

Prevention of Sexual Exploitation and Abuse (PSEA)

Country Mapping of Known Context, Legislation, Reporting and Referral Pathways — Myanmar



An initiative
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Prevention of Sexual Exploitation and Abuse (PSEA) – Myanmar

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

Demographics & Population ¹	In 2017, it was estimated that 47.4 million people live in Myanmar, comprising 22.3 million males and 25.1 million females. Across core age groups, the population comprises 26.5% aged 0-14 years, 66.1% aged 15-68 years, and 7.4% aged 65+.
Education ²	<p>Net enrolment in all educational levels has increased since 2010, but significant differences still exist across age groups, gender, and state/region. Average primary school enrolment rates are 94%, and middle school enrolment rates are 71%, and high school enrolment is 44%. Accessibility of schools is a significant determinant of enrolment in middle and high school.</p> <p>Total net middle and high school enrolment rates are higher among girls than boys, reaffirming findings on higher female educational attainment among adults. Parental educational attainment, particularly the education of mothers, is an important factor in the education of children.</p>
Gender and Sexuality ³	<p>In 2017, 2% of children under 15 and 16% under the age of 18 were married. The median age of marriage is lowest in Rakhine and Shan states.</p> <p>Gender based violence is widespread but drastically underreported. While 11% of respondents in 2017 said that they had experienced physical and/or sexual intimate partner violence in the last 12 months, 90% of respondents indicated that they had seen or experienced domestic violence and 62% indicated that the violence had been a daily occurrence.</p> <p>More girls are enrolled in primary school than boys, and the gender gap increases in middle school and to an even greater extent in high school: Only around 30% of boys are enrolled in high school compared to around 42% of girls.</p>
Health ⁴	<p>Nearly nine out of ten individuals live in close proximity to a type public medical facility. However, the poor have inferior access to public and private hospitals compared to the non-poor primarily due to higher residence in rural areas. Higher welfare is associated with greater healthcare utilisation, and for almost one out of ten households, health expenditures make up 20% or more of total household consumption, presenting a considerable financial burden.</p> <p>Poor households, and households with more children, are likely to have a higher financial burden from health spending, and more likely to resort to riskier methods to cover medical expenses (such as borrowing, or selling personal assets).</p>

1 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Socio-Economic Report](#)
 2 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Socio-Economic Report](#)
 3 UNICEF, 2017. [The State of the World's Children 2017: Children in a Digital World](#)
 4 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Socio-Economic Report](#)

Poverty⁵ Those living in under the national poverty line halved (from 48% to 24.8%) between 2005 and 2017, and the number of households that used electricity for lighting effectively doubled, from 1.8 million in 2005 to 4.7 million in 2017.

However, about one in four people in Myanmar remain poor which has strong geographic dimensions (there are 6.7 time more poor people in rural areas). Despite poverty reduction, vulnerability to poverty remains an issue and one third of the population are at risk of falling into poverty in the future.

The poor are more likely to live in larger households, with a higher child dependency ratio, and have a head of household with little or no education. One in five households are headed by women. There is little difference in consumption-based poverty by the gender of the household head, but households headed by a person with a disability are more likely to be poor.

Societal Structure Structural factors have been identified as one of many barriers to reporting complaints against organizations⁶ and these same structural issues are present in IDP camps in Rakhine State, whereby community leaders and decision-makers are often men. Cultural norms and attitudes toward gender and hierarchy have resulted in a culture of silence around all types of gender-based violence in communities,⁷ and the lack of women's participation and empowerment in camp decision-making presents concerns regarding reporting SEA and appropriate response in terms of survivor assistance and perpetrator accountability.

Violence Robust and quality data to inform fuller understanding of the issues and offer clues to prevention is still limited. The complex set of challenges that Myanmar faces – including conflicts, natural disasters and poverty, combined with some social norms and attitudes – increase child vulnerability and underscores the need for a wide response.⁸ Children continue to suffer from ongoing conflicts and inter-communal violence, and an estimated 500,000 children in conflict and emergency situations – 50% of them girls – are in need of continued child protection services or are at risk of child rights violations.⁹ Myanmar has one of the highest mine incident rates in the world, and 9 of 15 states/regions are contaminated. Kachin and Shan states were the most affected. Casualties from landmines and other explosives nearly doubled between 2017 and 2018.¹⁰

Corporal punishment in homes and schools is legal and widespread. In 2007, 82% of children said they were beaten by teachers if they 'did something wrong' and 62% of teachers said they would beat students if they didn't perform well in a test.¹¹

Domestic and especially SGBV is widespread. In 2011, 90% of respondents reported experiencing or seeing physical violence within families in their community and 62% reported experiencing or seeing physical violence on a daily basis.¹²

There is a direct nexus between the lack of gender equality more generally in Myanmar and within ethnic communities, and the prevalence of SGBV. Impunity for SGBV in Myanmar is exacerbated by underlying gender inequality. Ethnic women and girls are doubly victimised: as women and girls, and as members of ethnic minority communities. SGBV is widespread in northern Myanmar and in Rakhine in particular.¹³

5 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Poverty Report](#)
 6 Oxfam, 2019. [Factors Influencing Misconduct Reporting in Kachin, Myanmar](#)
 7 UNFPA, 2017. [Powerful Myths, Hidden Secrets](#)
 8 UNICEF Myanmar, 2019. [Country Programme, Violence Against Children](#)
 9 UNICEF Myanmar, 2019. [Country Programme, Children and Armed Conflict](#)
 10 UNICEF Myanmar, 2019. [Country Programme, Children and Armed Conflict](#)
 11 UNICEF, 2012. [Situation Analysis of Children in Myanmar, 2012](#)
 12 Myanmar Gender Equality Network, 2018. [Service Provision for Gender-Based Violence in Myanmar](#)
 13 UNHRC, 2019. [Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of its Ethnic Conflicts](#)

Vulnerability	<p>Vulnerable groups include women, girls, persons with disabilities, children in institutional care, people in remote locations, internally displaced people, migrants, victims of trafficking, and female-headed households.¹⁴ Conflict areas experience higher risk, and conflict-affected and post-conflict areas have a high dependence on aid, potentially putting people at greater risk of exploitation and abuse.</p> <p>1 million children aged up to five years old are not registered. Displaced children are especially vulnerable to violence, hazardous work, forced labour and commercial sexual exploitation both within Myanmar and in Bangladesh. Around 200,000 children, mostly adolescents, live in religious institutions away from their parents. Nearly 700,000 children are cared for by extended family and non-relatives.</p> <p>Exacerbating factors to GBV included poverty, lack of knowledge of basic rights, drug and alcohol abuse, among others.¹⁵ These risk factors and vulnerable groups are also relevant to the analysis of risk to SEA.</p>
Weak Rule of Law ¹⁶	The weak rule of law in Myanmar and lack of recourse for survivors of GBV foster an environment where perpetrators of GBV and SEA can operate without fear of repercussions, and where GBV and SEA survivors do not seek help due to fear or lack of trust.
Women's Empowerment	<p>Women are concentrated in informal sectors¹⁷; rural women are less economically empowered than urban¹⁸; and girl-child marriage remains quite common,¹⁹ which normalises child marriage and therefore sex with children. Statistics indicate high levels of domestic violence and sexual violence, with low levels of reporting, reflecting poor societal attitudes towards women's empowerment.</p> <p>Politics is almost exclusively the domain of men, with women making up around 10% of national and state legislatures. In contrast, the male-dominated Myanmar military is guaranteed 25% of seats in all governing bodies.²⁰</p>

14 MIMU PSEA Network, 2020. [Myanmar PSEA Risk Analysis](#)
15 UNFPA, 2017. [Powerful Myths, Hidden Secrets](#)
16 MIMU PSEA Network, 2020. [Myanmar PSEA Risk Analysis](#)
17 ADB, UNDP, UNFPA, UN Women, Ministry of Social Welfare, Relief and Resettlement, 2016. [Gender Equality and Women's Rights in Myanmar: A Situation Analysis, 2016](#)
18 Ministry of Health and Sports, 2015-2016. [Myanmar Demographic and Health Survey 2015-16](#)
19 Ministry of Health and Sports, 2015-2016. [Myanmar Demographic and Health Survey 2015-16](#)
20 The Asia Foundation, Phan Tee Eain, 2017. [Experiences of Women Parliamentarians 2011-2016](#)

RELEVANT PSEA LEGISLATION²¹

International Instruments	<p>Myanmar is a signatory to the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), which prohibits trafficking and exploitation of women. Myanmar has ratified the Convention of the Rights of the Child (CRC), the Convention on the Rights of People with Disabilities and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Myanmar is a member of the Association of Southeast Asian Nations (ASEAN) Committee on Women and the ASEAN Commission on Protection and Promotion of the Rights of Women and Children.</p> <p>The Ministry of Social Welfare, Relief and Resettlement, the leading ministry for implementing women's advancement and empowerment, recognise there are major challenges in advancing women's rights, including contradictory messages in the legal framework, the plural legal system with different gender equality and women's rights standards, policy-practice deficits, among others.²²</p> <p>In December 2018, the Government signed a Joint Communique on prevention and response to conflict-related sexual violence and an implementation plan with the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC),²³ in relation to 'allegations of widespread and systematic patterns of sexual violence allegedly committed by elements of the Myanmar Security Forces, Border Guard Police and Rakhine Buddhist militias against Rohingya women and children'.²⁴ While the signing of the Joint Communique is positive in terms of a reflection of political will to implement change, it is nevertheless an indication of the systemic gender inequality issues that are exacerbated in ethnic groups, particularly vis a vis state actors.</p>
Legal Framework ²⁵	<p>The Myanmar Constitution (2008)²⁶ does not explicitly enshrine gender equality, however it does provide for equal rights before the law (Section 347) and non-discrimination based on sex (Section 348).</p> <p>The Penal Code (1948)²⁷ includes provisions relevant to sexual exploitation and abuse, in relation to causing hurt (Section 323), sexual abuse against a woman (Section 354), rape (Section 376), sexual harassment (Section 509) and attempt to commit an offence (Section 511), among others. There are, however, barriers to women and particularly survivors of GBV in terms of accessing the criminal justice system.</p> <p>The Anti-Trafficking in Persons Law (2005) criminalizes trafficking of women, children and youth (Section 24) including the use of trafficking victims for pornography (Sections 25); and attempts to traffic (Section 27) and providing assistance to traffickers (Section 32) also constitutes an offence.²⁸</p> <p>The recently enacted the Child Rights Law (2019) raises the age of a child from 16 to 18, and the minimum age to marry is 18 years. It provides penalties for acts of sexual abuse against a child (Section 100(c)(iii)), employing a child in a nightclub, karaoke bar or massage parlor which may also be used as a place of sexual business (Section 101), and making and distributing child pornographic photographs (Section 105).²⁹</p> <p>The Suppression of Prostitution Act (1949) remains in effect and criminalizes sex work. The law punishes those who engage in sex work or are suspected of engaging in sex work; clients of sex workers are not punished.³⁰</p>

21 MIMU PSEA Network, 2020. [Myanmar PSEA Risk Analysis](#)
22 ADB, UNDP, UNFPA, UN Women, Ministry of Social Welfare, Relief and Resettlement, 2016. [Gender Equality and Women's Rights in Myanmar: A Situation Analysis, 2016](#)
23 UN OSRSG on Sexual Violence in Conflict, 2018. [Press Release](#)
24 UN OSRSG on Sexual Violence in Conflict, 2018. [Press Release](#)
25 MIMU PSEA Network, 2020. [Myanmar PSEA Risk Analysis](#)
26 [The Constitution of Myanmar \(2008\)](#)
27 [The Myanmar Penal Code \(1948\)](#)
28 [Anti-Trafficking in Persons Law \(2005\)](#)
29 [Child Rights Law \(2019\)](#)
30 [Suppression of Prostitution Act \(1949\)](#)

The **Majority Act (1875)** states that the age of majority (to marry and divorce) is 18 (Section 3).³¹ The **Penal Code** states that the age of consent to sex is 14 years for females (Section 375), but doesn't provide a specific age restriction on males.³² As the legal system comprises of customary law, statutory law and judicial decisions, the age of majority may vary, but often place the female age lower than the male's; customary laws include Burmese Buddhist law, Hindu law, in addition to traditional customs of ethnic groups. According to the **Burma Laws Act (1898)**, customary laws have the force of law (Section 13).³³ Therefore, specific laws govern the age of marriage between different religions,³⁴ and those belonging to a certain religion – for example, the **Christian Marriage Act (1872)** states the legal age of marriage is 13 years for girls and 16 years for boys (Section 60).³⁵

The draft **Prevention of Violence Against Women** law, under development since 2013, hopes to better protect women from all forms of violence, including domestic violence, marital rape, sexual violence, harassment and assault in the workplace and in public. Despite being submitted to Parliament in late 2017, it is still yet to be passed.³⁶ In 2013, the Government launched its National Strategic Plan for the Advancement of Women, which recognizes the work needed across Government to progress towards gender equality.

The Myanmar National Human Rights Commission was established in 2011 with a mandate to conduct inquiries in respect of complaints of human rights violations;³⁷ while providing an alternate avenue that victims may choose over the formal justice system, the lack of transparency and application of cultural norms and practices rather than international human rights principles only serves to further entrench attitudes towards gender while moving away from a survivor-centered approach.

Government Institutions	The Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement is the statutory authority for the safeguarding of children and vulnerable adults. Committees on the Rights of the Child have been formed at national, regional, district and township levels to respond to cases of child abuse; however, there are gaps with regard to implementation of duties. For women, the Myanmar National Committee for Women's Affairs (MNCWA) has been established under the management of the Department of Social Welfare to respond to different issues related to women. The Myanmar Police Force also has the overall duty to ensure protection of all citizens including women and children, however there are serious concerns regarding the rule of law and trust by the community.
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31 [Majority Act \(1875\)](#)
 32 [Myanmar Penal Code \(1948\)](#)
 33 [Burma Laws Act \(1898\)](#)
 34 [Myanmar Buddhist Women's Special Marriage Law \(2015\)](#)
 35 [Christian Marriage Act \(1872\)](#)
 36 The Conversation, 2018. [Myanmar Debates Women's Rights amid Evidence of Pervasive Sexual and Domestic Violence](#)
 37 Myanmar National Human Rights Commission, 2011. [Mandate](#)

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

Service Name	Description	Coverage	Contact
Law Enforcement Agencies (to report cases to)			
Myanmar People's Police Force	Police ³⁸ Includes an Anti-Trafficking in Persons Division	National	Emergency 199 Central Police Office T +95 67 549309 T +95 67 548863 (Ext 355) Yangon Division Police T +95 67 254437 T +95 67 24545
Statutory Protection Agencies/Unit (to report abuse to)			
Ministry of Social Welfare, Relief and Resettlement		National	Director for Children and Youth T +95 67 404379 T +95 67 403125 Deputy Director for Children T +95 67 404112 Deputy Director for Youth T +95 67 404112 Permanent Secretary: T +95 67 40450 http://www.mswrr.gov.mm/ https://www.facebook.com/myanmarnationally-outhpolicy
Department of Social Welfare	Operates a case management system		Director Children and Youth Division T +95 067 3404379 Director Children's Department T +95 067 3404291
World Vision Hotlines	Regarding children in armed conflict and rehabilitation	National	T +09 42 116 67020
Local Health and Medical Services (to refer cases to)			
National Hospital ³⁹			List of hospitals in Myanmar
Ambulance		Yangon	Ambulance 192
Yangon Disabled Care Centre	Support for children with disability, including social and educational support and healthcare	Yangon	Yangon School for Physical and Intellectual Disabilities 65 Kyaik Wine Pagoda St, Mayan Gone Town, Yangon T +95 1 966 3392
Myanmar Maternal and Child Welfare Association	Agency established to implement the National Health Plan by establishing clinics and awareness raising efforts	National	Thu Khu Ma Road, Dekkhina Thiri Town, Naypyidaw T +95 67 419002 T + +95 67 419011 E mmcwapresident@gmail.com

38 There are currently no trained specialist staff in the Myanmar Police Department specifically for victims of sexual crimes, but complicated and public interest crimes are investigated by the Criminal Investigation Department (CID). Every Police Officer is trained to investigate sexual crimes and other crimes. Only experienced police officers at police stations are assigned for such important crimes. The CID investigates crimes where there is no clue of where the accused has run away, or where the crime needs more investigation or important crimes of public interest. For more, see [British Embassy in Myanmar](#).
 39 Local authorities will not accept evidence from a private clinic or international hospital. You must go to a Myanmar government hospital for attention.

Key Advocacy Services, Networks, and Agencies

MIMU PSEA Network	UN and partner organisations carrying out operational functions for PSEA		<p>PSEA Helpline T 09405149616 E mmrpsea@unfpa.org</p> <p>PSEA Coordinator Lian Yong mmrpsea@unfpa.org org</p>	<p>National PSEA Coordinator Seng Aung Sein Myint ssein@unicef.org https://themimu.info/sector/protection-sexual-exploitation-abuse-psea</p>
Akhaya Women Domestic Violence Hotline	Counselling and referrals to women and children. All consultants are female. May charge a fee of K100 per minute.	National	T 1886 (Ext 3)	
Myanmar Red Cross Society (MRCS)	Child protection institutional support at township level, including strengthening case management, reporting mechanisms, and child rights awareness		<p>Headquarters Razathingaha Road, Dekhinathiri, Nay Pyi Taw T +95 67 3419041 T +95 67 3419046 E khinmaunghla@redcross.org.mm</p>	<p>Yangon Branch No. 42 Kannar/Strand Road, Botahtaung Township, Yangon T +95 1 392028 E khinmaunghla@redcross.org.mm</p>
UNICEF	Advocacy and support activities including with national and regional agencies across the country	National		
Plan International	Awareness raising, capacity building and community facilitation	National	<p>Myo Myint Hyun, Child Protection and Rights Program Manager E myomyint.htun@plan-international.org</p> <p>Luk Nam, Child Protection Officer (IDP Camps) T 09 790 646703</p>	

Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

Australian Federal Police	Report offences by Australians		<p>T +61 2 6131 3000 After Hours +61 2 6126 7777 www.afp.gov.au</p>	
Australian Embassy in Myanmar	Assisting Australians overseas and delivering consular services to Australians most in need.		<p>Emergency +61 2 6261 3305</p> <p>Vintage Tower 623 Pyay Road Yangon</p>	<p>T +95 1 230 7410 E austembassy.yangon@dfat.gov.au</p>

NOTE

- List of English speaking lawyers and translators <https://www.gov.uk/government/publications/myanmar-list-of-lawyers>
- List of English speaking hospitals <https://www.gov.uk/government/publications/myanmar-list-of-medical-facilitiespractitioners>
- MIMU reporting and referral pathways and services can be found through the [MIMU GBV](#) and [MIMU MHPSS](#)





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