



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: MYANMAR**

***THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES, since the 2000 Annual Review (AR). No change reports for the 2001, 2006 and 2007 ARs.	
	<b>Involvement of Employers' and Workers organizations in the reporting process</b>	YES, according to the Government: Involvement of employers' and workers' associations by means of consultations and communication of the Government's report to the Union of Myanmar Federation Chamber of Commerce and Industries and the Workers' Welfare Associations concerned.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	2008 AR: Observations by the UMFCCI	
	<b>Workers' organizations</b>	NIL	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	Myanmar has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182).
		<b>Ratification intention</b>	YES, in 2002, for C.138 and C.182.  2008 AR: The Government indicated that the ratification of C.138 and C.182 would be considered as soon as the new Constitution is promulgated. It added that Myanmar has ratified the Convention on the Rights of the Child. The UMFCCI supports the ratification of C.138 and C.182.  2001 AR: based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.138 and C.182.
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	2008 AR: The Government indicated that it was currently reviewing the Constitution in order to include the PR.

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: [www.ilo.org/ilolex](http://www.ilo.org/ilolex)

		<b>Policy, Legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b> <b>2008 AR:</b> According to the Government, the Ministry of Health is carrying out its National Health Plan. The implementation of the Integrated Management of Maternal and Childhood Illness is still ongoing by the Department of Health. The Government has also implemented plans to achieve the Education for All within the Millennium Development Goals.</li> <li>• <b>Legislation</b> (i) The Child Law (section 66); (ii) Shops and Establishments Act, 1951; and (iii) Factories Act, 1951; (iv) the Overseas Employment Act, 1999, (v) other legislations that address specific aspects of the rights of working children.</li> <li>• <b>Regulations</b> The Overseas Employment Rules, 2000.</li> </ul>
		<b>Basic legal provisions</b>	(i) The Child Law, 1993; (ii) Shops and Establishments Act, 1951; (iii) Factory Act (1951); (iv) the Overseas Employment Act, 1999 and (v) The Overseas Employment Rules, 2000.
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Compulsory education</b>	NIL
		<b>Minimum age</b>	<p><b>2005 AR:</b> According to the Government: General minimum age for admission to employment or work: 18 years for both boys and girls.</p> <p><b>Hazardous work:</b> According to the Government: «hazardous» is defined in national legislation. The minimum age for engaging in hazardous work is 18 years for boys. Women and children shall not be allowed to work in any hazardous work.</p>
		<b>Worst Forms Child Labour</b>	NIL
		<b>Information/Data and collection and dissemination</b>	<p><b>2008 AR:</b> According to the Government: The Ministry of Labour issued the Human Resource Development Indicator in 2005 containing information on school children.</p> <p><b>2000 AR:</b> According to the Government: information or statistics, data and trends are still under preparation.</p>
	<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Monitoring, enforcement and sanctions mechanisms</b>	<p><b>2008 AR:</b> According to the Government: The Ministry of Health is carrying out the programme of health under the National Health Plan. In 1998, the Department of Health implemented the Integrated Management of Maternal and Childhood illness.</p> <p><b>2002 AR:</b> According to the Government: In order to enforce the minimum age for employment, inspection/monitoring mechanisms have been implemented.</p> <p><b>2000-2004 ARs:</b> According to the Government: In addition to punishments contained in labour laws, section 66 of the Child Law provides that whoever commits the offence is punishable by up to two years of imprisonment or fine which may amount to Ks.10,000 or both -Legislation, inspection and other social works are enforced and initiated by the Government Departments.</p>

	<b>Involvement of the social partners</b>	<b>2008 AR:</b> UNICEF	
	<b>Promotional activities</b>	<b>2008 AR:</b> According to the Government: promotion was undertaken in the formal and informal education with a special emphasis on rural areas. Moreover, a school enrolment week has been developed in collaboration with the Department of Education and employers' and workers' organizations and NGOs in order to increase the enrolment of students. The Ministry of Labour has implemented the programme concerning the protection of children in collaboration with UNICEF, namely through workshops. The UMFCCEI indicated that it promotes and participates in trainings, seminars intended to workers.	
	<b>Special initiatives</b>	NIL	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2008 AR:</b> According to the UMFCCEI, the economic conjuncture is very fragile due to the economic embargos and sanctions placed on Myanmar by several western countries.
		<b>Workers' organizations</b>	NIL
	<b>According to the Government</b>	NIL	
<b>TECHNICAL COOPERATION</b>	<b>Requests</b>	<b>2004 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Myanmar. In this respect, capacity building of responsible governmental institutions (e.g. labour inspection and administration) is the most important type of technical cooperation needed, followed by social protection systems.	
	<b>Offer</b>	ILO, UNICEF, Save the Child, Myanmar Maternal and Child Welfare Association.	
<b>EXPERT-ADVISERS' RECOMMENDATIONS</b>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Myanmar, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2007 AR:</b> The IDEAs noted the paucity of practical information of several reports, including the one of Myanmar, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (Cf. Paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p><b>2005 AR:</b> The ILO Declaration Expert-Advisers state that Myanmar records the highest minimum age (18) permitted by law for the employment of children (paragraph 202 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>		
<b>GOVERNING BODY RECOMMENDATIONS</b>	NIL		