TICSA-II), Bangkok, International Labour Organization, 2006, pp. 1–107 (p. 2), <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_73_en.pdf>.

³⁵ International Labour Organization, pp. 1–107 (pp. 2–3).

very much connected to supply.³⁶ Additionally, it's stated that it could be assumed that supply is directly generating the demand, however they surmise that even though the supply is a necessary factor it is not always a "sufficient condition for demand."³⁷ Another argument is that there are some factors that create the demand that are completely unrelated to the supply, but ultimately still affect human trafficking.³⁸

In conclusion, this is why this thesis identified and understood both the factors that contribute to the supply and the demand, in the chapter on the 'push and pull' factors that contribute to the trafficking of women for the purpose of forced marriage. In this context, Myanmar is a huge supply country for the trafficking of persons, including men, women, and children, those especially vulnerable are those displaced persons in the Kachin and Shan States,³⁹ whereas China is considered the 'demand' country, largely due to the lack of women within China.⁴⁰

2.1.3 Concept of Gender Roles

The concept of gender provides a lens for interpretation that is essential for the understanding of these 'push and pull' factors that contribute to this phenomenon. First and foremost, this research question is highly gendered regarding the concepts of 'forced marriage' and 'human trafficking'. Each of these concepts are considered to be gender-based phenomena due to the fact that women are disproportionately impacted by both of these issues and include very gendered practices and interpretations.⁴¹

³⁶ B Anderson & J O'Connell Davidson, *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, IOM Migration Research Series, International Organization for Migration, December 2003, pp. 5–50 (p. 41), <https://publications.iom.int/system/files/pdf/mrs_15_2003.pdf>.

³⁷ Anderson and O'Connell Davidson, pp. 5–50 (p. 41).

³⁸ International Labour Organization, pp. 1–107 (p. 14).

³⁹ 26/07/2021 11:31:00

⁴⁰ Q JIANG, Y Li & JJ Sanchez Barricarte, 'Trafficking of women from neighboring countries into China for marriage within the context of gender imbalance', presented at the 17th World Congress of the International Union of Anthropological and Ethnological Sciences: Evolving Humanity, Emerging Worlds, Manchester, 2013, pp. 1–26 (p. 3), <<https://nomadit.co.uk/conference/iaaes2013/paper/8111>> [accessed 14 May 2021].

⁴¹ BF Kingshott & TR Jones, 'HUMAN TRAFFICKING: A FEMINIST PERSPECTIVE RESPONSE', Advancing Justice on All Fronts, presented at the ACADEMY OF CRIMINAL JUSTICE SCIENCES 2016 ANNUAL MEETING, Denver, Colorado, 2016, XL, 22 (p. 2), <https://www.researchgate.net/publication/299506222_HUMAN_TRAFFICKING_A_FEMINIST_PERSPECTIVE_RESPONSE> [accessed 17 May 2021]; J Bourne & C Derry, *Gender and the Law*, 1st ed., London, Routledge, 2018, p. 112.

In particular, the implications and understanding of gender are critical for this thesis especially in how it impacts the various ‘push and pull’ factors that contribute to human trafficking for the purpose of forced marriage. Traditionally the argument surrounding gender theory is that of biology versus the idea of social constructions. This thesis utilized the notion that gender is a social construction. One of the key elements of gender differences, which was used to interpret and understand this thesis, is as Kate Millet describes, the reasons for the differences are based on cultural differences rather than biological differences that lend itself to the differences in treatment of both men and women.⁴²

This is further expanded by Amy Blackstone, Judith Bourne and Caroline Derry. Blackstone states, “Gender roles are based on the different expectations that individuals, groups, and societies have of individuals based on their sex and based on each society's values and beliefs about gender.”⁴³ This is further expanded to describe how these expectations and roles are created from the environment and the interactions people have with one another.⁴⁴ Additionally, “Appropriate gender roles are defined according to a society's beliefs about differences between the sexes ... Because humans create the concept of gender socially, gender is referred to as a social construction.”⁴⁵ The idea that gender is a social construction is due to, “the fact that individuals, groups, and societies ascribe particular traits, statuses, or values to individuals purely because of their sex,”⁴⁶ which evolves over time.⁴⁷ Additionally, she mentions that gender roles and practices are often influenced by the previous generations⁴⁸, which is of particular importance to this thesis and in the South Asian context, which was analyzed later in this thesis.

⁴² M Mikkola, ‘Feminist Perspectives on Sex and Gender’, in *The Stanford Encyclopedia of Philosophy*, Metaphysics Research Lab, Stanford University, 2017, <<https://plato.stanford.edu/entries/feminism-gender/>> [accessed 18 May 2021].

⁴³ A Blackstone, ‘Gender Roles and Society’ in *Human Ecology: An Encyclopedia of Children, Families, Communities, and Environments*, Santa Barbara, ABC-CLIO, 2003, pp. 335–338 (p. 335), <https://digitalcommons.library.umaine.edu/soc_facpub/1/>.

⁴⁴ Blackstone, pp. 335–338 (p. 335).

⁴⁵ Blackstone, pp. 335–338 (p. 335).

⁴⁶ Blackstone, pp. 335–338 (p. 335).

⁴⁷ Blackstone, pp. 335–338 (p. 335).

⁴⁸ Blackstone, pp. 335–338 (pp. 337, 338).

In the text, *Gender and Law*, by Judith Bourne and Caroline Derry, it further supports that the concept of gender consists of the various cultural and social roles that relate to the biological differences between men and women. Thus, emphasizing that these roles are influenced by society but changeable, however these social constructs are so heavily ingrained that the actual possibility of changing them would be extremely challenging.⁴⁹ Furthermore, it's important to understand that there isn't one single way of constructing these various roles, it's highly dependent on the various cultures, societies, time periods and so forth.⁵⁰ This is extremely relevant in the context of this research question and especially within traditional Asian culture, which heavily influences the 'push and pull' factors contributing to the trafficking of women for the purpose of forced marriage.

In conclusion, it is evident that conceptually, the concept of gender as a social construct was pertinent for interpreting and understanding this thesis, as it provided a lens that lent itself to the very gendered nature of this research question and the phenomenon of trafficking for the purpose of forced marriage. In particular it provided insight into how these 'push and pull' factors are influenced by gendered practices, roles, and societies, as well as provided a holistic view regarding the gendered roles and expectations of both men and women within Myanmar and China which contributes to both the supply and demand of women trafficked for the purpose of marriage.

2.1.4 Human Rights-Based Approach

The human rights-based approach (HRBA) was applied to this thesis to address the primary research question of this thesis, "How has China responded to the 'push and pull' factors that contribute to the trafficking of Burmese women for the purpose of forced marriage in China." This served as a conceptual framework and 'lens' for understanding and analyzing how China has responded to these 'push and pull' factors that are contributing to this phenomenon, in the sense of, has China fulfilled its' obligations, are the rights of persons put at the forefront of these policies and so forth, all of which were analyzed in the policy analysis chapter of this thesis (See Chapter 4).

⁴⁹ Bourne and Derry, p. 3.

⁵⁰ Bourne and Derry, p. 5.

Historically two major approaches have been used to address human trafficking in various literature, which are criminal and economic approaches. The criminal approach⁵¹ focuses on the criminality aspect of human trafficking, mostly utilizing the criminal justice system and excluding the application and relevance of human rights. Whereas the economic approach⁵² to this issue focuses on contributing economic factors to human trafficking, with the belief that the elimination of these economic factors would thus eliminate the practice of human trafficking. Thus, it's emphasized that both approaches fail to respond to the actual outcome of trafficking and the harm that comes to its victims.⁵³ This is why a human rights-based approach was implemented.

A human rights-based approach is a multi-disciplinary approach, which is what makes it so advantageous. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR) a human rights-based approach is:

A conceptual framework for dealing with a phenomenon such as trafficking that is *normatively based* on international human rights standards and that is *operationally directed* to promoting and protecting human rights. Such an approach requires analysis of the ways in which human rights violations arise throughout the trafficking cycle, as well as of States' obligations under international human rights law. It seeks to both identify and redress the discriminatory practices and unjust distribution of power that underlie trafficking, that maintain impunity for traffickers and that deny justice to their victims. Under a human rights-based approach, every aspect of the national, regional and international response to trafficking is anchored in the rights and obligations established by international human rights law.⁵⁴

⁵¹ KD Beeks & D Amir, *Trafficking & the Global Sex Industry*, illustrated ed., Lexington Books, 2006.

⁵² F Laczo & D Thompson, *Migrant trafficking and human smuggling in Europe: a review of the evidence with case studies from Hungary, Poland and Ukraine*, Geneva, IOM, 2000; J Salt, 'Trafficking and Human Smuggling: A European Perspective', in *International Migration*, vol. 38, 2002, 31–56.

⁵³ N Pourmokhtari, 'Global Human Trafficking Unmasked: A Feminist Rights-Based Approach', in *Journal of Human Trafficking*, vol. 1, 2015, 156–166 (p. 159).

⁵⁴ United Nations High Commissioner for Human Rights, *Human Rights and Human Trafficking Fact Sheet No. 36*, Geneva, United Nations High Commissioner for Human Rights, 2014, pp. 1–62 (p. 8), <https://www.ohchr.org/documents/publications/fs36_en.pdf>.

This was further applied to the ways in which China has responded to the selected ‘push and pull’ factors and if China has taken a rights-based approach to their policies (see Chapter 4).

UN Human Rights Chief, Navi Pillay, has outlined four guiding principles to tackling human trafficking through a human rights-based approach which included, “1) The primacy of human rights, 2) the prevention of trafficking by addressing root causes, 3) the extension of protection and assistance to all victims (instead of criminalisation), and 4) the punishment of perpetrators and redress of victims.”⁵⁵ As this thesis identified the ‘push and pull’ factors and then how China has responded to them, it primarily be focused on the importance of addressing root causes. This took the forefront for the document policy analysis on how China has responded to the identified ‘push and pull’ factors contributing to the trafficking of Burmese women for the purpose of forced marriage in China (See Chapter 4), as the focus was on policies regarding ‘push and pull’ factors rather than trafficking and/or forced marriage policies.

Additionally, a human rights-based approach to trafficking offers additional insights into how this phenomenon could be approached. It emphasizes the importance of protections for everyone without discrimination, access to legal services including the ability to seek justice, to be protected, and to have each of these things without their personal agency being taken away. Furthermore, it highlights the need for gender-based protections in the policy responses as trafficking is often a very gendered crime. Lastly, it’s critical that at all times the rights of trafficked victims must always be at the forefront of all responses and approaches and that human rights must never be infringed upon during the criminal process and in migration policies.⁵⁶ This is extremely pertinent for understanding as human rights values should always be included at the policy level, but actually need to be implemented on the ground.

⁵⁵ United Nations Human Rights Office of the High Commissioner, ‘Human Rights based approach to trafficking’, in *United Nations Human Rights Office of the High Commissioner*, 2011, <<https://www.ohchr.org/EN/NewsEvents/Pages/HumanRightsbasedapproachtotrafficking.aspx>> [accessed 25 March 2021].

⁵⁶ J Pescinski, ‘A Human Rights Approach to Human Trafficking’, in *Our World United Nations University*, 2015, <<https://ourworld.unu.edu/en/a-human-rights-approach-to-human-trafficking>> [accessed 15 June 2021].

As is depicted, a human rights-based approach is best utilized to answer the research question as this approach allows for a holistic and multi-disciplinary analysis and understanding, it allows for the intersection of migration policy, legal policy, anti-discrimination policy, gender policy and all other relevant areas. It will also allot for further determination regarding if China has implemented these aspects into its responses to the indicated ‘push and pull’ factors.

2.1.5 Summary of Conceptual Framework

In conclusion, to best understand and interpret this thesis question, this thesis seeks to build off gender- related concepts, the concept of ‘push and pull’ factors, the concept of ‘supply and demand’, and a human rights approach as depicted above. These concepts create the conceptual framework that this thesis built off to best depict the phenomenon of trafficking for the purpose of forced marriage from Myanmar to China.

The concepts of gendered roles, traditions, and practices along with the concepts of ‘push and pull’ factors and ‘supply and demand’ were utilized in Chapter 3 which allowed for further understanding and insight of these contributors to the trafficking of women for the purpose of forced marriage.

The application of the human rights-based approach was done in the answering of the research question, “How has China responded to the push and pull factors contributing to the trafficking of Burmese women for the purpose of forced marriage in China,” specifically in the policy response in Chapter 4 and in the recommendation section in Chapter 5.1. In essence a human-rights based approach, emphasizes the protection of individuals human rights, and looks beyond just the traditional criminal justice approach to also include factors that contribute to the issue⁵⁷, in this case this would be the ‘push and pull’ factors that impact the trafficking of persons for the purpose of forced marriage.

⁵⁷ A Stanojoska & B Petrevski, ‘THEORY OF PUSH AND PULL FACTORS: A NEW WAY OF EXPLAINING THE OLD’, presented at the Archibald Reiss Days, Belgrade, Serbia, Faculty of Security, 2012, pp. 1–14 (p. 1), <https://www.researchgate.net/publication/283121360_THEORY_OF_PUSH_AND_PULL_FACTORS_A_NEW_WAY_OF_EXPLAINING_THE_OLD> [accessed 12 May 2021].

2.2 Methodology

This thesis took a two-step approach to answering the research question: How has China responded to the ‘push and pull’ factors contributing to the trafficking of Burmese women for the purpose of forced marriage in China? The first step was the identification and explanation of the socio-cultural, political, and economic ‘push and pull’ factors that contribute to the trafficking of women for the purpose of forced marriage.

This thesis applied the concepts of ‘push and pull’ factors and ‘supply and demand’ to have a basis for understanding on how these concepts are applicable in this context and how they relate to one another. In a publication by the UNODC, it highlights the significance of ‘push and pull’ factors on human trafficking. The document indicates ‘push’ factors such as, poverty, oppression, internal conflict, all of which ‘push’ vulnerable persons to look for opportunities to migrate and thus into the arms of traffickers.⁵⁸ The document then goes on to describe potential ‘pull’ factors including, opportunities of less-severe poverty and many others.⁵⁹ This thesis applied this ‘push and pull’ concept (See Chapter 2.1.) to be considered from both the ‘source’ (Myanmar) and ‘destination’ (China) countries respectively. Therefore, Myanmar is considered as the ‘supply’ state and China as the ‘demand’ state (See Chapter 2.1.2). This was further supported by the application of gender as a social construct (See Chapter 2.1.3) to further understand the gendered elements in each of these ‘push and pull’ factors.

This consisted of the collection of secondary data which was ascertained from an extensive data collection on the issue which included peer-reviewed articles and reports, additional reports conducted by International Organizations such as Human Rights Watch (HRW), United Nations Office on Drugs and Crime (UNODC), International Organization for Migration (IOM), as well as regional and local Non-Governmental Organizations (NGOs). This allowed for the identification of some of the key ‘push and

⁵⁸ UNODC, pp. 1–531.

⁵⁹ UNODC, pp. 1–531 (p. 424).

'pull' factors that are contributing to this phenomenon of trafficking Burmese women for the purpose of marriage in China.

There is a plethora of relevant 'push and pull' factors, however due to page constraints, select 'push and pull' factors were focused on, this by no means is stating that some 'push and pull' factors are less important than others, but have been identified and chosen due to personal interest in the areas as well as relevance to this specific phenomenon.

After the identification of the 'push and pull' factors contributing to the trafficking of women from Myanmar to China for the purpose of forced marriage, this thesis selected the policies and legislation that have been implemented by China, which were chosen based on areas of personal interest and relevance to the research question, which were determined throughout the research phase. Thus, the second step of this thesis was to conduct a document policy analysis on how China has responded to some of these identified 'push and pull' factors through a human rights lens.

As per Bowen, "Document analysis is a systematic procedure for reviewing or evaluating documents—both printed and electronic material... document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge."⁶⁰ As this thesis will not be utilizing primary research, it was determined that conducting a document policy analysis would be beneficial in order to collect several relevant documents that provide insight into the policies/approaches/and campaigns China has responded with in order to tackle the identified 'push and pull' factors.

This consisted of collecting secondary sources such as, legal documents, government documents, and Non-Governmental Organization (NGO) and Intergovernmental Organization (IGO) reports. It was supplemented by additional peer-reviewed literature and scholarly articles to ascertain China's response. It was not within the scope of this thesis to address China's response to every 'push and pull' factor identified within this thesis, thus three policy areas were chosen and analyzed in order to provide more detail on those specific areas, which were chosen based on

⁶⁰ G Bowen, 'Document Analysis as a Qualitative Research Method', in *Qualitative Research Journal*, vol. 9, 2009, 27–40 (p. 29).

accessibility to relevant literature, personal interest, as well as policy areas that continuously appeared throughout the collection of secondary literature.

3 Analysis of Push and Pull Factors

This chapter will focus on identifying the various ‘push and pull’ factors that contribute to the trafficking of Burmese women for the purpose of forced marriage in China.

3.1 Overview

The purpose of the identification of ‘push and pull’ factors is to get a holistic understanding of what factors contribute to this phenomenon, as without proper identification of the source problems, the trafficking of women for the purpose of forced marriage can’t be properly combatted. In essence neglecting the ‘push and pull’ factors prevent the root causes and/or contributors from being addressed, which are what is ultimately leading to the occurrence of this phenomenon. As per the Women’s League of Burma Report in 2016, “Government anti-trafficking efforts have failed in part because they do not address the many underlying root causes of trafficking.”⁶¹

As previously stated, the ‘push and pull’ factor theory as formulated by Lee⁶² (See Chapter 2.1.1) for the purpose of explaining migration, states that there are four key elements that should be considered when seeking to understand the underlying contributors, which include, personal factors, elements from the area of origin and destinations respectively and factors that serve as intervening obstacles.⁶³ This thesis will build off of this concept in the context of trafficking for the purpose of forced marriage, which will then consider the particular vulnerabilities and intricacies faced in that particular context.

⁶¹ WOMEN’S LEAGUE OF BURMA, *LONG WAY TO GO Continuing Violations of Human Rights and Discrimination Against Ethnic Women in Burma CEDAW Shadow Report*, WOMEN’S LEAGUE OF BURMA, July 2016, pp. 1–98 (p. 8), <<https://womenofburma.org/reports/long-way-go-cedaw-shadow-report>>.

⁶² Everett, 47–57.

⁶³ Everett, 47–57 (p. 50).

Furthermore, this chapter will focus on the secondary data collection of these various ‘push and pull’ factors that contribute to the trafficking of Burmese women for the purpose of forced marriage. This will be done from the perspective of China as the destination country and how China contributes to the ‘pull’ factors largely in the way of creating the ‘demand’. As well as, from the perspective of Myanmar as a source country which creates the various ‘push’ factors that force women to seek opportunities outside of Myanmar, thus making them extremely vulnerable to traffickers.

3.2 The Creation of the ‘Demand’

The phenomenon of trafficking for the purpose of forced marriage is not a new concept within China. Before the creation of the People’s Republic in China in 1949, China had one of the biggest markets for the buying and selling of people.⁶⁴ With the emergence of the new government, the buying and selling of people began to change. Many laws and policies were passed including, brothels were shutdown, prostitution was “eliminated”, and the 1950 Marriage Law was enacted.⁶⁵ The 1950 Marriage Law changed many things, including: it made the practice of arranged marriages illegal, along with the practice of having concubines. This was further expanded to give women the legal right to the freedom of both marriage and divorce.⁶⁶

However, trafficking re-emerged or rather gained recognition again in the 1980’s and regions that are less developed were particularly hit hard including in the provinces of: Sichuan, Hunan, Guizhou, Shandong, Hebei, Henan, Anhui and Neimengu.⁶⁷ Additionally, it has been stated that a reason for the spreading of these trafficking practices in this time period, is largely due to the fact that it was a method for individuals and communities to make money.⁶⁸ It was observed that certain towns and

⁶⁴ T Zheng, ‘Human trafficking in China’, in *Journal of Historical Archaeology & Anthropological Sciences*, vol. 3, 2018, 171–178 (p. 171).

⁶⁵ Zheng, 171–178 (p. 172).

⁶⁶ Zheng, 171–178 (p. 172).

⁶⁷ GM Zhao, ‘Trafficking of women for marriage in China: Policy and practice’, in *Criminal Justice*, vol. 3, 2003, 83–102 (p. 84).

⁶⁸ Zhao, 83–102 (p. 91).

individual households, in both the southern and northern parts of China, had improved their economic standing through the trafficking of women.⁶⁹

Today China is considered a source, transit, and destination country for human trafficking for the purpose of forced labor, forced marriage, and sex work. The number of trafficked persons to China and persons specifically trafficked to China for the purpose of forced marriage is unclear and hard to come by. However, in a study conducted by John Hopkins Bloomberg School of Public Health's Center for Humanitarian Health and the Kachin Women's Association Thailand (KWAT) in 2018, it states that the number of marriages to Chinese men and the rate of migration to China is much higher than reported by the Chinese and Burmese governments. Further stating, it could mean several things such as, that the bulk of migrants travel to China via informal and unregistered routes and that the statistics provided by the government severely underestimate the occurrence of this phenomenon.⁷⁰ Unfortunately there is no clear number of cases where this has occurred, however it appears that throughout the past decade with the emergence of news stories and reports covering the phenomena awareness is only growing.

This section will investigate how China acts as a destination country for trafficked Burmese women to fill the 'demand' of brides for Chinese men, which will incorporate the concepts of 'push and pull' factors, 'supply and demand', as well as the gendered aspects and dynamics, in particular, the roles and expectations of men and women within Chinese society. For the purpose of this thesis, the 'demand' will be the sole 'pull factor' analyzed. Thus, the focus will be on the various factors that have contributed to the 'demand' of brides within China which have affected the phenomenon of trafficking women for the purpose of forced marriage.

The key contributors to the 'demand' are the various political and socio-cultural policies and practices. In particular, the one-child policy, sex-selective abortion, migration patterns and the traditional roles and practices within China, specifically looking at those surrounding the concept of 'marriage' and the expectations of families as well as within the societies themselves.

⁶⁹ Zhao, 83–102 (pp. 91–92).

⁷⁰ Courtland Robinson and Branchini, pp. 1–74 (p. ix).

3.2.1 Gender Imbalance

The most well-known and documented factor contributing to the ‘demand’ is, as stated by Hackney, “China’s sex-ratio imbalance at birth and resulting gender imbalance has created a demand for brides that outstrips China’s domestic populations.”⁷¹ There are a plethora of factors that have influenced this imbalance, including the People’s Republic of China’s (PRC) One-Child Policy, the practice of sex-selective abortions, and migration of Chinese women from rural areas, all of which have deep socio-cultural roots.

The sex-ratio imbalance has long historical roots within China dating back to the 1920s.⁷² According to Zhao, back in 1982 China had its third national census which showed the sex ratio to be at 105.3 males per 100 females. Eight years later in 1990 the census provided a male to female rate of 106.3 males to every 100 females, which contributed to approximately 36 million more men within China. According to the 2000 census the ratio was 106 males to 100 females.⁷³ However, the male to female ratio within China was at its largest point in 1950 at a rate of 107.9 men to women and as of 2020 it is at the lowest point since 1950.⁷⁴ Additionally, as of the 2020 Census it was recorded that there was 688.44 million and 723.3 million men in China.⁷⁵ “The sex ratio of the population was 105.07 men for every 100 women, slightly lower than that of 2010. The sex ratio at birth was 111.3 male babies for every 100 female babies, a decrease of 6.8 from 2010.”⁷⁶ Furthermore, it is estimated that between 2025-2030, that over 20 million Chinese men will not be able to find wives within China largely due to the sex-ratio imbalance.⁷⁷

⁷¹ LK Hackney, ‘Re-evaluating Palermo: The case of Burmese women as Chinese brides’, in *Anti - Trafficking Review*, 2015, 1–12 (p. 2).

⁷² Zhao, 83–102 (pp. 86–87).

⁷³ Zhao, 83–102 (pp. 86–87).

⁷⁴ Statistics Time, ‘Gender ratio in China’, in *Statistics Time*, 2021, <<http://statisticstimes.com/demographics/country/china-sex-ratio.php>> [accessed 16 June 2021].

⁷⁵ Reuters, ‘FACTBOX-Key takeaways from China’s 2020 population census’, in *Reuters*, 11 May 2021, section Economic News, <<https://www.reuters.com/article/china-society-census-takeaways-idUSL4N2MY2I6>> [accessed 15 June 2021].

⁷⁶ Reuters.

⁷⁷ Hackney, 1–12 (p. 3).

As stated above, the primary political contributors to this huge gender imbalance, which is a primary factor in the creation of the demand for wives, among the population in China, appear to be due to the One-Child Policy, the practice of sex-selective abortions, the migration of rural Chinese women to more urban areas within China, as well as the socio-cultural elements all of which will be identified through the concept of ‘push and pull’ factors below.

3.2.2 One-Child Policy, Male Preference, Sex-Selective Abortions

China’s One-Child Policy was introduced in 1979 as a mechanism to slow the birth rate due to the rapid population growth within China.⁷⁸ From a gendered point of view, this had a huge impact on the sex-imbalance especially in more rural areas because it highlighted the very prominent preference for male sons, as traditionally the roles of men were considered to be much more valuable and important, which then led to sex-selective abortions. More specifically, the preference for male sons was largely due to the fact the sons are the ones that keep and pass on the family name as well as the family’s property. Thus, if families could only have one child, they would prefer to have males as they would be the “heirs” and that wasn’t the same with female children which is why it contributed to the increased practice of abortions of female babies, as well as putting them up for adoption, sometimes abandoning young girls and in some cases even killing them.⁷⁹

In an article written by Hongbin Li, Junjian Yi, Junsen Zhang in 2011, they make the argument that the primary contributors to the imbalance among the sexes in China is largely due to, a preference for sons, the advancement of gender-selection technology, and a decrease in fertility which was caused by the one-child policy.⁸⁰ During their study, they came to several conclusions. In summary, “Although the one-child policy accounted for a dominant share (94%) of the increase in sex ratios in the 1980s, it

⁷⁸ K Pletcher, ‘One-child policy’, in *Encyclopedia Britannica*, Encyclopedia Britannica, 2021, <<https://www.britannica.com/topic/one-child-policy>> [accessed 20 June 2021].

⁷⁹ Pletcher.

⁸⁰ H Li, J Yi & J Zhang, ‘Estimating the Effect of the One-Child Policy on the Sex Ratio Imbalance in China: Identification Based on the Difference-in-Differences’, in *Demography*, vol. 48, 2011, 1535–1557 (p. 1536).

explained only 57% and 54% of the increases in 1990–2000 and 2001–2005, respectively.”⁸¹ Leading the researchers to conclude that the increase from the 1990’s on must be attributable to other factors.⁸² Additionally, they surmised, “That parents subject to the one-child policy are more likely to practice gender selection at the second- or higher-birth parities, especially when the first child is a girl or when children at low birth parities are all girls.”⁸³ Furthermore, this was further studied to understand the reasons behind the data which led them to form the following conclusions that, “the imposition of the above-quota birth sanction has indeed increased the probability of choosing the gender-selection technology and practicing gender-selective abortion on the second- and higher-birth parity even in a homogenous case.”⁸⁴ This study helps to emphasize the quantitative impact that the one-child policy, sex-selective abortion, and even a preference for male children has had on the gender imbalance, to illustrate its significance in contributing to this problem which has ultimately impacted the demand for wives within China.

Furthermore, the impact of the gender imbalance within China due to the one-child policy, sex-selective abortion, and a preference for male sons is further supported in a plethora of qualitative literature, as well as quantitative studies. Literature highlights the excess of men and not enough women as largely caused by China’s one child policy and preference for sons.⁸⁵ In another article It makes the claim that most excess males are caused by sex-selective abortion stating that this can be proved through the sex ratio at second births which has gone as high as 160 males born per every 100 females.⁸⁶ Furthermore, it states that the numbers of excess males have been found to be at approximately 44 million according to other researchers whom, “attributed this imbalance directly to the abortion of female fetuses, made possible and

⁸¹ Li, Yi and Zhang, 1535–1557 (p. 1553).

⁸² Li, Yi and Zhang, 1535–1557 (p. 1553).

⁸³ Li, Yi and Zhang, 1535–1557 (p. 1549).

⁸⁴ Li, Yi and Zhang, 1535–1557 (p. 1549).

⁸⁵ G Qiu, S X. Zhang & W Liu, ‘Trafficking of Myanmar women for forced marriage in China’, in *Crime, Law, and Social Change*, vol. 72, 2019, 35–52 (p. 38); H Stöckl et al., ‘Trafficking of Vietnamese women and girls for marriage in China’, in *Global Health Research and Policy*, vol. 2, 2017, 1–9 (pp. 1–2); Zhao, 83–102; W Liu, G Qiu & SX Zhang, ‘Easy Prey: Illicit Enterprising Activities and the Trafficking of Vietnamese Women in China’, in *Asian Journal of Criminology*, , 2020, 1–15.

⁸⁶ Qiu, X. Zhang and Liu, 35–52 (pp. 38–39).

even easy by improved access to modern technologies such as ultrasound and medical facilities.”⁸⁷

3.2.3 Rural to Urban Migration

An additional factor to the creation of the demand is the migration of Chinese women from rural to urban areas.⁸⁸ It has been stated that a significant number of women from rural areas have migrated to more urban cities within China for further opportunities for employment, marriage partners, and to live in a more progressive environment. All of which became possible with China’s economic and migration reforms starting in the 1980’s which then allowed for men and women to more easily migrate within China.⁸⁹ This was in large part due to the loosening of the internal migration policies established in the Hukou System which was done in order to adapt to the changing market and economic situation within China.⁹⁰ The Hukou System refers to the “household registration system” which was created to limit internal migration from rural to urban areas in the 1950’s.⁹¹ Initially the Hukou System required two types of classifications and registrations, one being for where your primary residence was which was either classified as rural or urban and the other classified a persons’ work and socio-economic status, which basically determined if someone worked in the agricultural sector or not.⁹² Additionally, agricultural workers were not provided government welfare support and one’s status within the system was passed onto them from their mother’s status, thus not allowing you to change classifications within the system.⁹³ Not only did the 1980’s allow for easier migration from rural to urban areas, it also allowed for a few ways to change your status from being classified in the

⁸⁷ Qiu, X. Zhang and Liu, 35–52 (pp. 38–39).

⁸⁸ Zhao, 83–102; Qiu, X. Zhang and Liu, 35–52; Stöckl et al., 1–9; Liu, Qiu and Zhang, 1–15.

⁸⁹ Qiu, X. Zhang and Liu, 35–52 (p. 38).

⁹⁰ X Hu, ‘China’s Young Rural-to-Urban Migrants: In Search of Fortune, Happiness, and Independence’, in *Migration Policy Institute*, , 2012, <<https://www.migrationpolicy.org/article/chinas-young-rural-urban-migrants-search-fortune-happiness-and-independence>> [accessed 6 June 2021].

⁹¹ L Kuang & L Liu, ‘Discrimination against Rural-to-Urban Migrants: The Role of the Hukou System in China’, in *PLOS ONE*, vol. 7, 2012, 1–7 (p. 1).

⁹² Kuang and Liu, 1–7 (p. 1).

⁹³ Kuang and Liu, 1–7 (p. 1).

agricultural category to moving into the non-agricultural section, however that is limited.⁹⁴

As of 2015, approximately 250 million Chinese citizens were on the move to find work.⁹⁵ More and more it is becoming the case that these migrants from rural to urban areas are mostly women, particularly in the Yunnan region, due to the fact that the employment opportunities that are available are in the service industry, where women are commonly preferred.⁹⁶ Furthermore these women who migrate to more urban settings, tend to want to stay in these bigger cities rather than going back to the villages in which they are from.⁹⁷ It was approximated that as of 2011, 36% of these migrants are women.⁹⁸

This internal migration of women from rural to more developed areas in Eastern China due to employment opportunities or to find husbands has impacted the numbers of women who are marriageable within these rural villages in China,⁹⁹ and in rural areas, this sex ratio imbalance is ultimately just getting worse and worse.¹⁰⁰ Thus to fulfill this ‘demand’ a trafficking market has surfaced.¹⁰¹

3.2.4 Socio-Cultural Factors

This thesis will now seek to identify the primary socio-cultural factors which have contributed to the demand for wives within China. After the collection of secondary literature this thesis will focus on the traditional roles and practices within China,

⁹⁴ Kuang and Liu, 1–7 (p. 1).

⁹⁵ CF C. & C Chen, ‘Left Behind? Migration Stories of Two Women in Rural China’, in *Social Inclusion*, vol. 8, 2020, 47–57 (p. 49).

⁹⁶ International Programme on the Elimination of Child Labour of the International Labour Organization, *Yunnan Province, China situation of trafficking in children and women: a rapid assessment*, Bangkok, International Labour Organization, 1 January 2002, pp. 1–50 (p. 19), <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_12_en.pdf>.

⁹⁷ International Programme on the Elimination of Child Labour of the International Labour Organization, pp. 1–50 (p. 19).

⁹⁸ N Zhang, ‘Performing identities: Women in rural–urban migration in contemporary China’, in *Geoforum*, vol. 54, 2014, 17–27 (p. 17).

⁹⁹ Stöckl et al., 1–9 (p. 2).

¹⁰⁰ Zhao, 83–102 (p. 88).

¹⁰¹ Qiu, X. Zhang and Liu, 35–52 (p. 47).

specifically looking at those surrounding the concept of ‘marriage’ and the expectations of families as well as within the societies themselves.

Historically, China has a long history of Patriarchal practices and traditions, which have heavily influenced how women are perceived and treated. This really began during the Confucius era from 551-479 B.C., with the concept of ‘filial piety’.¹⁰² Filial piety basically included three levels of obedience including, that women must obey men, citizens had to obey their ruler, and that the young had to obey those who were older than them, all of which heavily reinforced this patriarchal society and implemented practices abusing and discriminating women including the selling of and purchasing of women.¹⁰³

Then came the establishment of the People’s Republic of China in 1949, which heavily promoted and emphasized that men and women will be treated equally and, as previously stated, created the 1950 Marriage Law and Land Law all of which granted women more rights and freedoms.¹⁰⁴ During the Cultural Revolution from 1966 – 1976, the impact on women’s status within society moved up and down.¹⁰⁵ In many ways the situation for women improved, there was greater access to and participation in the labor market, along with greater participation in higher education institutions.¹⁰⁶ However, the status of women appears to have still been at a much lower status, which was illustrated through reports capturing the prevalent practice of female infanticide. This was further indicated when the “All Women’s Federation” was suspended during the Cultural Revolution as it was not seen as a priority during that time.¹⁰⁷

In summary, the status and perception of women within China still has a long way to go and definitely impacts this phenomenon of trafficking of women for forced marriage to Chinese men. “It was thought that the Communist revolution of 1949 would bring to an end the thousands of years of male-dominated history ... Gender inequality persists at the institutional and structural level, as has been shown in this study, and it is

¹⁰² Y Li, ‘Women’s Movement and Change of Women’s Status in China’, in *Journal of International Women’s Studies*, vol. 1, 2000, 30–40 (p. 30).

¹⁰³ Li, 30–40 (p. 30).

¹⁰⁴ Li, 30–40 (p. 31).

¹⁰⁵ Li, 30–40 (p. 33).

¹⁰⁶ Li, 30–40 (p. 33).

¹⁰⁷ Li, 30–40 (p. 33).

very likely prominent at the individual and micro level as well.”¹⁰⁸ It’s evident that the patriarchy and attitudes towards gender are still very much an issue within China, particularly in rural areas¹⁰⁹, which is predominantly where these Chinese men are seeking wives.

In particular the traditions and practices that have influenced the ‘demand’ for wives encompasses the traditional customs surrounding ‘marriage’ and the familial and societal expectations of both men and women, in the context of a traditional household, which is more common in rural areas.

At the root of this issue lies the concept of traditional gender norms, which have been reinforced with the still present patriarchal structure within Chinese society, especially in rural areas. Traditionally, women are seen as commodities, in that they can be viewed as providing an economic resource for a family, which reinforces the patriarchal structure, in that women aren’t viewed as persons who have or provide much value.¹¹⁰

Marriage is a major institution in the Chinese culture. Men and women both have their respective roles within this institution, with men having a ‘duty’ to his family and community, whereas women are deemed to be a mechanism with the sole purpose of producing the ‘heir’. Thus, within this traditional Chinese culture it’s acceptable for a man to buy a woman as he is fulfilling his duty. This culture and values are still very prevalent in rural areas today.¹¹¹ This highlights a very huge factor for why the ‘demand’ for wives in these rural areas is just so high, simply because it’s seen as the man’s “duty” to get a wife and continue his ‘line’ and with the gender imbalance taking its toll especially in these rural areas, it is seen as the man not having any other options. Furthermore, it’s important to emphasize that the role of woman in this situation is truly as the ‘tool’ for men to fulfill their “duty”.

The other huge factor contributing to the demand is the traditional practice of a “bride price” and the man needing to demonstrate that he can pay this to the women’s

¹⁰⁸ Li, 30–40 (p. 39).

¹⁰⁹ Li, 30–40 (p. 34).

¹¹⁰ Zhao, 83–102 (p. 89).

¹¹¹ Zhao, 83–102 (pp. 89–90).

family and provide for his new wife.¹¹² Furthermore, it's the belief of the maternal parents that they should be financially compensated when their daughter gets married as she will now contribute to her husband and his family rather than her family. Usually, to give the man permission to marry the daughter the fee must be paid.¹¹³ The lack of women within China has significantly affected the cost of the bride price for Han Chinese women with the amount ranging from 1,500 to 5,000 USD and it's stated to have significantly increased since 1978. Furthermore, for a man to even get a bride he has to be in a good economic position and with high poverty levels this is very unobtainable for poor men.¹¹⁴

Generally, the cost of a bride is much cheaper in the border areas than in central China as well¹¹⁵, which makes it much more financial obtainable for these men in rural China seeking wives, to look towards neighboring countries.¹¹⁶ In particular, this is a good option for men who are over 30, have some sort of mental illness or disability, and aren't financially stable.¹¹⁷ It was found that Chinese men use brokers, and pay a quarter of the cost for a woman from Burma compared to that of a woman of Chinese descent, largely impart to their lower economic status and lower levels of desirability.¹¹⁸ To reiterate, the patriarchal structures within China emphasize that all men are expected to marry in order to continue their families line.¹¹⁹ Thus, their struggle to find wives within their villages has garnered sympathy and understanding from the village elders and villagers, thus leading to acceptance and approval to purchase wives from other countries no matter the situation surrounding it, i.e. if she's trafficked or forced to marry.¹²⁰ The societal and cultural aspect is that men must get married and produce a male heir¹²¹, and that means at all costs. Furthermore, the traditional gender roles, expectations, and duties are so embedded in the culture that the concept of a man buying

¹¹² Qiu, X. Zhang and Liu, 35–52 (p. 39).

¹¹³ Zhao, 83–102 (p. 87).

¹¹⁴ Hackney, 1–12 (p. 4).

¹¹⁵ Courtland Robinson and Branchini, pp. 1–74 (pp. 54–55).

¹¹⁶ Qiu, X. Zhang and Liu, 35–52 (p. 39).

¹¹⁷ Qiu, X. Zhang and Liu, 35–52 (p. 39).

¹¹⁸ Hackney, 1–12 (p. 5).

¹¹⁹ Stöckl et al., 1–9 (p. 2).

¹²⁰ Stöckl et al., 1–9 (p. 2).

¹²¹ Liu, Qiu and Zhang, 1–15 (p. 3).

a wife is normalized and viewed as the man's right. It is often the case that law enforcement are faced with resistance when they are rescuing trafficked individuals because the local community members believe that this practice is fine, and police or others should not intervene in their personal matters.¹²² In some cases, "Some villagers even go as far as protecting traffickers from the police, for they regard trafficking as an aid to unmarried men and altogether different from other crimes such as murder, arson and robbery."¹²³ Many people see the trafficking of women for the purpose of forced marriage is actually a good option for solving the issue of not having enough women in China.¹²⁴ Additionally, "This widespread moral tolerance is rationalized through the notion of patriarchy, in which the interests of men are always the focus of attention."¹²⁵ The fact that this practice is justified and accepted within the communities is extremely problematic and truly lies within deep rooted notions of gender roles and within the patriarchal structures themselves, that are clearly still relevant today.

China has evolved significantly over the past 70+ years and continues to do so, which has significantly impacted the various 'pull factors' leading to the creation of the 'demand' for wives within China. Throughout the collection of secondary data with the focus on the various socio-cultural practices and policies, it was identified that the one-child policy, sex-selective abortion, internal migration patterns, and the traditional practices and roles within China have contributed to the large gender imbalance within China.

Furthermore, it was repeatedly illustrated through multitudes of literature¹²⁶, just how impactful the one-child policy has been on the gender ratio imbalance in China, which has played a prominent role in the creation of the demand, particularly for wives. Additionally, it was found that the socio-cultural practices and traditions within China have also largely contributed to the 'demand' for wives. This includes the deep-rooted patriarchal structures¹²⁷, that illustrate a preference for men, that are still very prevalent

¹²² Zhao, 83–102 (pp. 89–90).

¹²³ Zhao, 83–102 (pp. 89–90).

¹²⁴ Zhao, 83–102 (pp. 89–90).

¹²⁵ Zhao, 83–102 (pp. 89–90).

¹²⁶ Hackney, 1–12; Li, Yi and Zhang, 1535–1557; Zhao, 83–102; Qiu, X. Zhang and Liu, 35–52; Liu, Qiu and Zhang, 1–15; Stöckl et al., 1–9.

¹²⁷ Zhao, 83–102 (p. 88).

in rural villages of China, which further lead to the sex-selective abortions¹²⁸ that have taken place, the traditional gender roles in accordance with marriage expectations and practices, and the acceptance of buying brides¹²⁹ no matter the circumstances of these women. Also, the internal migration of Chinese women from rural areas to urban cities for employment has played a role in the availability of “marriageable women” within these rural villages.¹³⁰ All of these factors have further created this ‘demand’ and reinforced the practice of trafficking Burmese women for the purpose of forced marriage to Chinese men.

3.3 The Creation of Push Factors

Myanmar has a long history of trafficking in persons occurring; China is the largest destination for trafficking in persons from Myanmar, with Thailand a close second.¹³¹ However, ascertaining the numbers of women who are trafficked out of Myanmar for the purpose of forced marriage is extremely unclear. Human Rights Watch (HRW) was provided a table which provided the ‘number of female trafficking victims repatriated to Myanmar for China from 2010- 2017’ from The Myanmar National Human Rights Commission, which stated the following totals: 2010 – 164 women, 2011 – 138 women, 2012 – 153 women, 2013 – 139, 2014 – 134, 2015 – 100, 2016 – 106, and 2017 – 181.¹³² Human Rights Watch states that these numbers most likely represent only a very small number of the actual cases of women being trafficked as ‘brides’ into China. Further stating, that finding accurate statistics regarding this issue is extremely difficult, specifically because many women often don’t report the crime and some simply are never found or heard from.¹³³ Additionally, in a study conducted by the John

¹²⁸ Qiu, X. Zhang and Liu, 35–52 (p. 38).

¹²⁹ International Programme on the Elimination of Child Labour of the International Labour Organization, pp. 1–50 (p. 20); Courtland Robinson and Branchini, pp. 1–74 (pp. 54–55); JIANG, Li and Sanchez Barricarte, pp. 1–26 (pp. 18–19).

¹³⁰ Qiu, X. Zhang and Liu, 35–52 (p. 39).

¹³¹ United Nations Office on Drugs and Crime (UNODC), *Trafficking in persons from Cambodia, Lao PDR and Myanmar to Thailand*, Bangkok, UNODC, August 2017, pp. 1–242 (p. 101), <https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/Trafficking_in_persons_to_Thailand_report.pdf>.

¹³² Human Rights Watch, p. 19.

¹³³ Human Rights Watch, p. 19.

Hopkins Bloomberg School of Public Health's Center for Humanitarian Health and the Kachin Women's Association Thailand in 2017, it was found that of 106,000 female migrants which had returned from China between 2013-2017, 3,900 of those women had been trafficked for the purpose of forced marriage.¹³⁴ As can be seen, there is a huge discrepancy with the numbers, which as has been previously stated, is due to a multitude of things, such as lack of reporting and lack of resources.

Myanmar is well-known for being a large 'supply' country for women, men, and children, particularly in the areas of the Kachin and Shan States.¹³⁵ This is why this section will investigate how and why Myanmar acts as a source or supply state for brides to China. The concept of 'push and pull' factors will now be analyzed from the supply side, which would be the 'push factors' that contribute to the trafficking of Burmese women for the purpose of forced marriage in China. Upon a collection of various secondary sources from NGOs, peer-reviewed articles, and IGOs, this thesis will focus on the understanding of the following 'push factors': Political factors, Economic factors, and Socio-Cultural factors that push women to seek opportunities outside of Myanmar.

3.3.1 Political Factors

One of the most prevalent contributors that pushes women to migrate is the political situation within Myanmar.¹³⁶ The political situation has had a huge impact on the quality of life for Myanmar's citizens, specifically leading to/influencing, a large quantity of Internally Displaced People (IDPs)¹³⁷, Human Rights abuses¹³⁸ and lack of identification (ID) cards for citizens¹³⁹.

Myanmar has been under conflict off and on for decades, this is largely due to the various ethnic groups within Myanmar, which began with British colonization which occurred from 1824-1948, and combined all the ethnic groups under the state "Burma"

¹³⁴ Courtland Robinson and Branchini, pp. 1-74 (p. x).

¹³⁵ Courtland Robinson and Branchini, pp. 1-74 (p. 10).

¹³⁶ United Nations Office on Drugs and Crime (UNODC), pp. 1-242 (p. 100).

¹³⁷ Courtland Robinson and Branchini, pp. 1-74 (p. 10).

¹³⁸ Courtland Robinson and Branchini, pp. 1-74 (p. 6).

¹³⁹ Hackney, 1-12 (p. 9).

up until 1989.¹⁴⁰ However the government and military historically has favored and consisted of the majority ‘Burmese’ or ‘Bamar’ tribe, all of which has led to internal conflict due to policies that supported only the ‘Burmese’ people.¹⁴¹ Ultimately this mistreatment and discrimination led to the creation in 1961 of the Kachin armed resistance movement, turning into the Kachin Independence Organisation (KIO), which led to decades of armed conflict, not ending until 1994 when a ceasefire was signed.¹⁴² Unfortunately, this has not lasted and 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.”¹⁴³ However, the Kachin Independence Organization (KIO) refused to submit to the Myanmar army, which led to increased strain in 2010 and ultimately led to the end of the ceasefire in June 2011.¹⁴⁴ The situation has only gotten worse since 2016, with the displacement of thousands more people and in 2018 the military’s attack left many citizens in dire circumstances including being trapped, displaced, and without access to humanitarian aid.¹⁴⁵ This internal conflict has been absolutely detrimental to Myanmar’s citizens for a multitude of reasons. One of the biggest impacts that this conflict has had is the displacement of tens of thousands of people. According to the United Nation’s (UN) Office for the Coordination of Humanitarian Affairs (OCHA), they identified 98,000 internally displaced people (IDP) as of September 2018, three quarters of the IDPs were women and kids housed in over 100 places within the Kachin State. Additionally, there were 8,500 IDPs housed in over 30 locations in the Shan State, with the majority also being women and kids.¹⁴⁶ This is over 100,000 people within Myanmar who are essentially homeless and without basic necessities. For those IDPs living in camps they are essentially huge targets for traffickers. The ongoing conflict in Myanmar puts persons living in IDP camps in an even more vulnerable situation as they don’t have the

¹⁴⁰ S Han, ‘Human trafficking and ethnic minority problems in Myanmar: Policy recommendations for Myanmar and neighboring states’, in *The Public Sphere Journal*, vol. 1, 2017, 109–130 (pp. 109–110).

¹⁴¹ Han, 109–130 (p. 111).

¹⁴² Kachin Women's Association Thailand (KWAT), ‘Driven Away - Trafficking of Kachin Women on the China-Burma Border’ (2005) 11 <https://burmacampaign.org.uk/media/Driven_Away.pdf>.

¹⁴³ Human Rights Watch, p. 13.

¹⁴⁴ Human Rights Watch, p. 13.

¹⁴⁵ Human Rights Watch, p. 15.

¹⁴⁶ Human Rights Watch, p. 15.

ability to provide their families with necessities for survival. These conditions make these families extremely vulnerable and easily exploitable to the traffickers. The options to legally get into China are extremely limited due to border immigration offices being closed or inaccessible for these families because it's not safe for them to travel there and that forces desperate families to get into the country through other avenues which often put them at risk.¹⁴⁷ Additional reports have found that within the IDP camps, that if parents are temporarily separated from their children it gives these brokers an opportunity to convince the kids who were left alone to leave and cross into China and personal accounts have been shared referring to brokers coming to them in IDP camps with job offers within China only to find out they had been sold into marriages or labor.¹⁴⁸ The situation in the IDP camps is less than ideal as it is, but the location of the camps being so close to the Chinese border, and persons living there having nothing left has left them extremely vulnerable to traffickers and brokers seeking to take advantage of this terrible situation. It is estimated that traffickers can make approximately \$6,500 USD per person trafficked¹⁴⁹, which further incentivizes them to prey on these vulnerable groups.

Furthermore, many citizens, IDPs and refugees face additional difficulties, which push them into the traffickers waiting arms. This is referring to government not fulfilling their duty of providing citizens with national ID cards, which makes legal migration to China impossible, difficult to access medical care, open a bank account, and go to school.¹⁵⁰

According to the Norwegian Refugee Council approximately 11 million people within Myanmar don't have a national ID card that is valid and most of these people are displaced, live in places that are isolated, live in places affected by the conflict and generally don't have any protection.¹⁵¹ In another report it states that approximately 1/3

¹⁴⁷ WOMEN'S LEAGUE OF BURMA, pp. 1–98 (p. 8).

¹⁴⁸ Kachin Women's Association Thailand (KWAT), *Pushed to the Brink - Conflict and human trafficking on the Kachin-China border*, Thailand, Kachin Women's Association Thailand (KWAT), June 2013, pp. 1–26 (p. 13), <<https://www.burmalibrary.org/en/pushed-to-the-brink-conflict-and-human-trafficking-on-the-kachin-china-border>>.

¹⁴⁹ Kachin Women's Association Thailand (KWAT), pp. 1–26 (p. 5).

¹⁵⁰ JS Thale, 'Half a million identities', in *Norwegian Refugee Council*, Norway, 8 June 2017, <<https://www.nrc.no/news/2017/june/half-a-million-identities/>> [accessed 14 April 2021].

¹⁵¹ Thale.

of Myanmar's population doesn't have identification cards due to, "Administrative barriers, delays, corruption, arbitrariness and discrimination within civil documentation and registration processes leave a large proportion of the population at risk of statelessness."¹⁵² Many of the vulnerable groups such as IDPs and other ethnic minorities are especially at risk of statelessness and this is especially problematic in Myanmar because without having "citizenship" status you don't have full rights along with the protections and even benefits that full citizens have within the country.¹⁵³ The lack of identification cards is first and foremost a violation of human rights and is extremely detrimental to the livelihoods of Myanmar citizens. The lack of identification cards is particularly prevalent for this thesis, because it prevents the Burmese people from being able to legally migrate to China, or any other country for that matter, to escape the situation they are currently living in. Thus, it indirectly 'pushes' them towards brokers and/or traffickers who can illegally get them across the border into other countries, which then can lead to trafficking for the purpose of forced marriage. In order to legally travel to China, Burmese nationals must get from the Burmese immigration offices a border pass which allows them to go to China for a period of one week and another which allows for them to apply for a 'Chinese stay permit.'¹⁵⁴ Due to the internal conflict within Myanmar, several of the immigration offices where a majority of the IDP populations are have closed, which then forces them to travel to other cities to try and obtain these border passes, which unfortunately isn't plausible due to the fact that roads are closed and it's simply not safe.¹⁵⁵ However, in order to even apply for any of these border passes you must have an ID card, which as previously stated for many of these people they don't have this. Persons living in the Kachin State in more rural areas are faced with extreme difficulties in getting ID cards due to high costs and difficult administrative procedures in starting the process. Before 2010 the KIO and Myanmar authorities did attempt to rectify this issue with temporary ID cards, but it wasn't successful. With the end of the ceasefire in 2011, all joint efforts to address

¹⁵² Institute on Statelessness and Inclusion & European Network on Statelessness, *Statelessness in Myanmar*, Stateless Journeys, May 2019, pp. 1–20 (p. 3), <<https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Myanmar-final.pdf>>.

¹⁵³ Institute on Statelessness and Inclusion and European Network on Statelessness, pp. 1–20 (p. 3).

¹⁵⁴ Kachin Women's Association Thailand (KWAT), pp. 1–26 (p. 12).

¹⁵⁵ Kachin Women's Association Thailand (KWAT), pp. 1–26 (p. 12).

this problem have ended leaving these people with no means to obtain one.¹⁵⁶ “For example, in Pakahtawng, only 800 out of 2699 IDPs have ID cards. KWAT estimates that only 30% of the more than 70,000 IDPs have ID cards.”¹⁵⁷ This is hugely problematic. All of which leaves IDPs and other vulnerable populations without other opportunities to migrate and puts them in a position to easily be trafficked and further exploited.

An additional political element that has contributed to women being ‘pushed’ into these trafficking situations is largely due to human rights abuses within the country. In a 2018 mission for fact-finding in Myanmar it was found that the Tatmadaw committed a series of war crimes and crimes against humanity had taken place in the Kachin and Shan States, which included, imprisonment, murder, enforced disappearance, torture, persecution and many other terrible crimes.¹⁵⁸ The government of Myanmar hasn’t upheld basic human rights including access to health care, education, non-discrimination of minority groups¹⁵⁹, arbitrary detention, torture and so much more. Thus, these perilous conditions and the internal conflict have led many to seek safety outside of Myanmar in other countries, in particular China, which is the focus of this thesis.¹⁶⁰

3.3.2 Economic Factors

The next relevant category of ‘push factors’ this thesis will be looking at are the economic factors. Poverty is listed in most of the literature¹⁶¹ on the ‘push and pull’ factors as a key ‘push’ factor that leads persons to be trafficked and it’s not any less important in the context of Myanmar. In the 1990’s Myanmar’s economy hit a stasis

¹⁵⁶ Kachin Women’s Association Thailand (KWAT), pp. 1–26 (p. 12).

¹⁵⁷ Kachin Women’s Association Thailand (KWAT), pp. 1–26 (p. 12).

¹⁵⁸ Human Rights Watch, , p. 13.

¹⁵⁹ Han, 109–130 (p. 114).

¹⁶⁰ Li, Yi and Zhang, 1535–1557 (p. 6).

¹⁶¹ Kerr, 1–4 (p. 2); MA Rahman, ‘Human Trafficking in the era of Globalization: The case of Trafficking in the Global Market Economy’, in *Transcience: Journal of Global Studies*, vol. 2, 2011, 54–71 (p. 60); S Cheng, ‘A critical engagement with the “pull and push” model’ in *Routledge Handbook of Human Trafficking*, 1st ed., London and New York, Routledge, 2017, pp. 1–12; S-Y Cho, ‘Modeling for Determinants of Human Trafficking: An Empirical Analysis’, in *Social Inclusion*, vol. 3, 2015, 2–21 (p. 5).

point where it wasn't further developing, thus impacting it's economic growth, employment opportunities, and many other factors, thus becoming a key 'push' factor for Myanmar's citizens to migrate to more developed countries.¹⁶² "Approximately 75% of the population lives below the poverty line. Once considered world- class through the mid-1900's, Burma's schools, hospitals and other vital infrastructure are considered unfit by most international standards today."¹⁶³ Furthermore, as of 2013, "government expenditures on health and education combined consisted of 2.3% of the national budget, but the spending on military and defence was 20.86% of the national budget."¹⁶⁴ Additionally, the misspending of tax dollars on military expenses rather than on social services has also raised the costs of basic goods, access to education, and medical services, making it extremely challenging to just get by.¹⁶⁵ The situation is even worse in the Kachin and Shan States respectively. In the Kachin state there is minimal, if any access to land that is farmable or options for paid labor, forcing Burmese people to look for work in China to provide for their families with basic food and supplies.¹⁶⁶ The impact of a poor developing country leads to very limited job opportunities and limited access to education, both of which forces people to migrate to survive. In a study conducted by KWAT they found that the primary factor pushing women to leave Myanmar is due to situations of poverty and not being able to find jobs. They additionally found that the women they interviewed from both rural and urban areas commented that their families were struggling to live and get by due to being poor.¹⁶⁷

Generally, the education system within Myanmar is severely lacking and unobtainable for the average person. According to a study conducted it was found that in rural areas there is a lack of adequate schools and health facilities as the facilities they do have, often don't have the capacity or the resources to be effective. The lack of employees could be largely due to extremely low salaries which are estimated to consist

¹⁶² United Nations Office on Drugs and Crime (UNODC), pp. 1-242 (p. 103).

¹⁶³ Hackney, 1-12 (p. 6).

¹⁶⁴ Hackney, 1-12 (p. 6).

¹⁶⁵ Kachin Women Association Thailand (KWAT), *EASTWARD BOUND - An Update on migration and trafficking of Kachin women on the China-Burma border*, Thailand, Kachin Women's Association Thailand (KWAT), 2008, pp. 1-24 (p. 2), <<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs5/Eastward-Bound.pdf>>.

¹⁶⁶ Kachin Women's Association Thailand (KWAT), pp. 1-26 (p. 13).

¹⁶⁷ Kachin Women's Association Thailand (KWAT), pp. 1-71 (p. 22).

of approximately 4.50 USD a month. Not only are the salaries for teachers too low, but the cost of school has significantly increased and relies on the families to pay for everything. Furthermore, the quality of the education is so low that students who want to have a good education must pay additional costs to obtain a tutor. As of the early 2000's the cost of attending their final year of high school costs approximately 500,000 kyat, to provide this with some context the average wage for families is approximately 500 kyat per day. Thus, it's clear that the average family cannot afford to pay these astronomical education costs.¹⁶⁸ Furthermore, there is a gender component to the attainment of secondary and higher education, as in some cases girls are not allowed by their parents to obtain further education.¹⁶⁹ In the IDP camps the situation isn't any better, "In most of the larger IDP settlements, Kachin authorities have arranged for new schools to be set up, but shortages of teachers and school facilities have meant that classes are crowded."¹⁷⁰

The employment opportunities within Myanmar are severely lacking due to an unstable economy,¹⁷¹ lack of social services, and under-development of the economy.¹⁷² According to the International Labor Organization, the unemployment rate in Myanmar from 1991-2015 has been between 0.6-0.83%, with a large increase in 2016 to 1.14%.¹⁷³ As of 2018, the employment to population rate was at approximately 64.6%, however the gap between men and women is significant, with an approximate 28% difference, with men having the higher percentages of employment.¹⁷⁴ Additionally it's important to note that the employment opportunities within Myanmar largely consist of agricultural positions and jobs requiring a medium-skill level, which are typical "male

¹⁶⁸ Kachin Women's Association Thailand (KWAT), pp. 1-71 (p. 15).

¹⁶⁹ United Nations Office on Drugs and Crime (UNODC), pp. 1-242 (p. 110).

¹⁷⁰ Kachin Women's Association Thailand (KWAT), pp. 1-26 (p. 14).

¹⁷¹ Kachin Women's Association Thailand (KWAT), pp. 1-26 (p. 8).

¹⁷² WOMEN'S LEAGUE OF BURMA, pp. 1-98 (p. 8).

¹⁷³ International Labour Organization, 'Unemployment, total (% of total labor force) (modeled ILO estimate) - Myanmar', in *The World Bank*, 2021, <<https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=MM>> [accessed 22 June 2021].

¹⁷⁴ International Labour Organization, 'MYANMAR - EMPLOYMENT AND ENVIRONMENTAL SUSTAINABILITY FACT SHEETS 2019', ILO Regional Office for Asia and the Pacific, 2019, p. 2, <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_624758.pdf> [accessed 3 May 2021].

jobs”.¹⁷⁵ This clearly illustrates that women are disproportionately impacted by the lack of employment options within Myanmar. It was found that even in the bigger villages of Myitkyina and Bhamo, women still found it necessary to leave in order to get jobs, because there simply isn’t any employment where they lived.¹⁷⁶ According to the Department of Population Ministry of Labour, Immigration and Population, it will be necessary to address this gap between men and women in the labor market and to make sure that these women’s labor skills and knowledge can be used, along with men in the marketplace for the betterment of the country.¹⁷⁷ The employment rate doesn’t appear to be that low, but in actuality many Burmese people have “casual employment that is poorly paid.”¹⁷⁸ All of which leaves these Burmese women to be ‘pulled’ to China and other nearby countries in order to find jobs and be able to provide for their families.

It’s evident that the struggling economy in Myanmar has been a key contributing ‘push’ factor for its people to leave Myanmar and seek out opportunities within China or elsewhere. Additionally, in multiple studies it was found that many of the women who are trafficked grew up living in poverty, which denied them access to basic education, thus making them even more vulnerable to traffickers,¹⁷⁹ which is why the identification of the economic situation as a key ‘push’ factor is so relevant and pertinent to this thesis.

3.3.3 Socio-Cultural Factors

Additional ‘push’ factors for Burmese women are the various socio-cultural drivers. Similar to China, gender roles and the respective expectations surrounding them heavily influence the ‘push’ factors leading to trafficking for the purpose of forced marriage.

¹⁷⁵ International Labour Organization, ‘MYANMAR - EMPLOYMENT AND ENVIRONMENTAL SUSTAINABILITY FACT SHEETS 2019’, p. 2.

¹⁷⁶ Kachin Women’s Association Thailand (KWAT), pp. 1–71 (p. 22).

¹⁷⁷ Department of Population Ministry of Labour, Immigration and Population, ‘2014 Myanmar Population and Housing Census Policy Brief on Labour Force’, United Nations Population Fund, 2014, p. 3, <https://myanmar.unfpa.org/sites/default/files/pub-pdf/policy%20brief%20and%20infographics_Labour%20Force.pdf>.

¹⁷⁸ United Nations Office on Drugs and Crime (UNODC), pp. 1–242 (p. 105).

¹⁷⁹ International Programme on the Elimination of Child Labour of the International Labour Organization, pp. 1–50; Zhao, 83–102.

Historically, Myanmar also has a long history of traditional patriarchal norms and practices¹⁸⁰ that largely affect how women are viewed and treated within society. According to the Women's League of Burma Report published in 2016, which analyzed the traditional and cultural practices that take place within Burma, it was found that women are still very much viewed as being 'lesser' within the Burmese society.¹⁸¹ The report highlighted that these traditional practices and norms, that are very discriminatory towards women and enforce the stereotypical roles of women within society and their families, are still very much prevalent today even if there are laws or regulations against such practices, simply because these protections aren't enforced and are so deeply rooted in the society and cultures of the villages.¹⁸² Specifically in Kachin society, which is where commonly many women are trafficked from, it is a very male-dominated society and the typical role and expectation of women is to marry and serve their husbands.¹⁸³ These discriminatory and stereotypical gendered stereotypes are further illustrated with many of the laws and practices within Myanmar. For example, all women are declared as "dependent" on ID cards issued by the government, no matter their age or socio-economic status. Additionally, on a child's ID card it has the signature of the father rather than their mother. These practices go even further and even in IDP camps the documents individuals need only ever lists and asks for their father's names. Furthermore, in many ethnic groups' women can't own land and, in some states, if a woman is raped, she is kicked out of the community because the community needs to be "cleansed" of them.¹⁸⁴ Additionally, in Karenni State, "menstruating girls are sent to live in a hut set apart from the village so that she does not pollute the village,"¹⁸⁵ and "In Kayah/Karenni and Shan villages women impregnated outside of wedlock are expelled from the village because they are deemed impure."¹⁸⁶ It's very clear that the expectations, roles, and obligations of women differ significantly from that of men within Myanmar's culture.

¹⁸⁰ WOMEN'S LEAGUE OF BURMA, pp. 1–98 (p. 1).

¹⁸¹ WOMEN'S LEAGUE OF BURMA, pp. 1–98 (p. 6).

¹⁸² WOMEN'S LEAGUE OF BURMA, pp. 1–98 (p. 6).

¹⁸³ Kachin Women's Association Thailand (KWAT), pp. 1–26 (p. 8).

¹⁸⁴ WOMEN'S LEAGUE OF BURMA, pp. 1–98 (pp. 6–7).

¹⁸⁵ WOMEN'S LEAGUE OF BURMA, pp. 1–98 (pp. 6–7).

¹⁸⁶ WOMEN'S LEAGUE OF BURMA, pp. 1–98 (pp. 6–7).

Furthermore, traditionally women are the caregivers within their families, which places a level of duty and obligation on these women to provide for their families at all costs.¹⁸⁷ In another report conducted by the Kachin Women Association Thailand (KWAT) in 2008, researchers found that in the majority of women interviewed that the reason these women were travelling to China to find some sort of employment was to be able to support their families.¹⁸⁸ Additionally, it found that approximately 15% sought to spend the money earned either on their own education or that of their siblings, some had to pay for their family member's medical costs, and approximately 7% needed money in order to support their families, due to the fact that either their fathers or husbands had drug addictions which prevented them from being able to provide for the family.¹⁸⁹ It's clear that the daughters in the Burmese households have an obligation to provide and support their families first and foremost.

This is extremely important to emphasize because it's these gender roles and the expectations surrounding them that put women in the position to be trafficked and exploited. This is most prevalent in the situation where these women are living in poverty-stricken areas with no way to provide for their families, which is their familial obligation and duty. This then 'pushes' them to migrate to find work, leaving them extremely vulnerable to traffickers.¹⁹⁰ Other situations consists of families selling their daughters into marriages to collect the bride price, because they desperately need the money¹⁹¹. The expectation of women to provide for their families in any way that they can often put them in very compromising situations.

In conclusion, the ongoing unstable political situation within Myanmar, leading to tens of thousands of IDPS, numerous human rights abuses, and lack of identification cards; the dire economic situation consisting of very high rates of poverty and no employment opportunities within the country, lend to minimal access to education and healthcare; combined with the various gendered socio-cultural practices, traditions, and

¹⁸⁷ Kachin Women's Association Thailand (KWAT), pp. 1–26 (p. 8).

¹⁸⁸ J Han, M Kamber & J Pei, *Data Mining, Southeast Asia Edition: Concepts and Techniques*, Morgan Kaufmann, 2006, p. 9.

¹⁸⁹ Kachin Women Association Thailand (KWAT), pp. 1–24 (p. 9).

¹⁹⁰ Kachin Women's Association Thailand (KWAT), pp. 1–26 (p. 8).

¹⁹¹ Courtland Robinson and Branchini, pp. 1–74 (p. 55).

norms, have created a breeding ground of ‘push’ factors which can lead to the trafficking of Burmese women for the purpose of forced marriage in China.

It’s extremely important to note that each of these ‘push’ factors intersect with one another and in no way is this an exhaustive list of ‘push’ factors, but factors that were chosen for the purpose of this thesis. To summarize, the political, economic, and socio-cultural conditions have all played a major part in why Burmese women have sought to migrate to China, as in most cases it is simply a means for survival. However, it’s these ‘push’ factors that can put them in harm’s way, potentially leading to them being trafficked and forced into marriage, which is why it’s critical to identify what these ‘push’ factors are for these factors to be addressed by both the Burmese and Chinese governments.

3.4 Summary of Push and Pull Factors

As was depicted, the overall contributor to the demand in China for wives is largely attributable to the high gender ratio imbalance within the country that has been created due to the one-child policy (See Chapter 3.2.2), sex-selective abortions (See Chapter 3.2.2), the internal migration of Chinese women from rural to urban areas (See Chapter 3.2.3), and the overall traditional gender stereotypical roles, traditions, and practices (See Chapter 3.2.4) that are still very much prevalent within China. Each of these elements have contributed to this gender imbalance, which has ultimately left many Chinese men unable to fill their ‘duty’ of having wives and children to continue their familial line, which is very much a gendered expectation of both the men and women in Chinese society. Thus, creating the ‘pull’ factor in terms of demand.

In order to fulfill this ‘demand’ there has to be a ‘supply’ and that is where surrounding Asian countries, and specifically for the purpose of this thesis, Myanmar, comes in. Myanmar becomes the perfect ‘supplier’ of women due to the numerous ‘push factors’ within the country. As previously stated, this consists of the dangerous and unstable political situation filled with human rights abuses, internally displaced persons, refugees, and the inability of Myanmar to fulfill its obligations as a state leading to, for example, lack of identification cards (See Chapter 3.3.1); an economic

system filled with poverty and lack of basic social services (See Chapter 3.3.2); further supplemented with gendered socio-cultural practices and norms (See Chapter 3.3.3), all of which enable this “demand” to be filled as these women are forced to look outside of Myanmar to survive, which can put them in this very vulnerable situation to be trafficked by traffickers.

An essential part of this thesis is understanding both the ‘push and pull’ factors contributing to the trafficking of Burmese women for the purpose of forced marriage in China. The identification of these ‘push and pull’ factors is essential for understanding as it provides insight into the root causes that both ‘push’ Burmese women to migrate and creates the ‘pull’ or the ‘demand’ for these women in China.

4 China’s Response to the Push and Pull Factors

As depicted in Chapter 3, there are several identified ‘push and pull’ factors that contribute to the trafficking of Burmese women for the purpose of forced marriage in China. This included the political, economic, socio-cultural contributors ‘pushing’ women to migrate in Myanmar as well as the political and socio-cultural factors contributing to the ‘demand’ for wives within China, thus creating the ‘pull’. This chapter will analyze China’s response to the gender imbalance; China’s foreign policy towards Myanmar including, the political situation within Myanmar with a focus on humanitarian assistance, and China’s approach to poverty alleviation within Myanmar. The analysis of each of these policies and responses will be conducted through a human rights-based lens, which will determine if China has incorporated a HRBA in its policy response and properly addressed these ‘push and pull’ factors, which are largely contributing to this phenomenon. As a human rights-based approach is a conceptual framework it serves as the perfect tool to understand the obligations of the “duty bearers”, further looking at vulnerabilities, inequalities, and discrimination.¹⁹²

¹⁹² Social Protection & Human Rights, ‘Introduction to a rights-based approach’, in *Social Protection & Human Rights*, 2015, <<https://socialprotection-humanrights.org/introduction-to-a-rights-based-approach/>> [accessed 12 May 2021].

4.1 Background

China has been rising as a new world power for the past several decades and to further enhance its position of power it's strategically working with its neighboring countries.¹⁹³ China and Myanmar border each other with a shared border of 2165 km,¹⁹⁴ which has led to many bilateral relations with one another over the years. Myanmar's location in Bay of Bengal as well as it's connection to the Indian Ocean in the south, which has a plethora of natural resources, makes Myanmar an advantageous partner in the region, especially for China.¹⁹⁵

On June 8, 1950, relations between China and Myanmar were officially established.¹⁹⁶ The history of Sino-Myanmar relations over the years have fluctuated. From 1950-60 the relations between the two countries were good, however from the 1960's till the 1990's relations were fairly rough due to Myanmar's internal conflict, expulsion of immigrants, and clashes with the two governments.¹⁹⁷ However this changed, and relations began to improve between 1998-2008, and China became a top investor in the country economically.¹⁹⁸ The relationship between Myanmar and China is extremely important for both countries as it can further China's position in not only the region but the world with Myanmar's geostrategic location, but China can also play a key role in advancing Myanmar's economy and development with its investment and trade relations.¹⁹⁹

4.2 Addressing the Demand - Gender Imbalance

As was illustrated during the identification of the 'demand' for brides in China, the gender imbalance is one of the key contributing factors. "This has increased to an average of 118 males per 100 females in 2012. A wide range of reports, including those

¹⁹³ A Ahamed, S Rahman & N Hossain, 'China-Myanmar Bilateral Relations: An Analytical Study of Some Geostrategic and Economic Issues', in *Journal of Public Administration and Governance*, vol. 10, 2020, 321–343 (p. 322).

¹⁹⁴ Ahamed, Rahman and Hossain, 321–343 (p. 322).

¹⁹⁵ Ahamed, Rahman and Hossain, 321–343 (p. 322).

¹⁹⁶ Ahamed, Rahman and Hossain, 321–343 (p. 324).

¹⁹⁷ Ahamed, Rahman and Hossain, 321–343 (p. 325).

¹⁹⁸ Ahamed, Rahman and Hossain, 321–343 (p. 326).

¹⁹⁹ Ahamed, Rahman and Hossain, 321–343 (p. 340).

from official Chinese government bureaus, estimate that around 22 to 30 million Chinese men will be unable to find wives by 2025–2030.”²⁰⁰ Additionally, according to a study in 2010 it was estimated that, “By 2030, an estimated 20.8 percent of men aged 30-39 will never have married, even if the sex ratio at birth had fallen to a normal level of 1.06 in 2006.”²⁰¹ This chapter will analyze the “Care for Girls” campaign along with the evolution of the one-child policy in China.

4.2.1 “Care for Girls” Campaign

China has responded to this gender imbalance primarily with the “Care for Girls” campaign.²⁰² In the 1980’s - 90’s China appears to have ignored the rapidly growing sex-ratio imbalance, but began to acknowledge the issues in the early 2000’s.²⁰³ However, even though the Chinese government may have publicly lessened the severity of the issue, in the 1980’s the Chinese government did make some policy changes.²⁰⁴ In September 1986, prenatal diagnosis was prohibited, unless relating to potential hereditary diseases and this was further supported with several other policies.²⁰⁵ Additionally, in the 1994 Law on Maternal and Infant Health Care and in the 2001 Law on Population and Family Planning the practice of sex identification of the fetus and selective abortion unless necessary due to medical reasons, were made illegal.²⁰⁶

In between the 1994 Law on Maternal and Infant Health Care and the 2001 Law on Population and Family Planning, the unofficial start of the “Care for Girls” campaign began, with an experimental study in 2000 called the Chaohu Experimental Zone

²⁰⁰ Hackney, 1–12 (p. 3).

²⁰¹ M Das Gupta, A Ebenstein & EJ Sharygin, *China’s Marriage Market and Upcoming Challenges for Elderly Men*, The World Bank, June 2010, pp. 2–37 (p. 12), <<https://documents1.worldbank.org/curated/en/948771468212988136/pdf/WPS5351.pdf>>.

²⁰² R Murphy, ‘Sex Ratio Imbalances and China’s Care for Girls Programme: A Case Study of a Social Problem’, in *The China Quarterly*, vol. 219, 2014, 781–807; S Li, MW Feldman & S Zijuan, *Policy Responses of Gender Imbalance in China: The “Care for Girls” Campaign*, Morrison Institute for Population and Resource Studies, 2017, pp. 1–32, <<https://morrisoninstitute.stanford.edu/publications/policy-responses-gender-imbalance-china-care-girls-campaign>>.

²⁰³ J-B Nie, ‘Non-medical sex-selective abortion in China: ethical and public policy issues in the context of 40 million missing females’, in *British Medical Bulletin*, vol. 98, 2011, 7–20 (p. 12).

²⁰⁴ Nie, 7–20 (p. 12).

²⁰⁵ Nie, 7–20 (p. 13).

²⁰⁶ Nie, 7–20 (p. 13).

Improving Girl-Child Survival, where the primary goals were to decrease the SRB and address the survival of girls.²⁰⁷

The goal of the 2000 Chaohu Experimental Zone was to create an environment for girls to prosper by providing training and activities focused on reproductive health and on development. This experimental zone was further supported with the establishment of the “New Culture of Marriage and Childbearing Entering into Families”.²⁰⁸ The primary activities of the Chaohu Experimental Zone included:

Establishing specialized organizations, conducting trainings, punishing those found to be committing non-medical sex-selective abortions and infanticide, advocating for regulations and laws addressing gender equality, holding focus-group discussions for mothers-in-law, helping women to participate in socio-economic activities by providing economic support, encouraging active male participation in the improvement of women’s status, enhancing the social-security system, and popularizing “uxorilocal” marriages (in which husbands marry into wives’ birth families).²⁰⁹

This first intervention seems to have been effective as the sex-ratio at birth (SRB) rate decreased in the area from a starting point in 1999 of over 125 men per 100 women to 114 men per 100 women at the end of the study in 2002.²¹⁰

After success with the experimental trial in Chaohu in addressing the growing SRB gap, China expanded the “Care for Girls” campaign to 24 additional counties in 24 different provinces throughout China from 2003-2005, which had very high SRB based on the 2000 census.²¹¹ The pilot program initially started with 11 districts in 2003 and an additional 13 districts were added in 2004.²¹² This pilot program had six various categories including:

²⁰⁷ S Li, ‘Imbalanced Sex Ratio at Birth and Comprehensive Intervention in China’, presented at the 4th Asia Pacific Conference on Reproductive and Sexual Health and Rights, Hyderabad, India, United Nations Population Fund, 2007, pp. 1–16 (pp. 9–10), <<https://www.unfpa.org/resources/imbalanced-sex-ratio-birth-and-comprehensive-intervention-china-executive-summary>> [accessed 5 May 2021].

²⁰⁸ Li, pp. 1–16 (p. 9).

²⁰⁹ Li, pp. 1–16 (p. 9).

²¹⁰ Li, pp. 1–16 (p. 9).

²¹¹ Li, pp. 1–16 (p. 9).

²¹² Murphy, 781–807 (p. 788).

Fighting against illegal foetal sex identification and sex-selective abortion; “whole-course” services, in which governments at grassroots levels provide both women and men with sustainable family-planning and reproductive-health services throughout their lifetimes; advocacy; benefit-and-interest orientation, in which governments issue local preferential policies to reward families who engage in family planning; management and evaluation; and organizing and leadership.”²¹³

Each of these above listed six categories offered fairly extensive programs and services to address the issue. In order to address the illegal sex identification and sex-selective abortion commonly called the “two illegalities”, as both practices were made illegal in the 1994 Law on Maternal and Infant Health Care and the 2001 Law on Population and Family planning,²¹⁴ China emphasized cooperation of all the relevant authorities, positive reinforcement for not partaking in these practices, looking into the cases where the “two illegalities” have occurred, and to closely oversee the use of ultrasound machines and cases where abortion is induced.²¹⁵ The organizing and leadership category consisted of creating an authority for the campaign and basically bringing attention to the campaign via events, programs and documents.²¹⁶ The category on the “whole course family planning and reproductive health services”, included offering authorized medical services, providing contraceptive options and services, and follow up on pregnant and postpartum women.²¹⁷ The “benefits and interests orientation” consisted of offering families of only girls various rewards and incentives in order to, “improve girl-child’s survival environment and women’s development in domains of education, medical care, employment, old-age support and political participation.”²¹⁸ Examples of this included building houses for these families, offering pension support, and alleviating poverty.²¹⁹ The last two categories consist of “advocacy” and “management and evaluation”, the first consists of active measures to

²¹³ Li, pp. 1–16 (p. 9).

²¹⁴ Nie, 7–20 (p. 13).

²¹⁵ Li, pp. 1–16 (p. Table 2).

²¹⁶ Li, pp. 1–16 (p. Table 2).

²¹⁷ Li, pp. 1–16 (p. Table 2).

²¹⁸ Li, pp. 1–16 (p. Table 2).

²¹⁹ Li, pp. 1–16 (p. Table 2).

change public opinion by various media promoting love for girls, awareness raising through trainings, and the latter focuses on the collection of statistics on SRB and an evaluation of this program.²²⁰

Each of these categories were to be implemented in each pilot county and it was found that, “This project has efficiently reduced SRB, with levels in the 24 counties declining from 133.8 in 2000 to 119.6 in 2005. This latter figure, however, is still significantly above normal.”²²¹ The success of the pilot program from 2003-2005 led to the application of the “Care for Girls” campaign at the National level, which consisted of a National Action Plan for implementing the campaign in 2006.²²² The “Care for Girls” campaign was a huge priority for the Chinese government and in 2006 they established three goals to address the sex ratio at birth (SRB).²²³ “The goal of the first five year period was to curb SRB growth, of the second to bring about a decline of SRB, and finally the third period targeted SRB stabilization at a normal level.”²²⁴

To achieve each of these targets China established clear methods. In order to reach the first target of ending the increase of the SRB from 2006-2010, China emphasized that the punishment of the “two illegalities” would prevent the numbers from growing.²²⁵ Additionally the second target of decreasing the SRB from 2011-2015 would be done through the various advocacy campaigns used to raise awareness as well as the application of rewards and incentives to the families which only had girls and no boys.²²⁶ Lastly, to reach the target goal of getting the SRB to “normal levels” from 2016-2020 China would look into various social-policy systems that specifically target improvement of gender inequalities as well as the implementation of, “a series of mechanisms that focus on behaviour restriction, benefit orientation and institutional

²²⁰ Li, pp. 1–16 (p. Table 2).

²²¹ Li, pp. 1–16 (p. 10).

²²² L Shuzhuo, S Zijuan & MW Feldman, ‘Social Management of Gender Imbalance in China: A Holistic Governance Framework’, in *Economic and Political Weekly*, vol. 48, 2013, 1–23 (p. 6).

²²³ M Tang, ‘Addressing skewed sex ratio at birth in China: practices and challenges’, in *China Population and Development Studies volume*, vol. 4, 2021, 319–326 (p. 322).

²²⁴ Tang, 319–326 (p. 322).

²²⁵ Li, pp. 1–16 (p. 13).

²²⁶ Li, pp. 1–16 (p. 13).

innovation ... in order to improve the environment for girls' survival and to restore normal SRB in China.”²²⁷

Additionally, there are three components to this framework which emphasize the expansion, exploration/innovation, and scaling up.²²⁸ The first component, “expanding”, “is intended to popularize related experiences and methods, as well as to establish behaviour restraint and benefit-orientation mechanisms, in order to eliminate the proximal and conditional causes of high SRB.”²²⁹ The “scaling-up” module is intended to, “create working patterns to generate evaluation, cooperation and sustainability mechanisms within the relevant authorities, in order to keep SRB normal.”²³⁰ Lastly, the “exploration/innovation” module, “is meant to explore institutional and policy innovations, focusing on cultural evolution, so as to build up a favourable institutional environment for the control of SRB levels.”²³¹ Each of these elements will occur at the same time and will have three phases; the first phase starts with, “8 exploratory pilot counties”, the second spreads to, “30 national pilot counties”, and the third phase will include all the counties within China.²³² It's clear that China has taken very comprehensive steps and actions that have, based on the above statistics, helped to reduce the SRB.

4.2.2 Two-Child Policy

A top-down approach to the Chinese government response to the growing gender imbalance within China consists of the evolution of the One-Child policy. As previously stated, one of the key contributors to this gender imbalance within China was largely due to the One-Child policy established in 1979.²³³ It's estimated that approximately 400 million births have been prevented due to the previous policy.²³⁴ As of 2021, China

²²⁷ Li, pp. 1–16 (p. 10).

²²⁸ Li, pp. 1–16 (p. 13).

²²⁹ Li, pp. 1–16 (p. 13).

²³⁰ Li, pp. 1–16 (p. 13).

²³¹ Li, pp. 1–16 (p. 13).

²³² Li, pp. 1–16 (p. 13).

²³³ Pletcher.

²³⁴ SL Fan et al., ‘How does the two-child policy affect the sex ratio at birth in China? A cross-sectional study’, in *BMC Public Health*, vol. 20, 2020, 1–11 (p. 2).

now has a Three-Child policy, but since it is so new, this section will focus on the establishment of the Two-Child policy.

The process of changing the policy has been years in the making, however gradual changes leading up to the Two-Child policy included the “1.5 Child Policy” which was applicable in some areas for rural families beginning in 1984 which permitted families to have a second child in the event that their first child was a girl.²³⁵ From a gendered perspective, this policy is highly discriminatory and reinforces the cultural beliefs that women are less than and truly don’t have value.

As of 27 December 2015, China amended the previous One-Child policy for the Two-Child policy which was applicable as of 1 January 2016.²³⁶ Under this new policy, it was encouraged for married couples to have two children and to no longer wait until later to have children as opposed to the promotion of delayed childbirth which was encouraged and subsidized under the previous One-Child policy.²³⁷

The effectiveness of this policy in removing the gender imbalance is unclear at this time, however there was a study published in 2020 which looked at how the Two-Child policy had affected the sex ratio at birth in China and found that the sex ratio birth rate (SRB) is slowly reducing.²³⁸ In the study they, “utilized the data collected through Hebei Province Maternal Near Miss Surveillance System (HBMNMSS), which covered all the births in 22 hospitals during the period from January 1, 2013 to December 31, 2017.”²³⁹ They found that: from January 1, 2013 to May 29, 2015 the SRB was at 1.084, from May 30, 2014 to December 31, 2015 the rate was at 1.050, and from January 1, 2016 to December 31, 2017 the rate was at 1.047.²⁴⁰ It further found that, “Two-Child policy was a very important factor related to the decline of SRB. Two-Child Policy also resulted in some good results, such as, lower rate of CD (Cesarean Delivery), less

²³⁵ Y Zeng & T Hesketh, ‘The effects of China’s universal two-child policy’, 2016, p. 2, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5944611/>> [accessed 14 June 2021].

²³⁶ Library of Congress, ‘China: Two-Child Policy Becomes Law’, in *Library of Congress*, 2016, <<https://www.loc.gov/item/global-legal-monitor/2016-01-08/china-two-child-policy-becomes-law/>> [accessed 18 May 2021].

²³⁷ Library of Congress.

²³⁸ Fan et al., 1–11 (p. 2).

²³⁹ Fan et al., 1–11 (p. 2).

²⁴⁰ Fan et al., 1–11 (p. 3).

deaths of baby girl, less sex-selective abortions.”²⁴¹ According to this study, it does seem that the implementation of the Two-Child policy has helped to reduce the gap between the sexes at birth.

From a human rights perspective, having any policy that is restrictive of one’s human rights is clearly in violation of human rights standards and obligations. This practice of limiting a women’s reproductive rights is clearly contrary to her rights. Thus, even though it is a clear improvement for the rights of women in that they can now have more children, any policy of this manner is not respecting the rights of women or in line with human rights obligations.

In conclusion, in the analysis of the “Care for Girls” campaign, China appears to have taken responsibility and action necessary as a “duty bearer” in combatting the gender imbalance, in the sense that China as the governing body has certain obligations to fulfill, protect, and respect human rights.²⁴² One of the key components of a HRBA is truly a comprehensive and holistic approach to an issue, which in this case is the growing gender imbalance within China. However, at the root of the HRBA is the protection, fulfillment, and respect of human rights.²⁴³ The key human rights issue associated with the gender imbalance occurring in China is gender inequality and discrimination. One of the key components of this campaign was the advocacy for better regulations and laws to address the gender inequalities, which was further supported through the inclusion of media campaigns supporting women, and the utilization of preferential policies in order to reward families who only have girls, which not only targets the vulnerable group²⁴⁴, which is in line with a HRBA, but also reinforces that notion that having girls is valuable to families, which is one of the key issues to addressing the cultural causes of this discrimination and preference for male

²⁴¹ Fan et al., 1–11 (p. 10).

²⁴² United Nations Population Fund (UNFPA) & Harvard School of Public Health, *A Human Rights-Based Approach to Programming: Practical Implementation Manual and Training Materials*, United Nations Population Fund (UNFPA), 2010, pp. 1–602 (p. 25), <<https://www.unfpa.org/resources/human-rights-based-approach-programming>>.

²⁴³ United Nations Population Fund, ‘The Human Rights-Based Approach’, in *United Nations Population Fund*, 2014, <<https://www.unfpa.org/human-rights-based-approach>> [accessed 12 April 2021].

²⁴⁴ United Nations Population Fund (UNFPA) and Harvard School of Public Health, pp. 1–602 (p. 15).

children. Another key element to a HRBA is the empowerment²⁴⁵ through education and trainings as well as active participation²⁴⁶. There are some elements of the inclusion and participation of women and men in this campaign, which is evident through the creation of focus groups with mothers-in-law; assisting in women's participation in socio-economic activities; and working on getting men involved in the issues of women's rights. Additionally, there are some components that did offer empowerment through education and training such as through the family-planning and reproductive health services. However, the limiting of access to medical equipment such as ultrasounds and sex-determination technology could easily be considered an infringement of human rights.

Additionally, China's evolution from the One-Child Policy, has helped to reduce the sex ratio at birth between boys and girls, however it is much more gradual of a change, and due to the "top-down" approach it appears to have a much smaller impact on some of the deep-rooted issues that contribute to the gender imbalance.

In conclusion, it is evident that China has incorporated many human rights elements into the "Care for Girls" Campaign, however there are still areas for improvement in regards to having more active participation in the deciding of the projects/programs included in this campaign as well as ensuring that human rights are always respected and not hindered by policies and legislation that takes away a person's right to health and bodily integrity, which is in contrast to the law on the "two illegalities" as well as some of the follow-up protocol for women who are pregnant or have already had babies as it's infringing on their rights and privacy. On the other hand, having a law that restricts the number of children women can have is completely contrary to human rights standards and to be in compliance with human rights should be eliminated.

²⁴⁵ LA Melo, *Human Rights-Based Programming: What It Is*, New York, United Nations Population Fund, December 2006, pp. 1–17 (p. 12), <<https://www.unfpa.org/resources/human-rights-based-programming>>.

²⁴⁶ Melo, pp. 1–17 (p. 4).

4.3 Addressing the ‘Push’ Factors – Foreign Policy

As was previously depicted the number of ‘push’ factors within Myanmar is extremely high due to the unraveling political situation, the deteriorating economy, and various socio-cultural factors. Addressing these root causes is just as imperative as addressing the above factors contributing to the ‘demand’, without one you cannot have true success in combatting this phenomenon. As the basis of this research question is in how China has responded to the ‘push and pull’ factors, this chapter will look at how China has responded to the ‘push’ factors occurring within Myanmar as they are better situated to respond to some of these factors. Specifically, this section will look at China’s approach to foreign policy with a focus on its humanitarian assistance to Myanmar as well as China’s pilot program dedicated to removing poverty, both of which affect the ‘push’ factors of poverty and forced migration due to conflict.

4.3.1 Background

First and foremost, China’s foreign policy is very dependent on the specific situation and generally consists of a more direct approach if China has personal interest in the matter and when that is not the case China takes a less involved approach.²⁴⁷ In regard to Myanmar, “Beijing’s fundamental interests in Myanmar include three basic factors: border stability, economic cooperation, and an energy transportation route. Among these, border stability remains the top priority.”²⁴⁸ The relations between Myanmar and China have evolved of the last several decades, dependent on the political situation in both countries, however the last several years the neighboring countries have had good relations and China has become one of Myanmar’s biggest foreign investors.²⁴⁹ This has been illustrated with the numerous bilateral agreements signed between the two countries to further cooperation and development.

²⁴⁷ A Ekman, ‘China’s Two-Track Foreign Policy From Ambiguous to Clear-Cut Positions’, in *Ifri Center for Asian Studies*, *Asie Visions*, 2012, 1–27 (p. 2).

²⁴⁸ Y Sun, ‘China’s Strategic Misjudgement on Myanmar’, in *Journal of Current Southeast Asian Affairs*, vol. 31, 2012, 73–96 (p. 75).

²⁴⁹ Transnational Institute, *China’s Engagement in Myanmar: From Malacca Dilemma to Transition Dilemma*, Myanmar Policy Briefing Series, Transnational Institute, July 2016, pp. 1–34 (p. 2), <<https://www.tni.org/en/publication/chinas-engagement-in-myanmar-from-malacca-dilemma-to-transition-dilemma>>.

Even though China is fairly active in its dealings with Myanmar with its numerous economic and development projects, one key aspect to their relationship is China's non-interventionist approach to Myanmar within the United Nations Security Council. Historically, China has supported Myanmar within the UN Security Council effectively using its veto to block sanctions on Myanmar in 2007.²⁵⁰ Thus, it's clear that the relationship between Myanmar and China is complex and evolving.

4.3.2 Humanitarian Action– IDPs and Refugees

As of December 31, 2020, 980,000 asylum seekers and refugees are in neighboring countries as well as approximately 370,000 internally displaced persons (IDPs) within Myanmar,²⁵¹ all of which is due to the ongoing internal conflict. This is a key aspect of 'push' factors because in the case of IDPs and refugees they have no place else to go and are thus forced to migrate and with a shared border with China it's a good option for many of these persons.

Humanitarian action, which is under international law, includes the protection of persons, the offering of basic services including but not limited to, shelter, food, water, and health services, to help these people in need and to assist in return to normality.²⁵² In China humanitarian aid refers to, "short-term provision of food, goods, materials and personnel in times of emergency."²⁵³ It specifically emphasizes that humanitarian aid is for situations outside of China only and that humanitarian aid goes hand in hand with development aid as treating the root causes of the humanitarian aid through development assistance can help prevent these situations from occurring.²⁵⁴ However,

²⁵⁰ HY Li & Y Zheng, 'Re-interpreting China's Non-intervention Policy towards Myanmar: leverage, interest and intervention', in *Journal of Contemporary China*, vol. 18, 2009, 617–637 (p. 632).

²⁵¹ UNHCR REGIONAL BUREAU FOR ASIA AND PACIFIC (RBAP), 'MYANMAR EMERGENCY - EXTERNAL UPDATE', United Nations High Commissioner for Refugees, 2021, p. 1, <https://reporting.unhcr.org/sites/default/files/UNHCR%20Myanmar%20Regional%20Update%20May%2021_0.pdf> [accessed 1 May 2021].

²⁵² M Hirono, *Exploring the links between Chinese foreign policy and humanitarian action Multiple interests, processes and actors*, London, Humanitarian Policy Group Overseas Development Institute, January 2018, pp. 1–36 (p. 2), <<https://cdn.odi.org/media/documents/12015.pdf>>.

²⁵³ Hirono, pp. 1–36 (p. 3).

²⁵⁴ Hirono, pp. 1–36 (p. 3).

China's policies and approaches to the conflict in Myanmar regarding the IDPs and refugees have varied over the last several decades.

Two of the past main conflicts that were previously discussed in this thesis refer to the internal conflict in Myanmar with the Kokang people in 2009 as well as the Kachin people beginning in 2011, which led to the displacement of tens of thousands of ethnic minorities.²⁵⁵ It is important to note that the Kokang people are ethnically Han Chinese, which has a large majority within China, whereas the Kachin people only have ethnic ties with a small ethnic group called the Jingpo in China.²⁵⁶

In the 2009 conflict involving the ethnic Kokang people approximately 37,000 Chinese and Kokang persons fled to the Yunnan Province of China.²⁵⁷ China's foreign policy and approach was significantly different in this conflict for two main reasons. First of all, unlike in other situations China was not aware that the Myanmar Armed Forces (Tatamadow) were planning to attack this population.²⁵⁸ The second key difference is that China did offer some sort of humanitarian aid in this situation. China did offer basic services to the refugees including shelter, food, and medical support.²⁵⁹ However, a UNHCR spokesperson states that, "While China offers humanitarian aid and has no intentions of pushing refugees back into the conflict zone, China does not wish to have refugees settling further inland."²⁶⁰ However, China did not declare the Kokang minority group as "refugees"²⁶¹ and prevented international assistance to them in Yunnan,²⁶² which from a human rights perspective is extremely problematic. In this situation, it's fairly clear that China stuck to its non-interventionist policy and approach by not inserting itself into the domestic situation in Myanmar²⁶³, however a

²⁵⁵ L Song, *Chinese Refugee Law and Policy*, United Kingdom, Cambridge University Press, 2020, pp. 13–14.

²⁵⁶ E Han, 'Geopolitics, Ethnic Conflicts along the Border, and Chinese Foreign Policy Changes toward Myanmar', in *Asian Security*, vol. 13, 2017, 59–73 (p. 60).

²⁵⁷ Human Rights Watch, *Isolated in Yunnan Kachin Refugees from Burma in China's Yunnan Province*, Human Rights Watch, June 2012, pp. 1–71 (p. 23), <https://www.hrw.org/sites/default/files/reports/china0612_forinsertForUpload_0.pdf>.

²⁵⁸ J Lam, 'Refugee Policy and Foreign Policy: Examining Policy Linkage in Chinese Relations with North Korea, Myanmar, and Vietnam', in *Inquiries Journal*, vol. 5, 2013, 1–6 (p. 3).

²⁵⁹ Lam, 1–6 (p. 3).

²⁶⁰ Lam, 1–6 (p. 3).

²⁶¹ Lam, 1–6 (p. 3).

²⁶² Human Rights Watch, pp. 1–71 (p. 13).

²⁶³ Han, 59–73 (p. 65).

spokesperson for the Chinese Ministry of Foreign Affairs on the 1st of September 2009, did very clearly express disdain on behalf of China, expressing that it was the “mutual responsibility” of both countries to maintain the border stability and in essence that Myanmar needed to do its part.²⁶⁴ It was very clear that China was not pleased with the actions of Myanmar’s government which led to thousands of refugees fleeing from Myanmar into China.

The other main past conflict involved the ethnic Kachin people. The fighting began in June 2011 and went into 2013. The military of Myanmar utilized heavy airstrikes against Kachin Independence Army (KIA) in the region of Laiza from December 2012 to January 2013. Unlike the Kokang fight, this was not an easy win for the Myanmar military, and they were not successful in removing the KIA from their headquarters in Laiza. Additionally, this conflict also affected China as bombs also hit Chinese territory due to close proximity. This conflict led many Kachin people to flee into China.²⁶⁵ According to Human Rights Watch approximately 75,000 ethnic Kachin civilians were displaced from their homes due to conflict between the Burmese Military forces and the Kachin Independence Army.²⁶⁶ Of these 75,000 internally displaced people approximately 7,000- 10,000 looked for safety and refuge within the Yunnan Province of China, due to the various abuses by the Burmese army which included killings and rape, forced labor, and attacks on their villages.²⁶⁷

Unlike a few years prior, China did take a more direct approach after three bombs had landed on Chinese territory, which was a notable shift in China’s foreign policy. The Chinese government sent Ministry of Foreign Affairs Vice Minister Fu Ying to meet with President Thein Sein of Myanmar in December 2012 and January 2013. Additionally, this time around, China held many meetings between the Kachin Independence Organization (KIO) and representatives of Myanmar’s government to attempt mediation and to bring about peace between the two parties in the Yunnan Province. However, the government of Myanmar did not want China to intervene and attempt mediation, but they decided to allow China’s “special envoy” and the UN to

²⁶⁴ Han, 59–73 (p. 65).

²⁶⁵ Han, 59–73 (p. 65).

²⁶⁶ Human Rights Watch, pp. 1–71 (p. 4).

²⁶⁷ Human Rights Watch, pp. 1–71 (p. 4).

observe the peace talks.²⁶⁸ The attempt to Facilitate these peace talks was a huge change in approach for the Chinese government.

However, many reports stated that China's actions towards the fleeing Kachins was anything but humanitarian, which was on the contrary to what China had been saying as they stated they were offering humanitarian assistance.²⁶⁹ First of all, just like with the Kokang refugees China refused to acknowledge and declare the fleeing Kachins as refugees and instead referred to them as "border residents" who were going to China to simply visit family and friends rather than fleeing for their safety.²⁷⁰ According to Human Rights Watch, Following the start of conflict between Myanmar and KIA in June 2011, there was a report that some of these fleeing Kachins were not allowed to enter into China or were sent back to Myanmar for those who did get through the borders, which elicited great fear and worry for those tens of thousands displaced persons. Human Rights Watch reported that several refugees in Yunnan had stated they never received any sort of humanitarian assistance from China, and to make matters worse international humanitarian organizations were denied access to the refugees in Yunnan, thus, they received no support. HRW further reported that the refugees were living in various campsites they had set up themselves without access to any necessities such as water, health care, sanitation, and education for children. For the families that attempt to find work in China to provide these basic amenities to their families they are often exploited and abused by their employers and in some cases, drug tested or detained by the Chinese government.²⁷¹

Not only have there been reported cases of China denying Kachin civilians entry into the country on June 17 and November 13, 2011, according to Human Rights

²⁶⁸ United States Institute of Peace, *China's Role in Myanmar's Internal Conflicts*, Senior Study Groups (SSGs), Washington, DC, United States Institute of Peace, September 2018, pp. 1–40 (p. 24), <<https://www.usip.org/sites/default/files/2018-09/ssg-report-chinas-role-in-myanmars-internal-conflicts.pdf>>.

²⁶⁹ Human Rights Watch, pp. 1–71 (p. 6).

²⁷⁰ M Ramzan, *China's Soft Power Through Humanitarian Aid in Myanmar and Indonesia*, Asia Programme, Paris, France, The French Institute for International and Strategic Affairs, April 2021, pp. 2–21 (p. 6), <<https://www.iris-france.org/wp-content/uploads/2021/04/Asia-Focus-159.pdf>>.

²⁷¹ Human Rights Watch, pp. 1–71 (pp. 6–7).

Watch²⁷², but also several cases of ethnic Kachins being sent back to conflict areas.²⁷³ Human Rights Watch depicts a situation in June 2011, where “Chinese soldiers ordered Chinese village headmen to send about 300 refugees back to Burma, claiming the order came from Beijing... Chinese soldiers reportedly returned three days later to ensure the refugees had left.”²⁷⁴ Additionally, it was reported that approximately 5,000 Kachins were sent back to Myanmar from the camps they had created themselves and were living at from August to September 2012.²⁷⁵ Furthermore, it’s extremely important to note that not only did China fail to actually fulfill their obligations, but the government also went even further by denying international humanitarian agencies such as UNHCR access to the refugees in the Yunnan Province of China.²⁷⁶ Lastly, the Chinese government at the Bang Hkam Gate had stopped border crossings in April 2014, with border control getting much stricter in 2017 than in the beginning of the conflict.²⁷⁷

As can be seen, China’s foreign policy regarding humanitarian aid, assistance, and intervention appears to be subject to change. Additionally, “China’s foreign policy is increasingly fragmented and often in more or less open disagreement with the central government’s ideas and strategies.”²⁷⁸ China tends to take a pragmatic and non-interventionist approach in its foreign relations, but as can be seen, China facilitating peace talks within Myanmar was a significant step away from that approach.

However, there are a few relevant domestic and international policies regarding China’s response to the IDPs and Refugees fleeing from Myanmar to China. From a human rights perspective, the most relevant treaty is the 1951 Refugee Convention and the 1967 Protocol, which China has ratified. Additionally, the relevant domestic policies

²⁷² Human Rights Watch, pp. 1–71 (pp. 7–8).

²⁷³ United Nations High Commissioner for Refugees, ‘UNHCR reaches Kachins sent back from China’, in *UNHCR The UN Refugee Agency*, 2012, <<https://www.unhcr.org/news/briefing/2012/9/5049cdba9/unhcr-reaches-kachins-sent-china.html>> [accessed 15 May 2021]; Human Rights Watch, pp. 1–71 (p. 32); L Song, ‘Forced migration of ethnic Kachins from Myanmar to China: Law and politics behind China’s response’, in *Asian and Pacific Migration Journal*, vol. 27, 2018, 190–208 (p. 195).

²⁷⁴ Human Rights Watch, pp. 1–71 (pp. 7–8).

²⁷⁵ Song, 190–208 (p. 195).

²⁷⁶ United Nations High Commissioner for Refugees; Human Rights Watch, pp. 1–71 (p. 36).

²⁷⁷ Song, 190–208 (p. 195).

²⁷⁸ N Swanström, *Sino–Myanmar Relations: Security and Beyond*, Asia Paper, Sweden, Institute for Security and Development Policy, June 2012, pp. 1–29 (p. 6), <<https://isdps.se/publication/sino-myanmar-relations-security-beyond/>> [accessed 14 May 2021].

are the 1997 Chinese–Myanmar Agreement on Border Management and Cooperation (Chinese–Myanmar Border Agreement) and the 1990 Yunnan Province Administrative Rules for Entry–Exit of Foreign Border Residents in the Chinese–Myanmar Border Areas.²⁷⁹

The 1997 Chinese–Myanmar Agreement on Border Management and Cooperation was established in order to keep border stability and peace between Myanmar and China.²⁸⁰ In Article 1 of Part 1 Definitions, two important terms are identified, including “border areas” and “border inhabitants”. The first includes the villages on both the Myanmar and Chinese sides which are identified in this agreement and the latter refers to any permanent residents living in any of these identified villages.²⁸¹ This is extremely relevant to note as China refers to the refugees and asylum-seekers as simply “border residents” who were crossing into China for the purpose of visiting friends and family. The next relevant section of this bilateral agreement is Article 20.1 which expresses those residents within both Myanmar and China can cross the borders through the identified ports and can have temporary passage for particular activities such as social visits and medical services.²⁸² Article 20.2 establishes that border residents residing in the identified villages can pass through specified ports or have temporary passage through the use of passes.²⁸³ Article 20.2(a) specify the requirements pertaining to the pass, which includes basic personal information, reason or travel, and the time of validity of the pass.²⁸⁴

In summary the 1997 Chinese–Myanmar Agreement on Border Management and Cooperation, It eliminates the need of a Chinese visa by allowing the so called “border residents” to go in and out of China and Myanmar with an “exit-entry pass”

²⁷⁹ Song, 190–208 (pp. 195–96).

²⁸⁰ *Agreement Between the Government of the People’s Republic of China and the Government of the Union of Myanmar on China-Myanmar Border Areas Management and Cooperation*, 1997, <<http://treaty.mfa.gov.cn/Treaty/web/detail.jsp?objid=1531876765491>>.

²⁸¹ *Agreement Between the Government of the People’s Republic of China and the Government of the Union of Myanmar on China-Myanmar Border Areas Management and Cooperation*, p. Article 1.1 and 1.2.

²⁸² *Agreement Between the Government of the People’s Republic of China and the Government of the Union of Myanmar on China-Myanmar Border Areas Management and Cooperation*, p. Article 20.1.

²⁸³ *Agreement Between the Government of the People’s Republic of China and the Government of the Union of Myanmar on China-Myanmar Border Areas Management and Cooperation*, p. Article 20.2.

²⁸⁴ *Agreement Between the Government of the People’s Republic of China and the Government of the Union of Myanmar on China-Myanmar Border Areas Management and Cooperation*, p. Article 20.2(a).

which can be issued by both China and Myanmar, but it only allows travel to the cities listed in the agreement as a “border town”. Additionally, several of the towns included in the agreement did get hit the by conflict and it was found that several border cities did take some of the fleeing Kachins. Due to the fact that the 1997 Chinese-Myanmar Agreement on Border Management and Cooperation does not clarify how long the “exit entry pass” is valid, it is further supplemented by the 1990 Yunnan Rules. These rules provide more of the specificity including how long Burmese nationals can stay in border towns within China on the “exit-entry pass” which is for 15 days with the option for a 90-day extension per approval by the Chinese authorities and Burmese nationals who are deemed “border residents” who either work, study, or receive medical care in the Yunnan province can apply to stay for up to two years. It’s evident that China utilized both policies in their response to the displaced Kachins.²⁸⁵ It is evident that the Chinese government abided by their domestic laws and policies for the most part, however it’s unclear to the extent of their follow through or if the refugees and asylum-seekers they did refuse entry were included in the border town agreement or not.

From a human rights lens, it is clear that China has a significant amount of work to do in order to be in compliance with human rights standards. In regard to the particular human rights treaty, China’s obligations under the 1951 Refugee Convention and the 1967 Protocol, “China has no law or procedure for determining refugee status and the United Nations High Commissioner for Refugees (UNHCR) has not been given access to conduct refugee status determinations; under international law, the lack of a formal recognition mechanism does not negate the fact that someone is a refugee.”²⁸⁶ Additionally, it is evident that China, “has not fulfilled its obligations either to provide government assistance or to allow UNHCR and other humanitarian agencies to reach the refugees and provide them food and other necessities.”²⁸⁷ Furthermore, turning away refugees and/or asylum seekers at the border and forcing these people to go back to Myanmar is in clear violation of the principle of non-refoulment.²⁸⁸ From a human rights perspective it is very clear that China has not fulfilled its duties and obligations

²⁸⁵ Song, 190–208 (pp. 197–98).

²⁸⁶ Human Rights Watch, pp. 1–71 (p. 7).

²⁸⁷ Human Rights Watch, pp. 1–71 (pp. 7–8).

²⁸⁸ Human Rights Watch, pp. 1–71 (pp. 7–8).

under international law, the 1951 Refugee Convention and its 1967 Protocol.

Furthermore, the actions of turning back refugees and asylum-seekers at its borders as well as forcing these vulnerable groups to go back to Myanmar, is clearly not in line with the fulfillment, protection, and respect of these very basic human rights.

4.3.3 Pilot Project of Poverty Reduction Cooperation in Myanmar

China is a key contributor to assisting Myanmar in its development in the areas of investment, trade, economic, and technical cooperation, with close cooperation on projects in the areas of energy, transportation, and communication.²⁸⁹ One of the biggest contributors to the ‘push’ factors identified in Myanmar are the various economic factors that are heavily impacted by extreme levels of poverty throughout the country due to an under-developed economy and lack of employment opportunities. The Poverty Report identified that, 24.8% of Myanmar’s population is classified as poor, which was a significant decline from the rate of 48.2% in 2005 however, around 33% of the population is extremely vulnerable to finding themselves in poverty down the line.²⁹⁰ Thus it’s clear that the economic situation in Myanmar is very fragile and it’s not in the best position due to ongoing political conflict to address these issues, however due to China’s position in the world as the largest developing country²⁹¹ it is in an ideal position to support Myanmar’s under-developed economy, which it has done through a number of various projects and bilateral agreements, which indirectly affect the ‘push’ factors occurring in Myanmar.

In China’s latest white paper published in 2021 called, *China's International Development Cooperation in the New Era*, China outlines its stance on development cooperation with international parties including what China has done and what it will do

²⁸⁹ L Chenyang & LL Fook, ‘China’s Policies towards Myanmar: A Successful Model for Dealing with the Myanmar Issue?’, in *China: An International Journal*, vol. 7, 2009, 255–287 (p. 265).

²⁹⁰ Central Statistical Organization, World Bank & UNDP, ‘Poverty Report- Myanmar Living Conditions Survey 2017’, in *The World Bank*, 2019, <<https://www.worldbank.org/en/country/myanmar/publication/poverty-report-myanmar-living-conditions-survey-2017>> [accessed 15 June 2021].

²⁹¹ Chenyang and Fook, 255–287 (p. 261).

in the future.²⁹² Of particular importance is the section on China's contribution to the 2030 UN Sustainable Development Goals (SDG) which states that, China has been an active partner in assisting other countries in the reduction of poverty through development assistance consisting of building infrastructure; providing technology; conducting pilot projects dedicated to reducing poverty, which China has done in Laos, Myanmar, and Cambodia; and facilitating training programs and events in partnership with United Nations Industrial Development Organization (UNIDO).²⁹³

The above reference to China's poverty alleviating project in Myanmar is called the "East Asia Poverty Reduction Cooperation Pilot Project," China's Yunnan International Poverty Reduction and Development Center has partnered with Myanmar's Department of rural Development, Ministry of Agriculture, Livestock, and Irrigation in order to tackle issues of poverty, further cooperation between the two countries, and promote further development with various projects and activities.²⁹⁴ The project began on the 23 January 2018 and concluded on 22 January 2021 and took place in Min Pyin Village, Aye Chan Thar Village, Nay Pyi Taw, and Myanmar.²⁹⁵ This pilot project consisted of five elements including: rural infrastructure development, rural public service facility development, rural livelihood improvement project, capacity building, and technical assistance.²⁹⁶ The objectives include:

- a) demonstrating China's successful experience of targeted poverty reduction, and government guided and public-participation based poverty reduction that features integrated village development,
- b) taking targeted measures to solve problems and meet development needs of the communities in the project area,

²⁹² The State Council Information Office of the People's Republic of China, 'China's International Development Cooperation in the New Era', The State Council Information Office of the People's Republic of China, 2021, p. Preface, <http://www.xinhuanet.com/english/2021-01/10/c_139655400.htm> [accessed 27 June 2021].

²⁹³ The State Council Information Office of the People's Republic of China, p. IV (1).

²⁹⁴ Professional Research & Consultancy, *CHINA-AIDED PILOT PROJECT OF POVERTY REDUCTION COOPERATION IN MYANMAR*, Professional Research & Consultancy, 2018, pp. 1–63 (p. 1), <http://www.prc-myanmar.net/download/others/china_project_draft_baseline_2018_report.pdf>.

²⁹⁵ Professional Research & Consultancy, pp. 1–63 (p. 1).

²⁹⁶ Professional Research & Consultancy, pp. 1–63 (p. 1).

- c) carrying out community poverty reduction activities to improve living and production conditions of the community and enhance development capacity of the community,
- d) exploring diversified income channels for the community, especially poor households, and
- e) providing models for poverty reduction and livelihood improvement of East Asian countries.²⁹⁷

In order to address the rural infrastructure development, which is dependent on each villages specific needs there will be projects for addressing flood control, access to drinking water, access to power, irrigation and drainage, fairs for products produced from farms, and projects directed towards improving rural roads and bridges.²⁹⁸ These projects will primarily be designed by the Chinese and the building of the projects will be done through procurement contracts.²⁹⁹ The next category of rural public service facility development will be realized through the constructing of necessary “supporting facilities” for primary schools and hospital clinics; the construction of activity, training, and cultural centers at the “village level”; as well as improving waste management services.³⁰⁰ In order to improve the rural livelihood, “the project will support pilot villages to develop breeding, planting, courtyard economy, micromachining and rural tourism through community-participation procurement and implementation.”³⁰¹ The capacity building projects will encompass numerous projects including, the creation of farmer’s organizations; training on planting, breeding, and agricultural work; training the management staff; training and visits in China to develop skills pertaining to poverty reduction; and assessment of the implementation.³⁰² The last category consists of providing technical support including a broad range of projects from learning from the experts, organizing workshops, and producing training materials.³⁰³

²⁹⁷ Professional Research & Consultancy, pp. 1–63 (p. 6).

²⁹⁸ Professional Research & Consultancy, pp. 1–63 (p. 8).

²⁹⁹ Professional Research & Consultancy, pp. 1–63 (p. 8).

³⁰⁰ Professional Research & Consultancy, pp. 1–63 (p. 8).

³⁰¹ Professional Research & Consultancy, pp. 1–63 (p. 8).

³⁰² Professional Research & Consultancy, pp. 1–63 (pp. 8–9).

³⁰³ Professional Research & Consultancy, pp. 1–63 (p. 9).

As of January 25, 2020, the monitoring and evaluation (M&E) team, Professional Research Consultancy, conducted field visits to both locations at Aye Chan Thar Village and Min Pyin Village to evaluate the progress.³⁰⁴ A gap in progress and quality of work was observed, with the work in Aye Chan Thar village at a higher quality and was moving much faster than the work in Min Pyin.³⁰⁵ In the M&E report it was noted that, In the village of Aye Chan Thar, due to the diversity of the village, there appeared to have been problems and conflicts within the village between various members including, administrators and committee members of the project as well as with the various political parties. Additionally, it reported that few of these groups were not able to benefit from the projects implemented. It notes that for the projects to be successful and sustainable there is a need for, community planning focused on sustainable development as well as regular maintenance of everything constructed and continuous follow-up. Of particular importance the report highlights the differences in progress between the two villages stating that Aye Chan Thar Village is behind due to many things such as, poor management and oversight of the various projects and activities by the subcontractor who is fulfilling the project and lack of quality in the construction of projects which has led to defects.³⁰⁶

Subcontracts were awarded to Kinetic Arts Company Limited and Yaung Sin Pwint Thint Company Limited on the construction of several projects including schools, highways, and community activity centers.³⁰⁷ The Kinetic Arts Company Limited is a local construction company located in Nay Pyi Taw, Myanmar. Several projects were completed in both villages, but quite a few are still pending. In the village of Aye Chan Thar village, access to drinking water was completed; 40 solar streets lights were installed; 1,802.892m of rural roads were completed; new buildings for the primary school were built (dormitories for teachers, 8 bathrooms, library, one school building with four classrooms); a new village health clinic was built along with a community center; as well as the purchasing and placing of 50 trash bins; a waste transport cart; a

³⁰⁴ Professional Research Consultancy, *M&E 2019 Report China-Aided Pilot Project of Poverty Reduction Cooperation in Myanmar*, Professional Research Consultancy, January 2020, pp. 1–53, <http://www.prc-myanmar.net/download/others/m_e_report_2019.pdf>.

³⁰⁵ Professional Research Consultancy, pp. 1–53 (p. 4).

³⁰⁶ Professional Research Consultancy, pp. 1–53 (p. 5).

³⁰⁷ Professional Research Consultancy, pp. 1–53 (p. 6).

waste treatment location and various supplies for the management of waste.³⁰⁸ In the Min Pyin village one set of drinking water was set up; 40 street lights were implemented; 50 trash bins were provided; a waste transport cart was implemented; a treatment place for solid waste was created and supplies for the management of waste was provided.³⁰⁹

At the center of a human rights-based approach to poverty in this case, is truly the empowerment of those affected.³¹⁰ This is further complemented with elements emphasizing the active participation of those living in poverty³¹¹; the inclusion of person's basic rights³¹²; the element of a shared responsibility³¹³; tackling structural discrimination³¹⁴; and identifying and addressing more vulnerable and marginalized groups which can be particularly impacted.³¹⁵ Additionally, some of the key relevant human rights to consider in the context of reducing poverty in Myanmar would include the right to work with an emphasis on diversification of income and food as well as ensuring adequate and secure livelihoods³¹⁶; the right to adequate food which includes the right to water,³¹⁷ the availability, accessibility, and means for procurement of food and water³¹⁸; the right to education, which includes not only the availability but the accessibility with an emphasis on equal access for all³¹⁹; as well as the right to adequate housing which includes adequate infrastructures with an emphasis on proper sanitary and washing centers; drinking water; and roads.³²⁰

From a human rights-based lens, China has incorporated some of these elements in its pilot project addressing poverty in Myanmar. In terms of the diversification and

³⁰⁸ Professional Research Consultancy, pp. 1–53 (pp. 6–7).

³⁰⁹ Professional Research Consultancy, pp. 1–53 (p. 7).

³¹⁰ Office of the United Nations High Commissioner for Human Rights, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, Office of the United Nations High Commissioner for Human Rights, 2006, pp. 1–49 (p. 5), <<https://www.ohchr.org/documents/publications/povertystrategiesen.pdf>>.

³¹¹ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 5).

³¹² Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 2).

³¹³ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 6).

³¹⁴ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 6).

³¹⁵ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 8).

³¹⁶ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 23).

³¹⁷ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 27).

³¹⁸ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 28).

³¹⁹ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 38).

³²⁰ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (pp. 31–33).

development of livelihoods, several projects are to be implemented on livestock breeding, how to grow crops, as well as in the area of forestry and home gardening.³²¹ These projects first and foremost will be based on the villager's decisions³²², thus encompassing the elements of direct participation as well as empowerment of those directly affected; they will target issues of food insecurity, procurement, and availability by offering trainings and skill development, as well as the opportunity for additional income, and access to safe food through the creation of home gardens.³²³ In terms of the right to adequate housing with an emphasis on necessary infrastructures, projects were created to provide safe drinking water in both villages; sanitation equipment and carts were provided; and roads were to be improved.³²⁴ The report does not state anything regarding the inclusion and active participation of the villagers in the implementation of the road and safe water projects, but does note failures with the roads and water pipeline in the village of Min Pyin³²⁵. However, the projects dealing with solid waste management refers to the creation of a management committee who will oversee and actively participate in the collection and disposal of waste from every household.³²⁶ Lastly, in regard to the right to education, at the time of this report, some structures were built or are still in progress of being built in both villages which includes 1 school building in each village and 8 lavatories.³²⁷ However this area of education seems to have only been addressed from an infrastructure point of view, rather than on capacity building regarding training and education to ensure accessibility and quality. Lastly, this project dedicated to tackling poverty in Myanmar does not appear to have an overly direct focus on addressing the right to work in terms of creating more employment opportunities, however training on practical skills is planned to take place which is based off of the requests of the villagers and will prioritize women and other vulnerable populations.³²⁸ Additionally many trainings and skill development on farming and

³²¹ Professional Research Consultancy, pp. 1–53 (p. 15).

³²² Professional Research Consultancy, pp. 1–53 (p. 15).

³²³ Professional Research Consultancy, pp. 1–53 (p. 15).

³²⁴ Professional Research Consultancy, pp. 1–53 (p. 14).

³²⁵ Professional Research Consultancy, pp. 1–53 (p. 5).

³²⁶ Professional Research Consultancy, pp. 1–53 (pp. 14, 20).

³²⁷ Professional Research Consultancy, pp. 1–53 (pp. 14, 20).

³²⁸ Professional Research Consultancy, pp. 1–53 (pp. 21, 22).

agricultural work will be conducted with the thought that it could potentially help increase the income of farmers.³²⁹

In conclusion, it's clear that some elements of a human rights-based approach to poverty reduction have occurred within this project. Clearly, in the sense that China has stepped in and taken a shared responsibility to reduce poverty³³⁰ which is a key element of a human rights-based approach. Additionally, as previously stated there have been elements of active participation and empowerment. However, there seems to be a lack of attention given to marginalized and special groups and it generally lacks a direct focus on human rights but does indirectly address some of the key problems contributing to the inability to fulfill these rights regarding adequate infrastructure including access to fresh water, waste management systems, the building of schools and roads. The project is by no means a pillar of perfection but does take a holistic approach to tackling issues contributing to poverty.

4.4 Conclusion of Response

China's response to the selected 'push and pull' factors including the response to the gender imbalance (See Chapter 4.2), the primary 'pull' factor in China, China's foreign policy towards Myanmar addressing select 'push' factors including its humanitarian actions towards refugees and asylum-seekers (See Chapter 4.3.1) and its pilot project dedicated to poverty alleviation (See Chapter 4.3.2), varies across the board.

To begin with, it's "Care for Girls" campaign appears to be fairly comprehensive in tackling the rising gender imbalance problem within China, it has many elements of a HRBA including, targeting of the vulnerable groups, in this case women; opportunities for training and education which will ultimately assist in the empowerment and participation of women; and addressing the root causes including the cultural preference for males through the reward programs put in place for families with only women as well as many multi-media campaigns to promote and advocate for the value and rights

³²⁹ Professional Research Consultancy, pp. 1–53 (p. 21).

³³⁰ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 6).

of women to try and change the public discourse. However, from a human rights-based approach it's essential to emphasize the protection, respect, and fulfillment of human rights which would include, the right to privacy and bodily integrity; the rights of women; anti-discrimination policies; and right to health to name a few. Denying women, the right to ultrasounds and sex-selective technology would definitely infringe on their rights and illustrates that China is not respecting the rights of women in this regard. Additionally, the amendments to the One-Child Policy are definitely a significant policy change and one for the better, the restrictive nature of the policy is an infringement on woman's reproductive rights and thus from a human rights point of view cannot be tolerated.

Secondly, China's reluctance to fulfill their humanitarian obligations through the practices of denying their refugee status, not allowing international organizations access to the refugees, turning refugees/asylum-seekers away at the border, and sending those persons back to Myanmar is largely not in compliance with human rights standards. However, some of the refugees/ asylum-seekers were permitted to cross the border and, in some cases, provided with shelter and basic services, this was simply not the case for everyone. It appears that China has fulfilled its obligations from its domestic legislation, by simply not declaring these persons as refugees and calling them "border residents", however China has ratified the 1951 Refugee Convention and its 1967 Protocol, which holds that even if China does not have a mechanism to recognize persons as refugees implemented into its domestic policies, it does not take away from the fact that someone is a refugee. Thus, China clearly must fulfill its legal obligations under the convention and has failed to do so.

Lastly, in China's response to the 'push' factor of poverty within Myanmar it implemented a pilot project in the villages of Aye Chan Thar and Min Pyin. China has taken a fairly holistic approach to addressing poverty in its pilot project there. First and foremost, China acknowledged its shared responsibility to assist in addressing this major 'push' factor. Additionally, it has included comprehensive plans to address key contributors which include adequate infrastructure, diversification of food, and trainings for capacity building. China has also incorporated human rights elements including, the participation and inclusion of the villagers in the projects as well as elements of

empowerment. However, a focus on human rights is lacking as well as a need for more focus and attention on marginalized groups.

In conclusion, after the analysis of China's response to the gender imbalance, the humanitarian situation in Myanmar and Myanmar's growing poverty the one thing that is very clear is that China does generally take a very comprehensive approach to addressing issues across the board, however human rights do not necessarily stay at the forefront of its approach.

4.4.1 China's Primary Focus

Even though China has responded to some 'push and pull' factors contributing to the trafficking of women for the purpose of forced marriage it is equally important to note that China has also taken a primary focus on addressing this phenomenon through the criminalization of trafficking. Specifically, China utilizes fines, which on average are 1000 USD, and jail time, with the average prison length 5 years, in its punishment of individuals convicted of trafficking.³³¹

This hard-hitting approach of criminalization as a primary method to combatting trafficking for the purpose of forced marriage has been heavily criticized due to the numerous amounts of root causes that need to be addressed. Hackney makes the point that criminalizing bride trafficking can be detrimental to Chinese males and Burmese women.³³² She argues that poor Chinese men are disproportionally impacted by this, as marriage is so critical in Chinese culture, thus they have the expectation to marry and "for Burmese women, prosecutions, repatriations and anti-trafficking raids are contrary in nature to the wishes of Burmese with ties to China."³³³ Thus, she believes that the focus on the criminalization is counter-productive as it is not addressing any of the root causes or allowing these Burmese women agency if they want to stay.³³⁴ In conclusion, it's clear that not only should both China and Myanmar respond to trafficking from a criminalization stand point, but it also clearly emphasizes the need to address the root

³³¹ Qiu, X. Zhang and Liu, 35–52 (p. 49).

³³² Hackney, 1–12 (p. 11).

³³³ Hackney, 1–12 (p. 11).

³³⁴ Hackney, 1–12 (p. 11).

causes which are contributing to this phenomenon and if that is not prioritized the response will ultimately fail.

5 Conclusion and Recommendations

This thesis set out to answer the research question, “How has China responded to the ‘push and pull’ factors that contribute to the trafficking of Burmese women for the purpose of forced marriage in China?” The objectives included: to identify ‘push and pull’ factors contributing to trafficking for the purpose of forced marriage; to identify China’s response to some of these ‘push and pull’ factors; evaluate the inclusion of a Human-rights based approach (HRBA) in the policy response; and to identify relevant recommendations in order to improve the response to these ‘push and pull’ factors as well as to the phenomenon.

The identification of the ‘push and pull’ factors as theorized by Lee and later conceptualized to be applied to a human trafficking context was a critical element of this thesis due to the fact that it depicted several root causes that contribute to the phenomenon of trafficking Burmese women for the purpose of forced marriage in China. In the ‘push and pull’ chapter of this thesis the primary ‘pull’ factor identified related to the demand of this phenomenon, whereas the ‘push’ factors identified consisted of political, economic, and socio-cultural factors within Myanmar.

This thesis focused on the creation of the ‘demand’ within China as the sole ‘pull’ factor. It was ascertained that a multitude of factors contributed to the demand for wives within China, contributing to the significant gender imbalance. The identified factors contributing to this were the one-child policy³³⁵, sex-selective abortion³³⁶, migration of Chinese women from rural to urban areas³³⁷, and socio-cultural factors largely consisting of the dominant patriarchal society ever present in China, devaluing women and favoring men³³⁸. The magnitude of these deep-rooted issues signified the need to address discriminatory policies, traditional gendered roles and practices, and permeating poverty in rural areas which was illustrated in the push of rural Chinese

³³⁵ Li, Yi and Zhang, 1535–1557.

³³⁶ Li, Yi and Zhang, 1535–1557.

³³⁷ Zhao, 83–102; Qiu, X. Zhang and Liu, 35–52; Stöckl et al., 1–9; Zhang, 17–27.

³³⁸ Zhao, 83–102; Pletcher.

women to urban areas in order to find employment as well as the rural Chinese men who were largely unable to afford bride prices and the cost of marriage³³⁹ in general in order to find a Chinese wife, thus pushing them to seek alternative options.

The next section focused on the identification of three ‘push’ factors contributing to the trafficking of Burmese women for the purpose of forced marriage. The first key ‘push’ factor was the unstable political situation within Myanmar. Multiple internal conflicts have been occurring off and on within Myanmar for decades contributing to a very dire situation for Myanmar’s citizens.³⁴⁰ It was surmised that the ongoing internal political situation has led to additional concerning factors ‘pushing’ citizens to flee. The ongoing political turmoil has led to tens of thousands internally displaced persons and refugees, contributed to serious human rights abuses, and has largely contributed to a failed government which contributed to a lack of identification cards for Burmese citizens. It’s clear that the situation in parts of Myanmar is dangerous and in dire need of humanitarian action and support to help these tens of thousands of people who are clearly in need.

The second contributing ‘push’ factor relates to the dire economic situation within Myanmar. This consists of country-wide poverty, lack of jobs, access to education,³⁴¹ and ultimately a mismanagement of government money which has dedicated a significant amount of money to the military rather than the actual needs of the country in the form of social services³⁴². It was found that many women in Myanmar due to familial obligations or to pay for their education would be forced to look for employment opportunities outside of Myanmar.³⁴³ The costs of education within Myanmar are extremely high, which ultimately disproportionately affects women as they are not the priority within the family to receive an education if there is a male present.³⁴⁴ Furthermore, the gap between employment rates between men and women

³³⁹ Qiu, X. Zhang and Liu, 35–52.

³⁴⁰ Courtland Robinson and Branchini, pp. 1–74.

³⁴¹ Kachin Women’s Association Thailand (KWAT), pp. 1–71.

³⁴² Hackney, 1–12.

³⁴³ Kachin Women’s Association Thailand (KWAT), pp. 1–71.

³⁴⁴ United Nations Office on Drugs and Crime (UNODC), pp. 1–242 (p. 110).

are significant, as the rates of employed women were almost 30% lower.³⁴⁵ It's clear that the poor-developing country status of Myanmar has played a large role in women leaving Myanmar to seek jobs in China as they are disproportionately impacted by the lack of employment opportunities as well as access to education.

The third 'push' factor relates to the socio-cultural traditions and practices within Myanmar. Similar to China, Myanmar is largely a patriarchal society which encompasses traditional gendered norms and practices. It was found that even today women are oftentimes viewed as being lesser and aren't as valued as the men in society.³⁴⁶ This is the case particularly in the ethnic groups such as in the Kachin societies. Additionally, the gendered stereotypical roles are very much relevant as women are expected to be the caregivers in families placing a sense of duty and obligation on these women³⁴⁷, which was one of the key reasons for women leaving to find work to support their families.

Each of these identified 'push and pull' factors play a large role in the understanding of some of the root causes that need to be addressed by both Myanmar and China to truly address the trafficking of Burmese women for the purpose of forced marriage within China.

This thesis then analyzed China's response to the gender imbalance, as well as China's foreign policy response to both the humanitarian situation in Myanmar as well as the growing poverty within the country. Through the application of a human rights lens, it was identified that China's response to the gender imbalance, humanitarian situation, and growing poverty was very pragmatic and comprehensive, however human rights did not always take a leading role.

Upon analysis, China's "Care for Girls" campaign³⁴⁸ was well developed and thought out. It attempted to tackle the root causes of gender discrimination and male preference through multi-media campaigns and advocacy, as well as through preferential policies rewarding families who only had girls. Additionally, there were a

³⁴⁵ International Labour Organization, 'MYANMAR - EMPLOYMENT AND ENVIRONMENTAL SUSTAINABILITY FACT SHEETS 2019'.

³⁴⁶ WOMEN'S LEAGUE OF BURMA, pp. 1-98 (p. 6).

³⁴⁷ Kachin Women's Association Thailand (KWAT), pp. 1-26.

³⁴⁸ Li, Feldman and Zijuan, pp. 1-32; Murphy, 781-807.

few elements that encouraged participation. On the other hand, human rights were not explicitly at the forefront of the policies and projects implemented in this campaign. The limiting of access to medical equipment can definitely be considered an infringement on the rights of women and furthermore there was a lack of clear, direct policies to tackle the discriminatory treatment of women and other vulnerable groups, as well as to protect and promote the right to health, privacy, and bodily integrity. Thus, it's determined that a HRBA needs to be further included in this "Care for Girls" campaign. The other response of China's to the gender imbalance was the amendments to the One-Child Policy, which appears to gradual decrease the sex ratio at birth between boys and girls.³⁴⁹ However, as previously stated, having any legal policy infringing on women's reproductive rights is not in accordance with human rights standards and should be eliminated, as it is the right of women to choose how many children they would like to have.

China's response to the humanitarian situation in Myanmar consisting of tens of thousands internally displaced persons and refugees was severely lacking and not in compliance with international humanitarian laws and human rights standards. There were a few reported incidents that stated China had refused entry to these fleeing civilians at its borders, cases where these vulnerable persons were sent back to Myanmar, and were not provided the necessary humanitarian assistance consisting of basic shelter, health care, and food.³⁵⁰ Not to mention the fact that China refused to declare these persons as refugees, in what one could assume was in order to avoid it's international human rights obligations under the 1951 Refugee Convention and it's 1967 Protocol. This was further augmented by China refusing international agencies entry into China to offer humanitarian support and assistance to those refugees who were actually allowed entry into China, as well as to allow UNHCR to conduct refugee status determinations.³⁵¹ Additionally, by denying the declaration of these persons as "refugees", it allows for the appearance of compliance at least under China's domestic laws including the 1997 Chinese-Myanmar Border Agreement and the 1990 Yunnan

³⁴⁹ Fan et al., 1–11.

³⁵⁰ Human Rights Watch, pp. 1–71.

³⁵¹ Human Rights Watch, pp. 1–71.

Rules, which declares these persons as “border residents”. Thus, giving the illusion that China is fulfilling its obligations. It’s clear that these persons were in need and not just going for a visit to friends and family over the border, thus China’s argumentation that they fulfilled their duties is just inaccurate according to human rights norms and standards, thus surmising further inclusion and incorporation of a HRBA to the response to the humanitarian situation in Myanmar.

Lastly, China responded to the growing poverty within Myanmar with a pilot project in two villages dedicated to poverty alleviation based on China’s successful internal policies and approaches.³⁵² After the analysis of China’s pilot project, it appears to be a very comprehensive approach to poverty alleviation and further development within the country. The approach included things such as, targeting and prioritizing of key areas, participation of the villagers, and capacity building through training and workshops.³⁵³ From a human rights perspective specific rights were indirectly targeted including, the right to adequate housing, the right to food, the right to work, and the right to education. This included the building of essential infrastructure such as roads, waste management facilities, school buildings, clean drinking water facilities.³⁵⁴ This was further supported through the diversification of livelihoods and food which was done through the inclusion of new plants and animals as well as job/skill training and development.³⁵⁵ However, there are flaws with the infrastructures built and a clear discrepancy between the two villages as per the last report.³⁵⁶ Additionally, it doesn’t appear that there was a significant amount of targeting of vulnerable or marginalized populations, nor does it appear to address any gender discrimination or discrepancies which do disproportionately affect women. Thus, indicating the need for further incorporation of a HRBA in China’s poverty alleviation efforts within Myanmar.

In conclusion, in answering the research question, “How has China responded to the ‘push and pull’ factors that contribute to the trafficking of Burmese women for the purpose of forced marriage in China?”, China has responded to this phenomenon by

³⁵² Professional Research & Consultancy, pp. 1–63.

³⁵³ Professional Research Consultancy, pp. 1–53.

³⁵⁴ Professional Research Consultancy, pp. 1–53.

³⁵⁵ Professional Research Consultancy, pp. 1–53.

³⁵⁶ Professional Research Consultancy, pp. 1–53.

addressing the ‘push and pull’ factors contributing to the phenomenon which includes but is not limited to, the “Care for Girls” Campaign, changing the one-child policy, and its foreign policy approaches to the humanitarian situation, as well as its poverty alleviation pilot project within Myanmar. It was additionally found that China has also taken a “hard” approach to tackling the phenomenon directly, through a top-down approach.³⁵⁷ Upon evaluation, it was determined that in each of the policy responses China needs to include further human rights-based approaches to successfully respond to these contributors. The phenomenon of trafficking for the purpose of forced marriage will only improve if all the various ‘push and pull’ factors, along with an approach to tackling the phenomenon head on from both Myanmar and China, are addressed through a human rights-based approach.

5.1 Recommendations

Based on the analysis of the ‘push and pull’ factors as well as China’s response to the gender imbalance, the humanitarian situation and poverty alleviation in Myanmar this thesis puts forth several recommendations on how these specific areas should be improved to incorporate a human rights-based approach.

First and foremost, it’s essential that this phenomenon is tackled from a holistic and comprehensive approach. As previously stated, taking a “hard hitting” approach to trafficking and ignoring the root causes is not an effective method. It seems that the emphasis on this approach emphasizing the need for high prosecution of incidents of “bride trafficking” occurring stems largely from pressures applied internationally, such as from the United States Department of State as the focus on the “Trafficking in Persons Report” focuses on the criminalization and prosecution³⁵⁸ and in order to have a good reputation on these reports those aspects are deemed to be extremely important, almost above other factors.

However, the focus on just the criminality of an issue at hand is heavily criticized. As stated above, Hackney criticizes taking a purely criminalization approach to

³⁵⁷ Qiu, X. Zhang and Liu, 35–52.

³⁵⁸ Hackney, 1–12 (p. 2).

trafficking for the purpose of forced marriage as it neglects tackling the root causes that contribute to the matter and further doesn't allow those trafficked women to stay within China even if that is what they want, thus taking away their agency. She further encourages both the Chinese and Burmese governments to, "address its subtleties and linkages to the broader society. Through comprehensive understanding of the region and the desires of its inhabitants, there must be practical application of this knowledge through policy reform and appropriate NGO intervention."³⁵⁹

That is why the recommendations put forth in this section will encompass a human rights-based approach. At the root of the HRBA is the realization of a persons' rights:

Whether they are civil and political rights (e.g., the right to participate in public affairs, freedom from torture and arbitrary detention), economic, social and cultural rights (e.g., the rights to food, social security and education) or collective rights (e.g., the right to development, the rights of indigenous peoples), for all people and at all times, except in specific situations of derogation and according to due process. The level of enjoyment of one right is dependent on the realization of other rights. For instance, the rights to vote and participate in public affairs may be of little importance to someone who has nothing to eat. Furthermore, their meaningful enjoyment is dependent, for instance, on the realization of the right to education. Similarly, improvement in the enjoyment of any human right cannot be at the expense of the enjoyment of any other right.³⁶⁰

Additionally, another key aspect of a HRBA is the identification of duty-bearers are their obligations to respect, protect, and fulfill.³⁶¹ The obligation to respect refers to allowing rights-holders to realize their rights without interference, protect refers to making sure that an individual's rights are upheld and not infringed upon, and lastly to fulfill means that the duty bearers need to uphold their obligations and directly take

³⁵⁹ Hackney, 1–12 (p. 11).

³⁶⁰ The Office of the United Nations High Commissioner for Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation*, New York and Geneva, United Nations Human Rights Office of the High Commissioner, 2012, pp. 1–174 (p. 10), <https://www.ohchr.org/documents/publications/human_rights_indicators_en.pdf>.

³⁶¹ The Office of the United Nations High Commissioner for Human Rights, pp. 1–174 (p. 10).

appropriate action to ensure that rights are able to be realized.³⁶² Another key aspect of the HRBA is to understand the root causes contributing to the inability to realize human rights.³⁶³ Thus, in order to apply a HRBA to this phenomenon the following points are recommended:

1. One of the most essential and basic recommendations is that both **Myanmar and China should ratify all the relevant Human Rights Treaties**. China should additionally ratify the Optional Protocol of the Convention Against Torture, the International Covenant on Civil and Political Rights and its Protocols, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Convention for the Protection of All Persons from Enforced Disappearance.³⁶⁴ Myanmar has ratified significantly less human rights treaties and still should ratify the following: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, International Covenant on Civil and Political Rights, Convention for the Protection of All Persons from Enforced Disappearance, International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.³⁶⁵ At the minimum, each of these treaties should be ratified and implemented into domestic laws in order to be in compliance with basic human rights standards and policies.

³⁶² The Office of the United Nations High Commissioner for Human Rights, pp. 1–174 (p. 12).

³⁶³ Melo, pp. 1–17 (p. 8).

³⁶⁴ OHCHR, 'UN Treaty Body Database - China', in *United Nations Human Rights Office of the High Commissioner*, 2021, <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN> [accessed 21 June 2021].

³⁶⁵ OHCHR, 'UN Treaty Body Database - Myanmar', in *United Nations Human Rights Office of the High Commissioner*, 2021, <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN> [accessed 18 June 2021].

Based on China's response to the 'push and pull' factors contributing to the trafficking of Burmese women for the purpose of forced marriage recommendations will be formulated. They will focus on recommendations for addressing the humanitarian situation in Myanmar, addressing the under-development of Myanmar leading to poverty, lack of education, and unemployment, as well as the elimination of gender discrimination leading to the gender imbalance within China all from a human rights-based approach.

In order to properly address the humanitarian situation occurring within Myanmar many things have been recommended:

1. At the very basic level, the **ending of the conflict is essential**, thus Myanmar must reach an agreement to have a nationwide ceasefire.³⁶⁶ This could be an opportunity for China to attempt mediation as well as other international actors.
2. It is absolutely imperative that **China fulfills its humanitarian and refugee obligations** by providing refuge within China's borders including providing basic humanitarian assistance consisting of shelter, safety, health care, food, and water.³⁶⁷
3. It's recommended that the People's Republic of China (PRC) **allow International Human Rights organizations access** into China in order to assist refugees as well as make the necessary refugee conventions when requested and necessary.
4. At the forefront to China's response to development within Myanmar including addressing poverty it's recommended that a **HRBA be implemented in each of its projects and assistance**.
5. Thus, it is recommended that, "**policies and institutions for poverty reduction should be based explicitly on the norms and values set out in international human rights law.**"³⁶⁸

³⁶⁶ Courtland Robinson and Branchini, pp. 1–74 (p. 67).

³⁶⁷ Courtland Robinson and Branchini, pp. 1–74 (p. 68).

³⁶⁸ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 4).

6. Regarding poverty explicitly, **it's recommended to understand the multi-levels of poverty including what is causing it.**³⁶⁹ “The deprivation and indignity of poverty stem from various sources, such as the lack of an adequate standard of living, including food, clothing and housing, and the fact that poor people tend to be marginalized and socially excluded.”³⁷⁰ Thus, each of these contributing factors must be equally addressed to ensure the realization of citizens' rights.
7. To have an effective result a HRBA emphasizes the need for **empowerment** of the people affected³⁷¹, the inclusion and **active participation** of those affected in each phase of addressing the selected issue³⁷², and the **accountability of duty bearers.**³⁷³

In order for China to address the gender imbalance occurring within the country it's essential that human rights are put at the forefront of all responses:

1. It is highly recommended to **address the lack of gender sensitivity and gender discrimination within China** to truly combat the growing gender imbalance.³⁷⁴

There are four key aspects to addressing gender sensitivity which includes: The first is the lack of necessary elements for the realistic protection of women's rights and benefits, including prohibition of illegal foetal sex identification and sex-selective abortion, and old-age support for women. The second is regulations concerning gender discrimination. For example, the legal retirement age for women is 5 years younger than for men. The third is weak implementation of the related laws and policies. The regulations that promote women's political participation are too flexible; the standard used in labour and employment laws and policies for punishing gender discrimination is not feasible; and no specific implementation programme in related documents focuses on prohibiting illegal

³⁶⁹ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 4).

³⁷⁰ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 4).

³⁷¹ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 4).

³⁷² Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 5).

³⁷³ Office of the United Nations High Commissioner for Human Rights, pp. 1–49 (p. 5).

³⁷⁴ Li, pp. 1–16 (p. 11).

foetal sex identification, female foeticide or female infanticide. The fourth is the ambiguity of the value judgment in the relevant laws and policies.³⁷⁵

Thus, in conclusion, it's recommended that these gendered elements are addressed at a policy level.

2. In order to address the prevailing son preference and gender discrimination that a **bottom-up approach be incorporated**, as these practices, customs, and norms are a part of the society and in order to be effective civil society needs to be engaged, rather than just a policy implemented at the top as that has proven to be ineffective as these practices are already illegal but yet they are continuing to occur.
3. Policies infringing on women's reproductive rights should be eliminated.

To combat this phenomenon, it's essential that a human rights-based approach is instituted in the response to these root causes. However, for the successful elimination of the practice of trafficking Burmese women for the purpose of forced marriage in China, there are several more recommendations based on tackling this phenomenon directly. Human Rights Watch puts forth several recommendations for the Chinese government including:

1. "Develop measures **to encourage reporting** of suspected trafficking, including **raising the awareness** of staff in transportation companies, hotels, markets and healthcare facilities, **Provide services for survivors** of trafficking, regardless of their nationality or immigration status, **Facilitate public awareness** about the problem of bride trafficking, **Facilitate cross-border humanitarian and development assistance programs** from China to Kachin State, and Permit domestic and foreign NGOs to assist people at risk of trafficking and trafficking victims."³⁷⁶
2. Additionally, other reports, emphasize the importance of the **enforcement of the laws and regulations**, as that tends to be a reoccurring when addressing

³⁷⁵ Li, pp. 1–16 (p. 11).

³⁷⁶ Human Rights Watch, , pp. 103, 104.

trafficking issues,³⁷⁷ as well as **the education and training on anti-trafficking and migration**³⁷⁸ combined with **awareness raising** of trafficking and specifically **targeting the lack of education available to women in China**.³⁷⁹

The number of various recommendations to combatting the trafficking of Burmese women for the purpose of forced marriage in China both directly and through the combatting of ‘push and pull’ factors is vast. The key is for both China and Myanmar to **incorporate human rights standards in the core of its response and approaches** to this phenomenon. There is not one “perfect” approach to tackling this growing problem as there are many inter-connected elements contributing to the problem at hand. It is additionally important that the issue is not solely tackled from a top-down approach but also from a bottom-up approach to be most effective, which would include **collaborating with various civil-society organizations, women’s groups, and many other relevant stakeholders to address this phenomenon**.³⁸⁰

In conclusion, even though there is clearly room for improvement and an opportunity to incorporate a human rights-based approach to its response to the gender imbalance, the humanitarian situation in Myanmar, and the amount of poverty within Myanmar, China has and is continuing to address not only the ‘push and pull’ factors but is also directly working towards combatting the trafficking of Burmese women for the purpose of forced marriage in China. However, the only way for this phenomenon of trafficking Burmese women for the purpose of forced marriage in China to be combatted is through the full incorporation and inclusion of a human rights-based approach in the response to the ‘push and pull’ factors as well as in its direct policy approach to the trafficking of women for the purpose of forced marriage, as human rights should be protected, fulfilled, and respected in all policies and actions taken.

³⁷⁷ International Programme on the Elimination of Child Labour of the International Labour Organization, pp. 1–50 (p. 23).

³⁷⁸ Courtland Robinson and Branchini, pp. 1–74 (p. 69).

³⁷⁹ International Programme on the Elimination of Child Labour of the International Labour Organization, pp. 1–50 (pp. 24, 25).

³⁸⁰ Zheng, 171–178 (p. 176).

6 Bibliography

- Ahamed, A, S Rahman, & N Hossain, 'China-Myanmar Bilateral Relations: An Analytical Study of Some Geostrategic and Economic Issues'.in *Journal of Public Administration and Governance*, 10, 2020, 321–343.
- Anderson, B, & J O'Connell Davidson, *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*. IOM Migration Research Series, International Organization for Migration, December 2003, pp. 5–50, <https://publications.iom.int/system/files/pdf/mrs_15_2003.pdf>.
- Barr, H, 'China's Bride Trafficking Problem'.in *Human Rights Watch*, 2019, <<https://www.hrw.org/news/2019/10/31/chinas-bride-trafficking-problem>> [accessed 28 March 2021].
- Beeks, KD, & D Amir, *Trafficking & the Global Sex Industry*. illustrated ed., Lexington Books, 2006.
- Blackstone, A, 'Gender Roles and Society' in *Human Ecology: An Encyclopedia of Children, Families, Communities, and Environments*. Santa Barbara, ABC-CLIO, 2003, pp. 335–338, <https://digitalcommons.library.umaine.edu/soc_facpub/1/>.
- Bourne, J, & C Derry, *Gender and the Law*.1st ed., London, Routledge, 2018.
- Bowen, G, 'Document Analysis as a Qualitative Research Method'.in *Qualitative Research Journal*, 9, 2009, 27–40.
- C., CF, & C Chen, 'Left Behind? Migration Stories of Two Women in Rural China'.in *Social Inclusion*, 8, 2020, 47–57.
- Central Statistical Organization, World Bank, & UNDP, 'Poverty Report- Myanmar Living Conditions Survey 2017'.in *The World Bank*, 2019, <<https://www.worldbank.org/en/country/myanmar/publication/poverty-report-myanmar-living-conditions-survey-2017>> [accessed 15 June 2021].

- Cheng, S, 'A critical engagement with the "pull and push" model' in *Routledge Handbook of Human Trafficking*. 1st ed., London and New York, Routledge, 2017, pp. 1–12.
- Chenyang, L, & LL Fook, 'China's Policies towards Myanmar: A Successful Model for Dealing with the Myanmar Issue?' in *China: An International Journal*, 7, 2009, 255–287.
- Cho, S-Y, 'Modeling for Determinants of Human Trafficking: An Empirical Analysis'.in *Social Inclusion*, 3, 2015, 2–21.
- Courtland Robinson, W, & C Branchini, *Estimating trafficking of Myanmar women for forced marriage and childbearing in China*. John Hopkins Bloomberg School of Public Health, December 2018, pp. 1–74,
<https://www.jhsph.edu/departments/international-health/news/_publications/ETFM_Full%20Report.pdf>.
- Das Gupta, M, A Ebenstein, & EJ Sharygin, *China's Marriage Market and Upcoming Challenges for Elderly Men*. The World Bank, June 2010, pp. 2–37,
<<https://documents1.worldbank.org/curated/en/948771468212988136/pdf/WPS5351.pdf>>.
- Department of Population Ministry of Labour, Immigration and Population, '2014 Myanmar Population and Housing Census Policy Brief on Labour Force'. United Nations Population Fund, 2014,
<https://myanmar.unfpa.org/sites/default/files/pub-pdf/policy%20brief%20and%20infographics_Labour%20Force.pdf>.
- Ekman, A, 'China's Two-Track Foreign Policy From Ambiguous to Clear-Cut Positions'.in *Ifri Center for Asian Studies*, Asia Visions, 2012, 1–27.
- Everett, L, 'A Theory of Migration'.in *Demography*, 3, 1966, 47–57.

- Fan, SL, CN Xiao, YK Zhang, YL Li, & L Wang, 'How does the two-child policy affect the sex ratio at birth in China? A cross-sectional study'.in *BMC Public Health*, 20, 2020, 1–11.
- Hackney, LK, 'Re-evaluating Palermo: The case of Burmese women as Chinese brides'.in *Anti - Trafficking Review*, , 2015, 1–12.
- Han, E, 'Geopolitics, Ethnic Conflicts along the Border, and Chinese Foreign Policy Changes toward Myanmar'.in *Asian Security*, 13, 2017, 59–73.
- Han, S, 'Human trafficking and ethnic minority problems in Myanmar: Policy recommendations for Myanmar and neighboring states'. in *The Public Sphere Journal*, 1, 2017, 109–130.
- Hirono, M, *Exploring the links between Chinese foreign policy and humanitarian action Multiple interests, processes and actors*. London, Humanitarian Policy Group Overseas Development Institute, January 2018, pp. 1–36, <<https://cdn.odi.org/media/documents/12015.pdf>>.
- Hu, X, 'China's Young Rural-to-Urban Migrants: In Search of Fortune, Happiness, and Independence'.in *Migration Policy Institute*, 2012, <<https://www.migrationpolicy.org/article/chinas-young-rural-urban-migrants-search-fortune-happiness-and-independence>> [accessed 6 June 2021].
- Human Rights Watch, "'Give Us a Baby and We'll Let You Go'".in *Human Rights Watch*, 2019, <<https://www.hrw.org/report/2019/03/21/give-us-baby-and-well-let-you-go/trafficking-kachin-brides-myanmar-china>> [accessed 20 May 2021].
- Human Rights Watch, *Isolated in Yunnan Kachin Refugees from Burma in China's Yunnan Province*. Human Rights Watch, June 2012, pp. 1–71, <https://www.hrw.org/sites/default/files/reports/china0612_forinsertForUpload_0.pdf>.

Institute on Statelessness and Inclusion, & European Network on Statelessness, *Statelessness in Myanmar*. Stateless Journeys, May 2019, pp. 1–20, <<https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Myanmar-final.pdf>>.

International Labour Organization, ‘MYANMAR - EMPLOYMENT AND ENVIRONMENTAL SUSTAINABILITY FACT SHEETS 2019’. ILO Regional Office for Asia and the Pacific, 2019, <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_624758.pdf> [accessed 3 May 2021].

International Labour Organization, *The Demand Side of Human Trafficking in Asia: Empirical Findings*. Regional Project on Combatting Child Trafficking for Labour and Sexual Exploitation (TICSA-II), Bangkok, International Labour Organization, 2006, pp. 1–107, <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_73_en.pdf>.

International Labour Organization, ‘Unemployment, total (% of total labor force) (modeled ILO estimate) - Myanmar’.in *The World Bank*, 2021, <<https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=MM>> [accessed 22 June 2021].

International Programme on the Elimination of Child Labour of the International Labour Organization, *Yunnan Province, China situation of trafficking in children and women: a rapid assessment*. Bangkok, International Labour Organization, 1 January 2002, pp. 1–50, <https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_12_en.pdf>.

JIANG, Q, Y Li, & JJ Sanchez Barricarte, ‘Trafficking of women from neighboring countries into China for marriage within the context of gender imbalance’. presented at the 17th World Congress of the International Union of Anthropological and Ethnological Sciences: Evolving Humanity, Emerging

Worlds, Manchester, 2013, pp. 1–26,
 <<https://nomadit.co.uk/conference/iaaes2013/paper/8111>> [accessed 14 May 2021].

Kachin Women Association Thailand (KWAT), *EASTWARD BOUND - An Update on migration and trafficking of Kachin women on the China-Burma border*. Thailand, Kachin Women's Association Thailand (KWAT), 2008, pp. 1–24,
 <<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs5/Eastward-Bound.pdf>>.

Kachin Women's Association Thailand (KWAT), *Driven Away - Trafficking of Kachin women on the China-Burma border*. Thailand, Kachin Women's Association Thailand (KWAT), 2005, pp. 1–71,
 <https://burmacampaign.org.uk/media/Driven_Away.pdf>.

Kachin Women's Association Thailand (KWAT), *Pushed to the Brink - Conflict and human trafficking on the Kachin-China border*. Thailand, Kachin Women's Association Thailand (KWAT), June 2013, pp. 1–26,
 <<https://www.burmalibrary.org/en/pushed-to-the-brink-conflict-and-human-trafficking-on-the-kachin-china-border>>.

Kerr, PL, 'Push and Pull: The Intersections of Poverty, Health Disparities, and Human Trafficking'.in *Public Health & Social Justice*, 3, 2014, 1–4.

Kingshott, BF, & TR Jones, 'HUMAN TRAFFICKING: A FEMINIST PERSPECTIVE RESPONSE'. Advancing Justice on All Fronts, presented at the ACADEMY OF CRIMINAL JUSTICE SCIENCES 2016 ANNUAL MEETING, Denver, Colorado, 2016, , xl, , 22,
 <https://www.researchgate.net/publication/299506222_HUMAN_TRAFFICKING_A_FEMINIST_PERSPECTIVE_RESPONSE> [accessed 17 May 2021].

Kuang, L, & L Liu, 'Discrimination against Rural-to-Urban Migrants: The Role of the Hukou System in China'.in *PLOS ONE*, 7, 2012, 1–7.

- Laczko, F, & D Thompson, *Migrant trafficking and human smuggling in Europe: a review of the evidence with case studies from Hungary, Poland and Ukraine*. Geneva, IOM, 2000.
- Lam, J, 'Refugee Policy and Foreign Policy: Examining Policy Linkage in Chinese Relations with North Korea, Myanmar, and Vietnam'.in *Inquiries Journal*, 5, 2013, 1–6.
- Li, H, J Yi, & J Zhang, 'Estimating the Effect of the One-Child Policy on the Sex Ratio Imbalance in China: Identification Based on the Difference-in-Differences'.in *Demography*, 48, 2011, 1535–1557.
- Li, HY, & Y Zheng, 'Re-interpreting China's Non-intervention Policy towards Myanmar: leverage, interest and intervention'.in *Journal of Contemporary China*, 18, 2009, 617–637.
- Li, S, 'Imbalanced Sex Ratio at Birth and Comprehensive Intervention in China'. presented at the 4th Asia Pacific Conference on Reproductive and Sexual Health and Rights, Hyderabad, India, United Nations Population Fund, 2007, pp. 1–16, <<https://www.unfpa.org/resources/imbalanced-sex-ratio-birth-and-comprehensive-intervention-china-executive-summary>> [accessed 5 May 2021].
- Li, S, MW Feldman, & S Zijuan, *Policy Responses of Gender Imbalance in China: The "Care for Girls" Campaign*. Morrison Institute for Population and Resource Studies, 2017, pp. 1–32, <<https://morrisoninstitute.stanford.edu/publications/policy-responses-gender-imbalance-china-care-girls-campaign>>.
- Li, Y, 'Women's Movement and Change of Women's Status in China'.in *Journal of International Women's Studies*, 1, 2000, 30–40.
- Library of Congress, 'China: Two-Child Policy Becomes Law'.in *Library of Congress*, 2016, <<https://www.loc.gov/item/global-legal-monitor/2016-01-08/china-two-child-policy-becomes-law/>> [accessed 18 May 2021].

- Liu, W, G Qiu, & SX Zhang, 'Easy Prey: Illicit Enterprising Activities and the Trafficking of Vietnamese Women in China'.in *Asian Journal of Criminology*, 2020, 1–15.
- Melo, LA, *Human Rights-Based Programming: What It Is*. New York, United Nations Population Fund, December 2006, pp. 1–17,
<<https://www.unfpa.org/resources/human-rights-based-programming>>.
- Mikkola, M, 'Feminist Perspectives on Sex and Gender'.in *The Stanford Encyclopedia of Philosophy*, Metaphysics Research Lab, Stanford University, 2017,
<<https://plato.stanford.edu/entries/feminism-gender/>> [accessed 18 May 2021].
- Murphy, R, 'Sex Ratio Imbalances and China's Care for Girls Programme: A Case Study of a Social Problem'.in *The China Quarterly*, 219, 2014, 781–807.
- Nie, J-B, 'Non-medical sex-selective abortion in China: ethical and public policy issues in the context of 40 million missing females'.in *British Medical Bulletin*, 98, 2011, 7–20.
- Office of the United Nations High Commissioner for Human Rights, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*. Office of the United Nations High Commissioner for Human Rights, 2006, pp. 1–49, <<https://www.ohchr.org/documents/publications/povertystrategiesen.pdf>>.
- OHCHR, 'UN Treaty Body Database - China'.in *United Nations Human Rights Office of the High Commissioner*, 2021,
<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN> [accessed 21 June 2021].
- OHCHR, 'UN Treaty Body Database - Myanmar'.in *United Nations Human Rights Office of the High Commissioner*, 2021,
<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN> [accessed 18 June 2021].

- Pescinski, J, 'A Human Rights Approach to Human Trafficking'.in *Our World United Nations University*, 2015, <<https://ourworld.unu.edu/en/a-human-rights-approach-to-human-trafficking>> [accessed 15 June 2021].
- Pletcher, K, 'One-child policy'.in *Encyclopedia Britannica*, Encyclopedia Britannica, 2021, <<https://www.britannica.com/topic/one-child-policy>> [accessed 20 June 2021].
- Pourmokhtari, N, 'Global Human Trafficking Unmasked: A Feminist Rights-Based Approach'.in *Journal of Human Trafficking*, 1, 2015, 156–166.
- Professional Research & Consultancy, *CHINA-AIDED PILOT PROJECT OF POVERTY REDUCTION COOPERATION IN MYANMAR*. Professional Research & Consultancy, 2018, pp. 1–63, <http://www.prc-myanmar.net/download/others/china_project_draft_baseline_2018_report.pdf>.
- Professional Research Consultancy, *M&E 2019 Report China-Aided Pilot Project of Poverty Reduction Cooperation in Myanmar*. Professional Research Consultancy, January 2020, pp. 1–53, <http://www.prc-myanmar.net/download/others/m_e_report_2019.pdf>.
- Qiu, G, S X. Zhang, & W Liu, 'Trafficking of Myanmar women for forced marriage in China'.in *Crime, Law, and Social Change*, 72, 2019, 35–52.
- Quek, K, *Marriage Trafficking: Women in Forced Wedlock*.1st ed., London, Routledge, 2018.
- Rahman, MA, 'Human Trafficking in the era of Globalization: The case of Trafficking in the Global Market Economy'.in *Transcience: Journal of Global Studies*, 2, 2011, 54–71.
- Ramzan, M, *China's Soft Power Through Humanitarian Aid in Myanmar and Indonesia*. Asia Programme, Paris, France, The French Institute for International

and Strategic Affairs, April 2021, pp. 2–21, <<https://www.iris-france.org/wp-content/uploads/2021/04/Asia-Focus-159.pdf>>.

Reuters, ‘FACTBOX-Key takeaways from China’s 2020 population census’.in *Reuters*, 11 May 2021, section Economic News, <<https://www.reuters.com/article/china-society-census-takeaways-idUSL4N2MY2I6>> [accessed 15 June 2021].

Salt, J, ‘Trafficking and Human Smuggling: A European Perspective’.in *International Migration*, 38, 2002, 31–56.

Shuzhuo, L, S Zijuan, & MW Feldman, ‘Social Management of Gender Imbalance in China: A Holistic Governance Framework’.in *Economic and Political Weekly*, 48, 2013, 1–23.

Social Protection & Human Rights, ‘Introduction to a rights-based approach’.in *Social Protection & Human Rights*, 2015, <<https://socialprotection-humanrights.org/introduction-to-a-rights-based-approach/>> [accessed 12 May 2021].

Song, L, *Chinese Refugee Law and Policy*. United Kingdom, Cambridge University Press, 2020.

Song, L, ‘Forced migration of ethnic Kachins from Myanmar to China: Law and politics behind China’s response’.in *Asian and Pacific Migration Journal*, 27, 2018, 190–208.

SOUTH ASIAN WOMEN’S CENTRE, *FORCED MARRIAGE AS A FORM OF HUMAN TRAFFICKING*. Toronto, SOUTH ASIAN WOMEN’S CENTRE, 2014, pp. 1–58, <<http://www.sawc.org/wp-content/uploads/2015/04/Forced-Marriage-as-a-Form-of-Human-Trafficking-Resource-Guide.pdf>>.

Stanojoska, A, & B Petrevski, ‘THEORY OF PUSH AND PULL FACTORS: A NEW WAY OF EXPLAINING THE OLD’. presented at the Archibald Reiss Days, Belgrade, Serbia, Faculty of Security, 2012, pp. 1–14,

<https://www.researchgate.net/publication/283121360_THEORY_OF_PUSH_AND_PULL_FACTORS_A_NEW_WAY_OF_EXPLAINING_THE_OLD>
[accessed 12 May 2021].

Statistics Time, 'Gender ratio in China'.in *Statistics Time*, , 2021,
<<http://statisticstimes.com/demographics/country/china-sex-ratio.php>> [accessed
16 June 2021].

Stöckl, H, L Kiss, J Koehler, DT Dong, & C Zimmerman, 'Trafficking of Vietnamese women and girls for marriage in China'.in *Global Health Research and Policy*, 2, 2017, 1–9.

Sun, Y, 'China's Strategic Misjudgement on Myanmar'.in *Journal of Current Southeast Asian Affairs*, 31, 2012, 73–96.

Swanström, N, *Sino–Myanmar Relations: Security and Beyond*. Asia Paper, Sweden, Institute for Security and Development Policy, June 2012, pp. 1–29,
<<https://isd.se/publication/sino-myanmar-relations-security-beyond/>> [accessed
14 May 2021].

Tang, M, 'Addressing skewed sex ratio at birth in China: practices and challenges'. in *China Population and Development Studies volume*, 4, 2021, 319–326.

Thale, JS, 'Half a million identities'.in *Norwegian Refugee Council*, Norway, 8 June 2017, <<https://www.nrc.no/news/2017/june/half-a-million-identities/>> [accessed
14 April 2021].

The Office of the United Nations High Commissioner for Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation*. New York and Geneva, United Nations Human Rights Office of the High Commissioner, 2012, pp. 1–174,
<https://www.ohchr.org/documents/publications/human_rights_indicators_en.pdf>.

The State Council Information Office of the People's Republic of China, 'China's International Development Cooperation in the New Era'. The State Council Information Office of the People's Republic of China, 2021, <http://www.xinhuanet.com/english/2021-01/10/c_139655400.htm> [accessed 27 June 2021].

Transnational Institute, *China's Engagement in Myanmar: From Malacca Dilemma to Transition Dilemma*. Myanmar Policy Briefing Series, Transnational Institute, July 2016, pp. 1–34, <<https://www.tni.org/en/publication/chinas-engagement-in-myanmar-from-malacca-dilemma-to-transition-dilemma>>.

UN Human Rights Council, & S Huda, *Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children*, Sigma Huda. Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Geneva, United Nations, 24 January 2007, pp. 1–22, A/HRC/4/23 <<https://digitallibrary.un.org/record/592360?ln=en#record-files-collapse-header>>.

UN Office on Drugs and Crime, *Interlinkages between Trafficking in Persons and Marriage*. Vienna, UN Office on Drugs and Crime, 7 October 2020, pp. 1–97, <https://www.unodc.org/documents/human-trafficking/2020/UNODC_Interlinkages_Trafficking_in_Persons_and_Marriage.pdf>.

UNHCR REGIONAL BUREAU FOR ASIA AND PACIFIC (RBAP), 'MYANMAR EMERGENCY - EXTERNAL UPDATE'. United Nations High Commissioner for Refugees, 2021, <https://reporting.unhcr.org/sites/default/files/UNHCR%20Myanmar%20Regional%20Update%205May2021_0.pdf> [accessed 1 May 2021].

United Nations High Commissioner for Human Rights, *Human Rights and Human Trafficking Fact Sheet No. 36*. Geneva, United Nations High Commissioner for

Human Rights, 2014, pp. 1–62,

<https://www.ohchr.org/documents/publications/fs36_en.pdf>.

United Nations High Commissioner for Refugees, ‘UNHCR reaches Kachins sent back from China’.in *UNHCR The UN Refugee Agency*, 2012,

<<https://www.unhcr.org/news/briefing/2012/9/5049cdba9/unhcr-reaches-kachins-sent-china.html>> [accessed 15 May 2021].

United Nations Human Rights Office of the High Commissioner, ‘Human Rights based approach to trafficking’.in *United Nations Human Rights Office of the High Commissioner*, 2011,

<<https://www.ohchr.org/EN/NewsEvents/Pages/HumanRightsbasedapproachtotrafficking.aspx>> [accessed 25 March 2021].

United Nations Office on Drugs and Crime (UNODC), *Trafficking in persons from Cambodia, Lao PDR and Myanmar to Thailand*. Bangkok, UNODC, August 2017, pp. 1–242,

<https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/Trafficking_in_persons_to_Thailand_report.pdf>.

United Nations Population Fund, ‘The Human Rights-Based Approach’.in *United Nations Population Fund*, 2014, <<https://www.unfpa.org/human-rights-based-approach>> [accessed 12 April 2021].

United Nations Population Fund (UNFPA), & Harvard School of Public Health, *A Human Rights-Based Approach to Programming: Practical Implementation Manual and Training Materials*. United Nations Population Fund (UNFPA), 2010, pp. 1–602, <<https://www.unfpa.org/resources/human-rights-based-approach-programming>>.

United States Institute of Peace, *China’s Role in Myanmar’s Internal Conflicts*. Senior Study Groups (SSGs), Washington, DC, United States Institute of Peace,

September 2018, pp. 1–40, <<https://www.usip.org/sites/default/files/2018-09/ssg-report-chinas-role-in-myanmars-internal-conflicts.pdf>>.

UNODC, ‘Tool 9.2 Addressing the root causes of trafficking’ in *Toolkit to Combat Trafficking in Persons*. New York, United Nations Office on Drugs and Crime, 2008, pp. 1–531, <[https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook\[1\].pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook[1].pdf)>.

WOMEN’S LEAGUE OF BURMA, *LONG WAY TO GO Continuing Violations of Human Rights and Discrimination Against Ethnic Women in Burma CEDAW Shadow Report*. WOMEN’S LEAGUE OF BURMA, July 2016, pp. 1–98, <<https://womenofburma.org/reports/long-way-go-cedaw-shadow-report>>.

Zeng, Y, & T Hesketh, ‘The effects of China’s universal two-child policy’. 2016, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5944611/>> [accessed 14 June 2021].

Zhang, N, ‘Performing identities: Women in rural–urban migration in contemporary China’.in *Geoforum*, 54, 2014, 17–27.

Zhao, GM, ‘Trafficking of women for marriage in China: Policy and practice’.in *Criminal Justice*, 3, 2003, 83–102.

Zheng, T, ‘Human trafficking in China’.in *Journal of Historical Archaeology & Anthropological Sciences*, 3, 2018, 171–178.

7 Bibliography – Legislation and Case Law

Agreement Between the Government of the People’s Republic of China and the Government of the Union of Myanmar on China-Myanmar Border Areas Management and Cooperation. 1997, <<http://treaty.mfa.gov.cn/Treaty/web/detail1.jsp?objid=1531876765491>>.

United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. 2000, <<https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>>.

8 English Abstract

The phenomenon of trafficking for the purpose of forced marriage has been occurring for several decades but hasn't received significant international attention until the last several years. The issue of the occurrence and prevalence of this phenomenon between China and Myanmar has been the subject of recent concern and debate as to what the causes are and what can be done to address this problem.

This thesis identifies several 'push and pull' factors that have contributed to this phenomenon over the last two decades in Myanmar and China, looking at the various political, economic, and socio-cultural factors. A policy-document analysis is conducted to ascertain how China has responded to these identified 'push and pull' factors, which is then analyzed through a human-rights based approach.

It was found that China has responded to the growing gender imbalance with the "Care for Girls" campaign and the adoption of a three-child policy. China additionally has responded to the lack of development and poverty within Myanmar with a pilot project dedicated to poverty alleviation and has utilized border agreements with Myanmar in its response to the humanitarian situation in Myanmar. However, the application of a human rights-based approach is lacking in some areas and could be further implemented to successfully combat the trafficking of Burmese women for the purpose of forced marriage in China.

Key words: China; Myanmar; Marriage Trafficking; push and pull factors; Human rights-based approach

9 German Abstract

Das Phänomen des Menschenhandels zum Zweck der Zwangsverheiratung tritt schon seit mehreren Jahrzehnten auf, hat aber erst in den letzten Jahren große internationale Aufmerksamkeit erhalten. Die Frage nach dem Auftreten und der Verbreitung dieses Phänomens zwischen China und Myanmar ist in letzter Zeit Gegenstand von Besorgnis und Debatten darüber, was die Ursachen sind und was getan werden kann, um dieses Problem zu lösen.

Diese Arbeit identifiziert mehrere "Push- und Pull-Faktoren", welche in den letzten zwei Jahrzehnten in Myanmar und China zu diesem Phänomen beigetragen haben, wobei die verschiedenen politischen, wirtschaftlichen und soziokulturellen Faktoren in Betracht gezogen werden. Eine Analyse der politischen Dokumente wird durchgeführt, um herauszufinden, wie China auf diese identifizierten "Push- und Pull-Faktoren" reagierte und dann mithilfe eines menschenrechtsbasierten Ansatzes analysiert.

Es wurde festgestellt, dass China auf das wachsende Ungleichgewicht zwischen den Geschlechtern mit der "Care for Girls"-Kampagne und der Verabschiedung einer Drei-Kinder-Politik reagierte. Darüber hinaus hat China auf die fehlende Entwicklung und die Armut in Myanmar mit einem Pilotprojekt zur Armutsbekämpfung geantwortet und hat Grenzabkommen mit Myanmar genutzt, um auf die humanitäre Situation in Myanmar zu reagieren. Die Anwendung eines menschenrechtsbasierten Ansatzes fehlt jedoch in einigen Bereichen und könnte weiter umgesetzt werden, um den Handel mit burmesischen Frauen zum Zwecke der Zwangsheirat in China erfolgreich zu bekämpfen.

Key words: China; Myanmar; Push-und Pull-Faktoren; Menschenrechtsansatz