

The anti-trafficking and child migration situation in Myanmarⁱ

By Mary Khin, social protection manager of KMSS (Caritas Myanmar)

Myanmar became a State Party to the Convention on the Rights of the Child (CRC) in 1991. However, the Convention was not subsequently given constitutional status, so it may be overridden by national regulations and laws. Various CRC provisions are primarily implemented via the framework of the 1993 Child Law, but in some areas the law diverges from the CRC (such as defining a child as being under 16 rather than under 18 years of age).

Among poor people in Myanmar, 18 percent of children aged 10–14 work. Many working children are unpaid family helpers. Even when the tasks undertaken by children are not dangerous, work is harmful as it prevents them from going to school or engaging in recreation and play, and puts them under stress. Despite legal restrictions, commercial sex with women is available in Myanmar. Children exploited for commercial sex are mostly girls, but some boys are also involved. Children form a considerable proportion of trafficked persons, both within and outside Myanmar: most international trafficking of Myanmar women and girls to China is for forced marriage. Women and children are also trafficked to provide labour (domestic work, in factories, for the fishing industry, and also for begging and street vending), as well as for commercial sex work.

The Anti-Trafficking in Persons Law defines trafficking as involving the recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of persons for the purpose of exploitation with or without the person's consent. Widespread migration over short and long distances and for different periods of time provides a context and cover for trafficking, both within Myanmar and across its land and sea borders, mostly to Thailand or China.

The vast majority of internal and international trafficking cases go unreported and unaddressed, but Myanmar's efforts in recent years have identified increasing numbers of trafficked people as well as traffickers. Most reported cases prior to 2004 were to Thailand, but trafficking to China has since increased. This might indicate changes in trafficking routes, source communities and reasons for trafficking, but given the large number of unreported cases, great caution should be exercised in drawing such conclusions. Of the 613 trafficking cases registered in Myanmar between 2006 and 2010 (involving 1,070 victims), most had been trafficked to China (79 percent) but also to local destinations (11 percent) and to Thailand (10 percent). Traffickers included men and women. Two thirds of the trafficking victims identified in 2009 came from source communities in Yangon, Mandalay, Shan (North) and Kachin.

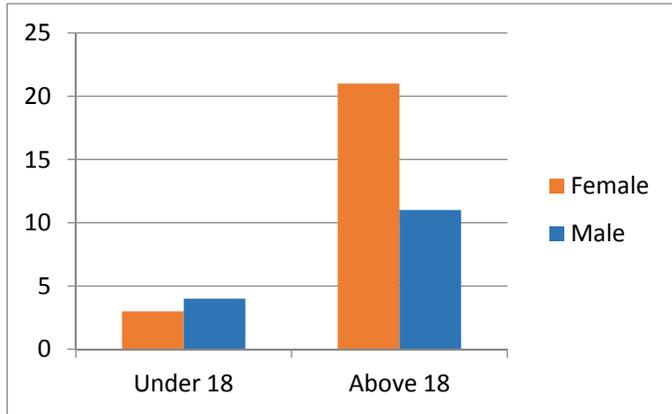
The vast majority of cases of trafficking to international destinations identified in 2009 were for the purposes of forced marriage, often involving sending young girls to China. Other reasons for trafficking were forced commercial sex and domestic work, forced labour (usually on fishing boats and in seafood factories) and child trafficking, including cases of forced adoption, once again mainly to China but also to Thailand.

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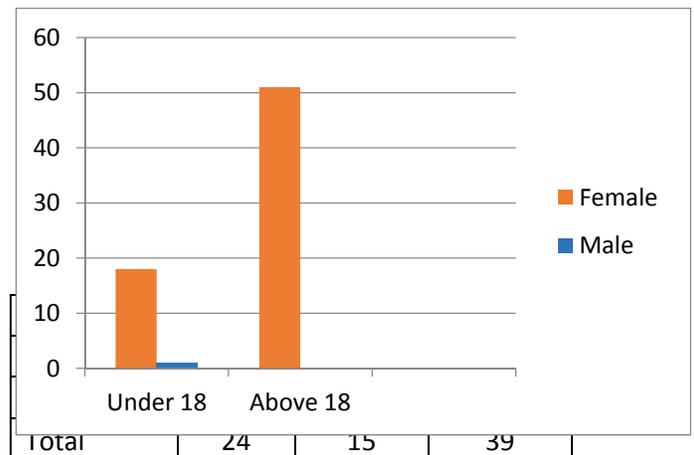
ⁱUNICEF – *Situation Analysis of Children in Myanmar 2012*, Department of Social Welfare, and UNICEF – *Working Children in Myanmar*, Nay Phi Daw 2011, *Myanmar Multiple Indicator Cluster Survey 2009-2010* – Nay Pyi Daw 2011.

internal trafficking victims are boys, but the majority are girls and women trafficked for domestic work and commercial sex work. However, in general, data is scarce regarding children, the situation in their source communities, or the factors that increase children's risks of being trafficked.

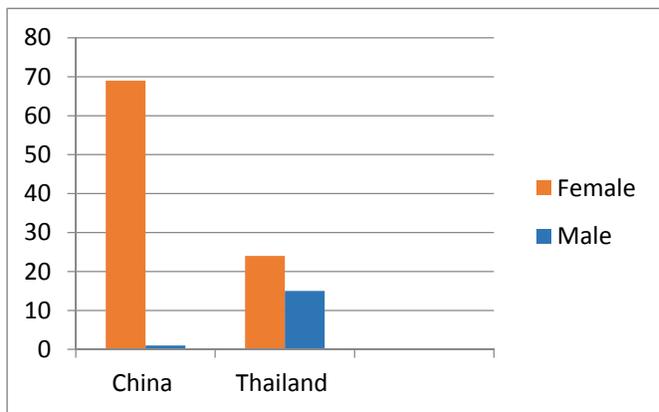
Trafficking survivors from Thailand – 2012



Trafficking survivors from China – 2012



**Trafficking survivors from China and Thailand – 2012
(January to 20 June)**



Sex	Female	Male	Total
China	69	1	70
Thailand	24	15	39
Total	93	16	109

A case of trafficking prevention in Naung Done Township

The trafficking of three children in Kyun Yit village in Naung Done Township, was prevented. Aged 14, 15 and 17, these children were looking for a job. On 27 November 2012, a man who had previously worked in Yangon and sometimes came back to the village, took the three boys to a play staged in Chaunggyi village. He told them he could find jobs for them in Yangon, if they left with him that night. On 28 November 2012 the children's families and the community

facilitator went to the township police and reported the situation. The man had a criminal record regarding child labour exploitation.

Two of the three children ran back to the village as they suspected the man was lying and doing something wrong when he asked them to sleep in an old shop near the road in Hlaing Tar Yar Township, while waiting for someone to transfer them. The children had previously attended a community-based child protection awareness training course in their community. They asked people they met on the road the way back to Naung Done Township. On 29 November 2013 the two children returned to the village safely. The police caught the man on 1 December 2012 and detained him for 20 days. ⁱⁱ

The CSGⁱⁱⁱ, the community facilitator and the village committee were following up a case of some children the man had previously sent for jobs to Yangon. They also found a fourth child in the Bogo region. They managed to talk with the owner of a shop (where the child was working) to ensure the child's safety and wellbeing. After 15 days the child safely returned to the village.

Of these four children, three started earning their living: in a small grocery shop, on a vegetable farm and by selling fruit. One child is working in Yangon with a relative; the family and the community are in touch with him, know his whereabouts and regularly receive news from him.

Since 2009, in partnership with the UNICEF Child Protection Section, the Karuna Myanmar Social Services and Social Protection Sector has assisted the Ministry of Social Welfare, Relief and Resettlement (MSWRR) in tracing trafficked children and providing them with reintegration support.

Karuna Myanmar Social Services Child Protection staff will play a leading role in establishing a systematic reporting and referral system, and community-based information systems regarding abuse, exploitation, neglect and trafficked children and women. For all cases of children who need immediate or long-term protection and reintegration system support, the resources of community support groups and government departments will be used. These include social welfare, health, education, police, judicial and general administration departments at township level (Township Childs Rights Committees).



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Karuna Myanmar Social Services will take part in township-level coordination meetings (government as well as NGO) and set up networking with available service providers who act as referral points for some child protection concerns when necessary.

Children at risk of being trafficked, unable to attend school, or forced to move to other places to become workers, will receive support through a community matching fund, which is a

ⁱⁱKaruna Myanmar Social Services – *Strengthening community-based child protection project*, Closing Report 2013.

ⁱⁱⁱCSG stands for community support group. We formed this CSG in our project villages in order to respond to child protection cases (violence, abuse, neglect and exploitation).

combination of a one-time grant from UNICEF (as seed money), together with a contribution in cash from the community side. Community support groups strategize how the fund is deployed in order to maintain long-term prevention, response and referral of child protection concerns within communities. Comprehensive reintegration support includes vocational training for trafficked children and former child soldiers, as well as assistance to vulnerable children affected by armed conflict.

A key area targeting vulnerable people comes under the Social Protection Sector. In collaboration with UNICEF, the KMSS national and diocesan offices have delivered community-based child protection since 2006, raising awareness of child protection and the Convention on the Rights of the Child in all dioceses to protect children from abuse, neglect, exploitation and violence. The KMSS network joins forces with community members to help strengthen their ability to protect their children.

We also focus our learning and understanding efforts on social protection activities applied to other extremely vulnerable and marginalised groups in the KMSS network target areas, including internally displaced people, the landless, and human trafficking victims. This aspect of social protection is a new area for us.