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No. 293 / 3-27/ 91

20 May 2015

Dear Madam,

I would like to refer to your letter dated 31 March 2015, concerning the questionnaire on assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.

I have the honour to enclose herewith the information provided by the Ministry of Social Welfare, Relief and Resettlement.

Please accept, Madam, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to be 'Maung Wai', is written over a date '29/5/2015'. The signature is written in a cursive style.

(Maung Wai)

Ambassador and Permanent Representative

Ms. Maud de Boer-Buquicchio,  
Special Rapporteur on the sale of children, child prostitution and child  
pornography

1. Provide information on the legal, policy, institutional and budget framework developed by your country to establish assistance and rehabilitation programmes for child victims of sale exploitation including sexual exploitation.

Myanmar acceded to the United Nations Convention on the Right of the Child on 16 July, 1991 and became a State Party on 15 August, 1991. As a State Party of UNCRC, Myanmar enacted the Child Law on 14 July, 1993 and also rule and regulations on 21 December, 2001 to promote and protect the rights of children in its territory. Myanmar also signed the Optional Protocol on the sale of children prostitution and child pornography on 17 January, 2012.

The Child Law (1993) has been amended as the Rights of Child Law to be in line with current practices and promote and protect the rights of the child than ever. Sales, prosecution, pornography, exploitation and violence against and of children will be taken into consideration as the new chapters the amending Law in the line with the Optional Protocol. It is prescribed that whoever is guilty to salve, sale, trafficking, prosecution, forced labour, sexual exploitation, removal of body part, transferring or sale, sexual exploitation, rape and attempt to rape of children shall be, on conviction punished under the law in the Union of Myanmar.

Moreover, the new chapter with regard to the protection and assistance of and to child victims and witness under the law in the Union of Myanmar is also included in the amending law.

Under the leadership of Myanmar National Committee for Women's Affairs, Department of Social Welfare in collaboration with the concerned Ministries, INGOs and NGOs is now drafting the Anti-Violence against Women Law.

National Committee on the Rights of the Child, Working Committee and Committees on the Rights of the Child at Regional, State, District and Township levels were formed. The child protection activities have been effectively implemented in accordance with the Myanmar National Plan of Action on Children (2006-2015).

Myanmar National Committee for Women's Affairs, Working Committee and Committees for Women's Affairs at Regional, State, District and Township level were formed. The activities on anti-violence against girl-child have been effectively carried out in accordance with the National Strategic Plan for the Advancement of Women (2013-2022).

Central Body for Suppression of Trafficking in Persons, three working groups and Committees on Anti-trafficking in Persons at Regional, State, District and Township level were formed. Many activities are being carried out to prevent children from being trafficked and protect the child victims of trafficking in accordance with the Five Year Myanmar National Plan of Action on Anti-Trafficking in Persons (2011-2015).

The programmes and activities on the protection and rehabilitation of child victims of sales and sexual exploitation have being carried out not only by the government's budget but also by the financial assistance of the UN Agencies, INGOs and NGOs.

2. Based on your experience, what elements are necessary for a comprehensive and right-based care and recovery system of child victims of sale and exploitation, including sexual exploitation?

Children in need of protection and child victims of all forms of exploitation have been protected through the institution and community based measures. In terms of institution based measures, the number of 10 institutions under Department of Social, Welfare have been opened and take care of. As community based measure, the Department of Social Welfare in collaboration with UNICEF has undertaken community based child protection activities in 25 townships since 2009. 1217 child protection cases were handled since its launching.

Care Management System is necessary to provide the right-based care and rehabilitation of child victims of sales and sexual exploitation. Therefore, the Department of Social Welfare in collaboration with UNICEF, Save the Children and Myanmar Red Cross Society has being implemented Case Management System in 19 pilot townships of Regions and States. Moreover, Standard Operation Procedures has being developed to have the clear cut roles and responsibilities among the government departments and agencies. The child protection programmes will be more effective if data and information is reliable and accurate. Therefore, it is necessary to do research and surveys. In order to effectively implement Case Management System in the whole country, human, financial and technical resources are necessary.

It is also necessary to establish One Stop Service Center inclusion of multi-sectoral to effectively protect child victims of sale and sexual exploitation. Moreover, the child focused follow-up programmes have been carried out by

the Department of Social Welfare in collaboration with UN agencies, INGOs and NGOs.

3. Provide example of good practices and successful initiatives of assistance and rehabilitation programmes which facilitate the rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.

The Department of Social Welfare has being implemented Case Management System of 19 pilot townships for children in need of special protection including the child victims of sales and exploitation in collaboration with UNICEF , Save the Children and Myanmar Red cross Society. Moreover, Standard Operating Procedures has being developed to have the clear cut roles and responsibilities among the government departments and agencies.

For the implementation of this system, the service providers from Department of Social Welfare were trained as Case Supervisor through TOT trainings. The Multiplier Courses were conducted by trained Case Supervisors for Case Manager who will undertake the field wrok in the respective Regions and States. The responsibilities of Case Managers is to protect children in need of protection in their respective areas in collaboration with the concerned departments and agencies, referring cases to the concerned professional and doing awareness raising. Moreover, Standard Operating Procedures- has being developed to have the clear cut roles and responsibilities among the government department and agencies.

4. Describe the challenges that your country had identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.

In order to effectively implement Case Management System in the whole country, human, financial and technical resources are necessary. Furthermore, it is necessary to establish One Stop Services Centers and shelters in Regions and States as a role model to provide the temporary services for child victims of sales and sexual exploitation. The child friendly programmes have been included in the repatriation, reintegration and follow-up activities for child victims of trafficking.

5. How do you ensure that the views and needs of children are duly taken into account in the design and provision of care and recovery services?

The services such as psychosocial social support, issuing the national identify card, health care support have been provided to the child victims of trafficking following their repatriation. After reintegration into the society, the need assessments have been also made through the interviewing with child victims with the aim of providing suitable formal education and vocational training to them. Those who are not suitable to reintegrate into their parents or guardians, and those who have no parents or guardians have been taken care in the institutions under the Department of Social Welfare. The services have been provided based on the need of child victims of trafficking.

6. How do you ensure success of child victims to support services?

Currently, the services for the child victims of sales and sexual exploitation are not enough. However, it has been able to carry out them to a certain extent in accordance with the existing Laws including the Child Law and Anti-trafficking in persons Law. The Department of Social Welfare has opened the institutions and temporary shelters to provide the rehabilitation services for child victims of sales and sexual exploitation. Moreover, the capacity building programs are being conducted for the service providers under Department of Social Welfare with the aim of providing the assistance to child victims in accordance with the international standard.

7. How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender-specific measures for the care and recovery of boys and girls?

Child victims of trafficking are being taken care of in the separate shelters based on their sex following their repatriation from foreign countries. Furthermore, National Guidelines on Return, Repatriation and Rehabilitation of trafficking was developed to carry out repatriation, reintegration and rehabilitation of child victims of trafficking in accordance with the international practices.

8. Provide information on prevention programmes developed by your country with specific focus on children of risk or in vulnerable situations (e.g. Children working and/or living on the street, children placed in situations, unaccompanied migrant children).

Prevention is an important activity in implementing Child Protection program. Therefore, Department of Social Welfare (DSW) has being conducted the programmes such as community based awareness raising program on UNCRC, Child Law and rules and regulations, child protection and anti- human trafficking activities in Regions/States, basic education schools and at Special Refresher Courses offered at the Central Institute of Civil Service. Community based Child Protection programme which has been implemented by DSW in collaboration with UNICEF in 25 townships. The child protection programmes implemented in 25 townships by DSW have provided 105 times of community based awareness-raising workshops to a total of 29006 persons since its lunning.