

# Children affected by migration in ASEAN Member States

## COUNTRY BRIEF: MYANMAR

**Southeast Asia is a major migration hub comprising countries of origin, destination and transit – with some countries being a mix of all three – for a large number of migrants.** Migrants include displaced persons moving both within and between countries for diverse and mixed purposes. In 2020 alone, there were 1.3 million (1,266,009) child migrants in ASEAN and in 2021, around 630,000 (627,390) refugees from ASEAN countries in the world were children. Natural disasters and conflict led to more than 2.5 million (2,522,801) internal displacements of children in 2021. Millions more children remained behind while parents migrated for work, leaving many children at risk.

### Data snapshot: Myanmar migration trends

- The extent of international (child) migration from Myanmar is unknown, as a large proportion of this migration is undocumented – data indicate that up to 91 per cent of migrants from Myanmar residing in Thailand had migrated through irregular means.<sup>1</sup>
- There were 71,000 estimated movements of refugee and asylum-seeking persons from Myanmar into neighbouring countries from February 2021 until 1 November 2022, along with 1.1 million internally displaced persons.<sup>2</sup>
- 38 per cent of refugees and asylum seekers from Myanmar are children.<sup>3</sup>
- 600,000 stateless individuals from Myanmar are registered with UNHCR.<sup>4</sup>

**Many of Myanmar's children are affected by migration and displacement.** Myanmar ranks the fifth highest globally in the number of refugees originating from the country.<sup>5</sup> Every year, thousands of children from Myanmar also migrate, either independently or with their families, in search of better economic opportunities in neighbouring countries. Many are also displaced due to fleeing violence and persecution, driven by ongoing political and intercommunal conflict. The current political situation has been a major push factor for displacement and illegal migration to neighbouring countries. By the end of 2022, over 1.2 million people from Myanmar had been displaced either abroad or internally since the military takeover in February 2021.<sup>6</sup> COVID-19 and government

<sup>1</sup> Harkins, Benjamin, Daniel Lindgren and Tarinee Suravoranon, *Risks and Rewards: Outcomes of labour migration in South-East Asia*, International Organization for Migration, International Labour Organization and Rapid Asia, 2017, p. 33.

<sup>2</sup> United Nations High Commissioner for Refugees, 'Myanmar Emergency Update', 1 November 2022, <<https://reporting.unhcr.org/document/3626>>, accessed 12 December 2022.

<sup>3</sup> United Nations High Commissioner for Refugees, 'Thailand Border Operation: RTG/MOI-UNHCR Verified Refugee Population', <<https://reliefweb.int/report/thailand/thailand-border-operation-rtgmoi-unhcr-verified-refugee-population-28-february-2023>>.

<sup>4</sup> This includes forcibly displaced stateless persons.

<sup>5</sup> United Nations High Commissioner for Refugees, *Global Trends, Forced Displacement in 2021*, <[www.unhcr.org/62a9d1494/global-trends-report-2021](http://www.unhcr.org/62a9d1494/global-trends-report-2021)>, accessed 28 March 2023.

<sup>6</sup> <https://data.unhcr.org/en/documents/details/97853>



Displaced Rohingya travel by boat to the Sin Tet Maw camp for internally displaced persons in Rakhine State, Myanmar.  
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responses to the pandemic have also impacted on migration flows by restricting movement between Myanmar and neighbouring countries, forcing many children and families to make perilous journeys across borders, placing them at great risk. While migration can have a positive impact on individual children and families, particularly where States facilitate safe and orderly forms of movement, it can also expose children to higher-risk movements, including smuggling and trafficking, along with a range of other protection risks.

**This country brief summarizes the key findings of a report on the situation of children affected by migration in ASEAN Member States**, which examined the unique drivers of child migration; the ways in which children are affected, including protection risks associated with migration; and the laws, policies and services for children and families affected by migration.

**It is important that the unique situation and needs of children affected by migration are understood** so that more effective and targeted policy and programmatic responses can be developed. Until recently, much of the migration literature focused on the experiences of, and the impact on, migrant adults. Children and their interests have been largely invisible, with little knowledge generated about the unique drivers or impact of migration and particular migration policies on children.

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**‘Children affected by migration’** is a broad umbrella term that encompasses children (those aged under 18 years)<sup>7</sup> who move or have moved within their country of origin or across the border into another State, temporarily or permanently. This includes children who migrate voluntarily or involuntarily (as a result of forced displacement due to natural disasters or conflict); or for economic, social, educational or cultural reasons. It includes children who move individually or to accompany parents who have migrated. It also includes children who remain behind while one or both of their parents migrate (‘children remaining behind’).<sup>8</sup>

<sup>7</sup> This is in accordance with international definitions of childhood in particular as set out in the Convention on the Rights of the Child, Article 1. It should be noted that in the domestic laws of some ASEAN States, such as Thailand, children who have attained majority through marriage are not included within the definition of ‘child’ in the Child Protection Act 2003. In addition, in some domestic laws, such as the Philippine Republic Act 7610, a child over the age of 18 who cannot fully take care of themselves because of a physical or mental disability or condition is included within the definition of a child.

<sup>8</sup> Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of migration, CRC/C/GC/22 16 November 2017, para. 9. See also UNDESA, which defines an international migrant as anyone who changes their country of usual residence, ‘Recommendations on Statistics on International Migration, Revision 1’, 1998; and International Organization for Migration, ‘IOM Definition of “Migrant”’, <[www.iom.int/who-is-a-migrant](http://www.iom.int/who-is-a-migrant)>, accessed 6 April 2021.

# 1. Profile of children affected by migration in Myanmar

## **A substantial proportion of Myanmar’s population are migrants.**

Much of the movement in Myanmar is to neighbouring countries, in particular Thailand and Malaysia, with many children, families and parents/caregivers moving from Myanmar in search of better economic opportunities. A large proportion of this migration occurs irregularly – that is, outside the destination country’s regular process or not in compliance with its laws. Many people choose to migrate irregularly due to the costs and complexity of lengthy, formal migration channels.<sup>9</sup> This has encouraged a market for smuggling, which can place children and families at risk of trafficking.<sup>10</sup> Child migrants from Myanmar may be unaccompanied: A study published in 2017 found that 10 per cent of children were not accompanied by anyone to their migration destination and 36.7 per cent of child migrants appear to have migrated and started working below the age of 14 years (the legal minimum age for entry into employment in Myanmar).<sup>11</sup>

## **The vast majority of asylum seekers and refugees in the ASEAN region are from Myanmar,**

with large populations from Myanmar residing in communities predominantly across Thailand and Malaysia. A substantial proportion of these populations (37.9 per cent) are children: 6.8 per cent are under 4 years; 16.5 per cent are aged 5–11 and 14.6 per cent are aged 12–17 years.<sup>12</sup> A large proportion of asylum-seeking and refugee persons from Myanmar are Rohingya. The movement of Rohingya persons from Arakan State and other parts of Myanmar has been occurring for several decades as a consequence of the systematic oppression of the community by the military government, and especially following legal changes that stripped Rohingya persons of their citizenship in 1982. In August 2017, the largest and fastest refugee exodus of Rohingya populations occurred, and since then more than 773,000 Rohingya – including more than 400,000 children – have fled to Cox’s Bazaar in Bangladesh,<sup>13</sup> along with substantial populations into Malaysia and Thailand.

## **Political and intercommunal conflict has also caused a large number of internal displacements that occur on a regular basis.**

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), due to the upsurge in violence as a result of the military takeover in February 2021, 1,545,000 people were internally displaced in Myanmar as of January 2023.<sup>14</sup> UNHCR found that the number of internally displaced persons in Myanmar increased by 733,800 in 2022 alone.<sup>15</sup>

**A large number of stateless persons reside in Myanmar** as a result of Myanmar’s discriminatory Citizenship Law, including the Rohingya, who are the largest stateless group in the world. This, and the fact that the Law does not allow for citizenship through naturalization, have left many without protection or entitlements.



<sup>9</sup> *Risks and Rewards: Outcomes of labour migration in South-East Asia.*

<sup>10</sup> See United Nations Office on Drugs and Crime, *Smuggling of Migrants in Asia and the Pacific: Current trends and challenges*, Volume II, 2018, pp. 78–87.

<sup>11</sup> Fry, Deborah, 'Migration Among Adolescents in Myanmar: Opportunities for child protection', Data brief, United Nations Children's Fund, Yangon, 2019, <[www.unicef.org/myanmar/reports/migration-among-adolescents-myanmar](http://www.unicef.org/myanmar/reports/migration-among-adolescents-myanmar)>.

<sup>12</sup> 'Thailand Border Operation: RTG/MOI-UNHCR Verified Refugee Population'.

<sup>13</sup> United Nations Office for the Coordination of Humanitarian Affairs, 'Rohingya Refugee Crisis', 2022, <[www.unocha.org/rohingya-refugee-crisis](http://www.unocha.org/rohingya-refugee-crisis)>, accessed 12 December 2022.

<sup>14</sup> United Nations High Commissioner for Refugees, 'Myanmar Emergency Update', 9 January 2023, <<https://reporting.unhcr.org/document/3993>>.

<sup>15</sup> United Nations High Commissioner for Refugees, 'Myanmar Emergency Overview Map: Number of people displaced since February 2021 and remain displaced', <<https://data.unhcr.org/en/documents/details/97853>>.

## 2. Drivers of (child) migration and displacement

**Children in Myanmar are affected by migration and displacement for a range of reasons.** The figure below explains the drivers of migration in Myanmar, including individual and family drivers, along with factors that operate at community and structural levels in a child's life.



### Structural drivers

- Search for economic opportunities to earn a living and avoid destitution.
- Wage disparities have been described as the greatest pull for migrants from Myanmar and a key reason for cross-border migration flows from Myanmar to Thailand, Malaysia and China.
- Environmental and natural disasters and the impacts of climate change contribute to displacement.
- Conflict and persecution have driven migration and displacement. Displacement is further exacerbated by the violence resulting from the February 2021 military coup in Myanmar which is causing both internal and cross-border displacement.



### Community drivers

- Social and family networks provide direct financial support to new migrants.



### Family drivers

- A desire to support the family through earning income and remittances has been identified as a driver of migration.



### Individual drivers

- Child marriage trafficking can be considered as a driver of migration.
- Children are also driven to migrate in search of better education opportunities and to improve their socioeconomic status.

### 3. Protection risks

**Myanmar children who migrate internationally, particularly those who migrate irregularly, face a range of protection risks.** These can include

exposure to arrest, detention and deportation in their host countries, which, in turn, can expose children to the risk of family separation; child labour and economic exploitation, including in informal or clandestine contexts and industries; sexual exploitation and trafficking; and limited access to services, including birth registration (for children who are born abroad), education and affordable health services. These protection risks take on a gendered dimension in that girls have been found to be more vulnerable to sexual exploitation, while boys have a heightened risk of labour or economic exploitation. These risks are further detailed in the Thailand and Malaysia country briefs.

**In Myanmar, discriminatory laws and policies have excluded certain ethnic groups from having their births registered, rendering these groups vulnerable to statelessness, trafficking and exploitation.** Birth certificates

have not been issued to Rohingya children since the 1990s. In the areas in which Rohingya reside in north Rakhine State, administrative barriers, local orders and the imposition of costly and arduous requirements have delayed or altogether prevented the registration of marriages and births.<sup>16</sup> Living without identity documents in Myanmar has created profound challenges, including protracted statelessness, the inability to enjoy freedom of movement or to access services, vulnerability to arbitrary fines, and arrest and detention.<sup>17</sup>

**Migrant children often work in informal sectors that are poorly regulated.** This, along with their irregular status places them at a higher risk of being exploited and exposes them to a number of serious protection risks. According to one study, migrant children from Myanmar working in Mae Sot, Thailand, routinely experience highly exploitative labour practices such as excessive working hours, exposure to harmful chemicals and dangerous machinery, and confiscation of identification documents.<sup>18</sup> A study on internal migrants over the age of 15 in Myanmar in 2015 found 34 per cent of migrant children to be in situations of forced labour.<sup>19</sup>

**There are also concerns that boats containing refugee and asylum-seeking persons, including children, from Myanmar have been intercepted, turned back and, in some instances, left stranded for prolonged periods of time.** In 2015, in what is referred to as the 'Andaman Sea crisis', 5,000 refugees and migrants from Myanmar and Bangladesh were left stranded by smugglers at sea with no access to food or water. At least



A boy sits in front of military graffiti in a temporary classroom at the Baan Mai Nai Soi refugee camp near the Myanmar border in Thailand's Mae Hong Son Province.  
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<sup>16</sup> Situation of Human Rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights, A/HRC/32/18, 29 June 2016, para. 43.

<sup>17</sup> Equal Rights Trust, 'Equal in Name Only: The human rights of stateless Rohingya in Thailand', 2014.

<sup>18</sup> West, Andy, *Children on the Move in South-east Asia: Why child protection systems are needed*, Save the Children UK, 2008, p. 9.

<sup>19</sup> Rogovin, Kimberly, *Internal Labour Migration in Myanmar: Building an evidence-base on patterns in migration, human trafficking and forced labour*, International Labour Organization, ILO Liaison Officer for Myanmar, 2015, referenced in Davy, Deanna, *Analysis of Protection Frameworks, Referral Pathways and Service Availability for Myanmar Migrant Children*, United Nations Children's Fund and the European Union, [undated], p. 26.



A UNICEF staff member interviews a mother and her two young children, ages 3 years and 6 months, at their makeshift home in Yangon, Myanmar. © UNICEF/UN0645263/Nyan Zay Htet

70 people, including children,<sup>20</sup> perished from starvation, dehydration, disease and abuse.<sup>21</sup> In September 2020, more than 300 Rohingya arrived in Indonesia after seven months at sea, over half of whom were girls aged 18 and under.<sup>22</sup> Malaysian authorities are reported to have intercepted and pushed back at least 22 boats, at least one of which was known to be carrying women and children, into international waters.<sup>23</sup> UNHCR has reported that more than 3,500 Rohingya attempted to cross the Andaman Sea and the Bay of Bengal in 2022, which represented a 360 per cent increase on the year before.<sup>24</sup> In early 2023, movements are continuing.

**Refugee children may become separated from their families due to conflict or violence, or during the course of the family’s migratory journey towards a place of safety.** This is particularly true for Rohingya refugee families, thousands of whom became separated while fleeing violent persecution in Myanmar in 2017<sup>25</sup> and during the course of boat journeys across the Andaman sea in 2015.<sup>26</sup> These instances of separation often occur in the context of traumatic circumstances and are likely to have a lasting psychological effect on children.

**Children in situations of displacement are also exposed to the risk of trafficking for child marriage.** In many Rohingya refugee communities, such as Cox’s Bazar, Bangladesh, the high number of orphans and single girls has meant that refugee camps are a hotspot for trafficking.<sup>27</sup> Families are also often driven to agreeing to marriage for their daughter(s) in the hope that they will have a better life and greater economic opportunities outside of the camps.<sup>28</sup> For many religious and community leaders, child marriage is seen as an obvious and acceptable response to their community’s protracted displacement.<sup>29</sup> Marriage trafficking is also facilitated by already established migration routes, such as boat travel between Bangladesh and Thailand, Indonesia and Malaysia, that help to conceal the trafficking of children.<sup>30</sup>

<sup>20</sup> United Nations High Commissioner for Refugees, ‘Abandoned at Sea: Smugglers cast 5,000 desperate souls adrift on the Andaman Sea. Survivors spoke to UNHCR about their terrifying ordeal’, 26 August 2015, <[www.unhcr.org/uk/news/stories/2015/8/56ec1eabd/abandoned-at-sea.html](http://www.unhcr.org/uk/news/stories/2015/8/56ec1eabd/abandoned-at-sea.html)>, accessed 20 March 2022>.

<sup>21</sup> United Nations High Commissioner for Refugees Regional Office for South-East Asia, ‘South-East Asia, Mixed Maritime Movements, April-June 2015, Highlights’.

<sup>22</sup> Mahla, Deepmala and Hassan Noor, ‘Rohingya are Being Left to Die at Sea. Who Cares?’ Save the Children, 11 September 2020, <[savethechildren.net/blog/rohingya-are-being-left-die-sea-who-cares](http://savethechildren.net/blog/rohingya-are-being-left-die-sea-who-cares)>.

<sup>23</sup> Child Rights Coalition, *Status Report on Child Rights in Malaysia (2019–2020)*, 2020, p. 109.

<sup>24</sup> <[www.unhcr.org/news/briefing/2023/1/63c66c3c4/unhcr-seeks-comprehensive-regional-response-address-rise-deadly-south-east.html](http://www.unhcr.org/news/briefing/2023/1/63c66c3c4/unhcr-seeks-comprehensive-regional-response-address-rise-deadly-south-east.html)>.

<sup>25</sup> ACTED, ‘Rohingya Family Reunited after Separation by Conflict’, <[www.acted.org/en/rohingya-family-reunited-after-separation-by-conflict](http://www.acted.org/en/rohingya-family-reunited-after-separation-by-conflict)>.

<sup>26</sup> United Nations High Commissioner for Refugees, ‘Separated by the Sea: Hundreds, if not thousands, of refugee families in South-East Asia were separated by perilous sea journeys in 2015. Meet four of them’, 23 February 2016, <[www.unhcr.org/uk/news/stories/2016/2/574446f54/separated-by-the-sea.html](http://www.unhcr.org/uk/news/stories/2016/2/574446f54/separated-by-the-sea.html)>, accessed 19 December 2022.

<sup>27</sup> Robinson, W. C., and C. Branchini, *Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China*, Johns Hopkins Bloomberg School of Public Health and Kachin Women’s Association Thailand, Baltimore, USA, December 2018. p. 22.

<sup>28</sup> Rohingya in Bangladesh are not allowed to seek employment and living conditions in the camps are congested and difficult, according to United Nations Children’s Fund, ‘Lives in limbo: No end in sight to the threats facing Rohingya children’, UNICEF child alert February 2018, <[www.unicef.org/media/48086/file/UNICEF\\_Rohingya\\_Lives\\_in\\_Limbo\\_Feb\\_2018.pdf](http://www.unicef.org/media/48086/file/UNICEF_Rohingya_Lives_in_Limbo_Feb_2018.pdf)>.

<sup>29</sup> Penang Stop Human Trafficking Campaign, *Child Marriage in the Rohingya Community in Penang*, December 2020, p. 7.

<sup>30</sup> Beech, H., ‘For Young Rohingya Brides, Marriage Means a Perilous, Deadly Crossing’, *New York Times*, 17 October 2020, <[www.nytimes.com/2020/10/17/world/asia/rohingya-child-brides.html](http://www.nytimes.com/2020/10/17/world/asia/rohingya-child-brides.html)>.

## 4. Policies, laws and services for children affected by migration

**ASEAN Member States, including Myanmar, have taken important steps towards protecting the rights of children affected by migration.** In particular, the ASEAN Declaration on the Rights of Children in the Context of Migration, which was adopted in November 2019, and the Regional Plan of Action on implementing the Declaration,<sup>31</sup> provide a solid framework for the protection of children in the context of migration. Myanmar has also ratified the United Nations Convention on the Rights of the Child, which sets forth a comprehensive framework of rights. Myanmar is not party to the 1951 Refugee Convention.

**Myanmar has a bilateral agreement to protect children and others from cross-border human trafficking with Thailand.**<sup>32</sup> This agreement sets out rights and obligations with a particular focus on cross-border working arrangements in the response to cases of human trafficking. In 2020, Thailand and Myanmar extended the bilateral framework beyond trafficking cases to include child protection cases with a cross-border dimension.<sup>33</sup> This has helped to set up effective systems and procedures for protecting children across borders, including case management standard operating procedures. It also addresses topics like registering births, limiting detention of migrants and ensuring that children have access to the necessary services and measures that prioritize their well-being.

**Myanmar's discriminatory Citizenship Law 1982 has created large populations of stateless persons.** The Law created a three-tiered hierarchy of citizenship, where a person's citizenship level (and thus entitlements) was dependent upon the extent to which the heritage of their parents and grandparents were historically in Myanmar.<sup>34</sup> The Law most notably negated citizenship for those belonging to groups not recognized as national ethnic groups under the law, which not only rendered the large Rohingya population stateless, but also a number of other ethnic groups, including the Gurkha, Tamil and Hindu speakers of Bengali dialects.<sup>35</sup> The Law also did not allow for naturalization through long-term residence.



<sup>31</sup> Although it was adopted in October 2021, when the Myanmar junta leader was excluded from the ASEAN Summit.

<sup>32</sup> Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation to Combat Trafficking in Persons, Especially Women and Children, 24 April 2009 ["Myanmar-Thailand TIP-MOU"].

<sup>33</sup> This agreement was extended at the technical level, but has not been adopted by the Cabinet in either country.

<sup>34</sup> Myanmar, Citizenship Law 1982, Section 7.

<sup>35</sup> Ibid.

## 5. Suggested next steps



### Data and research

**It is recommended that the Government of Myanmar collect comprehensive data on the number and profile of child migrants and displaced persons, including on protection risks and needs.**

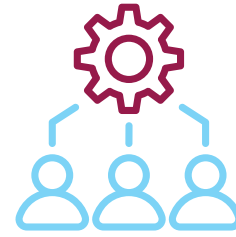
Data should be collected, published and made widely accessible to all relevant government and non-government stakeholders to enable them to develop concrete, evidence-based programmes to address the key challenges facing children affected by displacement and stateless children. All data should be collected in a manner that upholds and respects every child's (and adult's) right to privacy.



### Law and policies

**It is recommended that the Government of Myanmar address gaps and inconsistencies in legal frameworks, and in particular that it:**

- **Amend nationality laws to address statelessness**, including adopting an express provision in the law affirming the right of all children to acquire nationality from birth without discrimination;
- **Adopt a provision in primary legislation to require birth registration *immediately after birth*** and consider including an express provision in law requiring the registration of births of all children born in the territory, *irrespective of migration status or that of their parents*; and
- **Ensure that the law requires the best interests of the child principle** to apply to all decisions concerning children, including immigration-related decisions.



### Programmes

**It is recommended that the Government of Myanmar ensure that all children have birth certificates**, and that all new births are recorded, in particular through taking action to identify and register children and young adults born in the country who do not have official birth records and providing them with official birth certificates.

**It is also recommended that the Government of Myanmar ensure that the protection needs of migrant and displaced children from Myanmar are met**, including through strengthening bilateral action with neighbouring countries, including Thailand and Malaysia, to ensure that the domestic child protection systems fully respond to the needs of migrant and displaced children from Myanmar.



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