

National Laws

Legislation of Interpol member states on sexual offences against children

Myanmar

Yangon

The information on this page is up to date as of spring 2006

I. Ages for legal purposes

Age of simple majority

Child means a person who has not attained the age of sixteen (16) years (The child law).

Youth means a person who has attained the age of sixteen (16) years but has not attained the age of eighteen (18) years.

There is no statutory definition regarding the age of simple majority.

Age of consent for sexual activity

The age of sexual activity can be determined.

Age of consent for marriage

There are no statutory provisions for the age of consent for marriage, but under the Myanmar Customary law age of consent for marriage is completed 20 years.

II. Rape

Section 375 of the Penal Code

A man is said to commit 'rape' who, except in the case hereinafter excepted has sexual intercourse with a woman under circumstances falling under any of 5 following descriptions:

1. Against her will
2. Without her consent
3. With her consent, when her consent has been obtained by putting her in fear of death or of hurt.

4. With her consent when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married
5. With or without consent when she is 14 years of age

Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Section 376 of the Penal Code

Whoever commits rape shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to 10 years, and shall be liable to a fine, unless the woman raped is his own wife and is not under 12 years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.

III. Other forms of child sex abuse

Section 377 of the Penal Code

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to 10 years, and shall be liable to fine.

Penetration is sufficient to constitute the sexual intercourse necessary to the offence described in this section.

Chapter XVII of the Child law

Whoever commits any of the following act shall, on conviction to be punished with imprisonment for a term which may extend to 6 months, or with a fine which may extend to Kyats 1000 or with both:

- a) employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child's moral character

IV. Child prostitution

Section 366 of the Penal code

Whoever, by any means or whatsoever, induce any minor girl under the age of 18 years, to go from any place or to do any act with intent that such girl may be, or knowing that is likely that she will be forced or seduced to illicit intercourse with another person, shall be punished with imprisonment which may extend to 10 years, and shall be liable to fine.

Section 372 of the Penal Code

Whoever sells, lets to hire, or other wise disposes of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for such any purpose, shall be punished with imprisonment of either description for a term which may be extend to 10 years, and shall also be liable to fine.

Section 373 of the Penal Code

Whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for such any purpose, shall be punished with imprisonment of either description for a term which may be extend to 10 years, and shall also be liable to fine.

Chapter XVII of the Child Law

Whoever commits any of the following acts shall, on conviction to be punished with imprisonment for a term which may extend to 2 years, or with a fine which may extend to Kyats 10 000 or with both:

- a. Neglecting knowingly that a girl under his guardianship, who has not attained the age of 16 years is earning a livelihood by prostitution;
- b. permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution.

V. Child pornography

In the Anti-trafficking Law, it has been described the meaning of pornography at article 3 sub-section (b). It means representation through exhibition, indecent show, publication, cinematography or by use of modern information technology of a sexual activity or of the sexual parts of a person for primarily sexual activity purpose. It covers not only child pornography, but all forms of pornography.

Moreover, Myanmar has a specific Child Law which was enacted in 1993 in which child pornography crimes are covered in Chapter XVII section 66(f):

“Whoever commits any of the following acts shall, on conviction to be punished with imprisonment for a term which may extend to 2 years, or with a fine which may extend to Kyats 10 000 or with both:

(f) Using the child in pornographic cinema, video, television or photography.”

A child means a person who has not attained the age of 16 years.

Mere possession of child pornography is an offence in Myanmar. The penalty may extend to 2 years and shall be liable to fine.