

MYANMAR (2000-2017)¹

THE EFFECTIVE ABOLITION OF CHILD LABOUR

REPORTING	Fulfillment of Government's reporting obligations	YES , since the 2000 Annual Review (AR). No change reports for the 2001, 2006 and 2007 ARs.	
	Involvement of Employers' and Workers organizations in the reporting process	YES , according to the Government: Involvement of the employers' organization, the Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI), and workers organisations such as: the Confederation of Trade Unions of Myanmar (CTUM) [formerly known as the Federation of Trade Union of Myanmar (FTUM) and the Federation of Trade Unions – Burma (FTUB)], the Workers' Welfare Associations and the Ceramic Industrial Labour Organization (CILO), the Myanmar Trade Union Federation (MTUF), and the Agriculture and Farmers Federation of Myanmar (AFFM).	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2015 AR: Observations by the UMFCCI. 2014 AR: Observations by the UMFCCI. 2013 AR: Observations by the UMFCCI. 2012 AR: Observations by the UMFCCI. 2010 AR: Observations by the UMFCCI. 2008 AR: Observations by the UMFCCI.	
	Workers' organizations	2015 AR: Observations by the CTUM. Observations by the MTUF. 2014 AR: Observations by the FTUM.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Myanmar has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182) in December 2013. However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	To be considered in appropriate time for C.138. 2015 AR: The Government indicated that Myanmar is in the process of studying the alignment of its national laws to the requirements of the Convention, and hence ratification would be considered at an appropriate time in the future. UMFCCI reiterated its support for the ratification of C.138, but emphasized that ratification alone is not sufficient and building capacity for implementation is important. CTUM supports the ratification of C.138 and lobbies the Government to move ahead with ratification. MTUF expressed its support for the ratification of C.138, however, emphasized that improvement of

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, 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 or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>.

			<p>economic conditions in the country is necessary prior to ratification of the Convention.</p> <p>2014 AR: According to the Government, the UMFCCI and the FTUM: C.182 will be ratified very soon in the framework of the Joint Myanmar/ILO Strategic Action Plan to eradicate forced labour by 2015.</p> <p>2013 AR: The Government reiterated its statement made under the 2012 AR.</p> <p>The UMFCCI indicated its full support for the ratification of C.138 and C.182 and mentioned that the suspension of the international embargo would help foster better implementation of the international labour standards (ILS) in Myanmar.</p> <p>2012 AR: The Government reiterated that the ratification of C.138 and C.182 would be considered in appropriate time.</p> <p>The UMFCCI reiterated its support for the ratification of C.138 and C.182.</p> <p>2010 AR: According to the Government: The new Constitution was adopted by the referendum held in May 2008, and the ILO should cooperate with Myanmar for the ratification of all ILO fundamental Conventions. Ratification of C.138 and C.182 would be considered in appropriate time to do so.</p> <p>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 further mentioned that Myanmar had ratified the Convention on the Rights of the Child.</p> <p>The UMFCCI supported the ratification of C.138 and C.182.</p> <p>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.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>		<p>Constitution</p>	<p>2015 AR: According to the Government: Equal rights provisions relating to mothers, children and expectant women are included in article 351 of Chapter VIII of the State Constitution 2008.</p> <p>2012 AR: According to the Government: The Constitution of the Republic of the Union of Myanmar was ratified by the referendum held in May 2008 with 92.48 per cent affirmative votes.</p> <p>2010 AR: According to the Government: The new State Constitution was adopted by referendum in May 2008.</p> <p>2008 AR: The Government indicated that it was currently reviewing the Constitution in order to include the PR.</p>
		<p>Policy, Legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2012 AR: According to the Government: Myanmar National Plan of Action for Children 2006-2015 which consists of plans based on the MDGs and the WFFC will take measures for implementation in 4 focused areas – Health and Nutrition, Water and Sanitation, Education and Child Development, and</p>

			<p>Child Protection. Myanmar National Plan of Action for TIP 2007-2011.</p> <p>2008 AR: 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.</p> <ul style="list-style-type: none"> • Legislation: <ul style="list-style-type: none"> (i) The Child Law 1993, sections 65 and 66; (ii) Shops and Establishments Act, 1951; (iii) Factories Act, 1951; (iv) The Overseas Employment Act, 1999; and (v) Other legislations that address specific aspects of the rights of working children. <p>2015 AR: According to the Government: The Ministry of Social Welfare, Relief and Resettlement has been endeavouring to ensure the protection of the rights of working children as well as the elimination of child labour. Accordingly, the 1993 Child Law is being reviewed by the Ministry to ensure compliance with the PR. Moreover, the Ministry of Labour, Employment and Social Security has been reviewing the existing labour laws in respect of the Minimum age to make amendments. The provisions in the 1951 Factories Act related to the employment of children were amended in line with the minimum age of the Convention 138. In the same manner, in the new shops and Establishments Law, all the provisions related the minimum age for the employment reflect the requirements mentioned in the Convention.</p> <p>According to UMFCCI: Minimum wage law, social security law and skills development law have been enacted in 2013 and 2014.</p> <ul style="list-style-type: none"> • Regulations: <p>The Child Law Rules and Regulations; The Overseas Employment Rules, 2000.</p>
		Basic legal provisions	(i) The Constitution of 2008; (ii) The Child Law, 1993, and its rules and regulations; (iii) The Shops and Establishments Act, 1951; (iv) The Factory Act (1951); (v) The Overseas Employment Act, 1999; and (vi) The Overseas Employment Rules, 2000.
		Judicial decisions	Juvenile Justice, Penal Code.
	Exercise of the principle and right	Compulsory education	YES.
		Minimum age	2015 AR: According to the Government: The 1993 child law has been redrafted by the Ministry of Social Welfare, Relief and Resettlement in cooperation with relevant Ministries and has been submitted to the Union Attorney General Office after conducting a national level consultation on 4-5

			<p>June 2015. Moreover, Myanmar paid special attention to apply the minimum age for employment in line with the Convention No.138.</p> <p>2012 AR: According to the Government: The Factories and General Labour Laws Inspection Department has been enforcing and monitoring the minimum age for employment.</p> <p>2005 AR: According to the Government: General minimum age for admission to employment or work: 18 years for both boys and girls.</p> <p>Hazardous work: 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> <p>2012 AR: The Child Law 1993, sections 65 and 66, provides that the penalties with aims to protect the child from being employed or permitted to perform work which is hazardous to his/her life, or may cause diseases or is harmful to his/her moral character.</p>
		<p>Worst Forms Child Labour</p>	<p>C.182 is ratified.</p>
		<p>Information/ Data collection and dissemination</p>	<p>2015 AR: According to the Government: A Memorandum of Understanding between the Ministry of Labour, Employment Social Security and ILO was signed on 14th November 2013 for undertaking a Labour Force Survey and a Child Labour and School-to-Work Transition Survey in Myanmar. A national training workshop on labour statistics has been initiated to conduct Myanmar Labour Force Survey and a Child Labour and School-to-Work Transition Survey 2014-2015.</p> <p>2012 AR: The Government stated that the Ministry of Labour has issued on an annual basis the Human Resources Development Indicator.</p> <p>2008 AR: According to the Government: The Ministry of Labour issued the Human Resource Development Indicator in 2005 containing information on school children.</p> <p>2000 AR: According to the Government: information or statistics, data and trends are still under preparation.</p>

	<p>Prevention/Monitoring, enforcement and sanctions mechanisms</p>	<p>2015 AR: According to the Government: In implementing ILO Convention 182, the Myanmar Program on the Elimination of Child Labour (My-PEC) has been implemented since 2014 in cooperation with ILO. My-PEC is a Four-year project from 2014 January to 2017 December. Under My-PEC programme, a Technical Working Group on working Children (TWG-CL) was formed composed of tripartite and NGOs’ representatives. TWG-CL was formed with (31) multi-stakeholders of relevant ministries, NGOs and INGOs. It aims to assist in the eradication of child labour in Myanmar through the implementation of the provisions of relevant international standards.</p> <p>2012 AR: According to the Government: Legislation, inspection and other social works are enforced and initiated by the Government Departments concerned. In addition, the Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Person Preventive Committee have also been enforcing and monitoring the underage recruitment and trafficking in person. Furthermore, protective and preventive measures against child abuse, neglect, exploitation, violence and discrimination are being taken in line with the Convention on the Rights of the Child. The State, Division, District and Township Child Rights Committees, which are being organized in accordance with the Child Law, also undertake activities for protection of children in collaboration with the UNICEF.</p> <p>2011 AR: According to the Government: In Myanmar, protective and preventive measures and actions against child abuse, neglect, exploitation, voidance and discrimination are being taken in line with the principle and right (PR) and in collaboration with the UNICEF. The Factories and the General Labour Laws Inspection Department has been enforcing and monitoring the minimum age for employment. Sections 65 and 66 of the Child Law provides that the penalties with the aims to protect the child from being employed or permitted to perform work which is hazardous to the life of the child, which may cause diseases to the child or which is harmful to the child moral character. Legislation, inspection and other social works are enforced and initiated by the Government Departments concerned: The Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Person Preventive Committee have also been enforcing and monitoring the underage recruitment and trafficking in person.</p>
		<p>2009 AR: According to the Government: sections 65 and 66 of the Child Law state the penalties with aims to protect the child from being employed or permitted to perform work which is hazardous to the life of the child, which may cause disease to the child or which is harmful to the child moral character.</p> <p>2008 AR: According to the Government: The Ministry of Health is carrying out the program of health under the National Health Plan. In 1998, the Department of Health implemented the Integrated Management of Maternal and Childhood illness.</p> <p>2002 AR: According to the Government: In order to enforce the minimum age for employment, inspection/monitoring mechanisms have been implemented.</p> <p>2000-2004 ARs: 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>
	<p>Involvement of the social partners</p>	<p>2015 AR: According to the Government: the UMFCCI and other employers’ organizations, and workers organisations such as CTUM,</p>

		<p>AFFM-IUF, AFFM and MTUF, and other labour organizations under the Labour Organization Law, 2011 have been involved.</p> <p>2012 AR: The Government indicated that the PR was promoted at national level with the involvement of the National Committee on the Rights of the Child, the Committee for the Prevention of Military Recruitment of Under-aged, the Trafficking in Person Preventive Committee, Related ministries, UN agencies (especially UNICEF), international and national NGOs, the civil society and actors in the private sector.</p>
	<p>Promotional activities</p>	<p>2017 AR: The Government reported that it has been implementing the Myanmar Programme on the Elimination of Child Labour in collaboration with the ILO. This four-year project is ending in December 2017. A Working Group on Child Labour was established composed of 31 members. A Nation Committee to develop the Action Plan for the Elimination of Child Labour was also formed.</p> <p>2015 AR: According to the Government: The Ministry of Labour, Employment and Social Security has implemented various activities under the Myanmar Programme on the Elimination of Child Labour. During the fiscal year 2014-2015, the Government has conducted 323 awareness-raising seminars and meetings and 229 trainings on Child Labour in collaboration with the ILO and UNICEF. Also, Myanmar convened the events of the World Day against Child Labour in Nay Pyi Taw and Yangon. The Government would expect that the World Day Against Child Labour could catch the attention of the key stakeholders who play important roles in the effective abolition of child labour.</p> <p>2014 AR: The Government indicated that a tripartite delegation of Myanmar had participated in the ILO/TURIN Pre-Conference Course on International Labour Standards held in May-June 2013 where issues concerning the PR were addressed.</p> <p>2012 AR: According to the Government: The Government has implemented not only formal education but also non-formal education to promote the rural area. Myanmar also attended the meeting concerning the Declaration of Education for All (EFA) held in Thailand in 1990 and to be conformity with the said Declaration, Myanmar has implemented the plan of the Education for All. There is also prescribed the School Enrollment Week, the Government is trying her best to increase enrollment of the students by cooperation with the responsible persons, the person from the Department of Education, the NGOs and the social partners.</p> <p>2011 AR: According to the Government: The Government has implemented not only formal education but also non-formal education to promote the rural area. It has also implemented a national plan of the Education for All.</p> <p>2008 AR: 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 program concerning the protection of children in collaboration with UNICEF, namely through workshops.</p> <p>The UMFCCI indicated that it promotes and participates in trainings, seminars intended to workers.</p>
	<p>Special initiatives</p>	<p>2015 AR: According to the Government: A Stakeholders Forum on Labour Law Reform was conducted on 18-19 May 2015 in Yangon in cooperation with the United States, Japan, Denmark and the International Labour Organization (ILO). The Stakeholder Forum was intended to complement and strengthen domestic tripartite consultations</p>

		<p>and existing labour-related initiatives, provide international support for Myanmar’s labour reforms, and foster collaboration among international and domestic stakeholders. Ultimately, this engagement was intended to contribute towards constructive industrial relations and progressive improvement of worker rights and working conditions as Myanmar’s economy integrates into the global economy.</p> <p>2014 AR: According to the Government, the UMFC CI and the FTUM: The 1993 Child Law is being reviewed by the Ministry of Social Welfare, Relief and Resettlement to ensure compliance with the PR. A Reintegration Committee has been established in 2012 with a view to reintegrating working children through education and vocational training, in cooperation with UNICEF. Moreover, a tripartite delegation of Myanmar had participated in the ILO/TURIN Pre-Conference Course on International Labour Standards held in May-June 2013 where issues concerning the PR were addressed.</p> <p>2011-2012 ARs: According to the Government: The Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Person Prevention Committee has been established. Moreover, under the prescribed School Enrolment Week, the Government is striving to increase enrollment of the pupils in cooperation with the responsible persons, the Department of Education, NGO’s and the social partners.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers’ organizations</p>	<p>2015 AR: According to UMFC CI: The pace of progress in the ratification of C.138 has been constrained by the country’s slow transition process in all sectors.</p> <p>2008 AR: According to the UMFC CI: The economic conjuncture is very fragile due to the economic embargos and sanctions placed on Myanmar by several Western countries.</p>
	<p>According to the Government</p>	<p>Workers’ organizations</p>	<p>2015 AR: According to MTUF: Existing poor economic conditions pose challenges that undermine the ratification of C.138.</p> <p>2015 ARs: The Government reported the challenges as: a) limited knowledge and awareness on Child Labour among government officials, employers, workers and other stakeholders, b) limited number of labour inspectors, c) lack of trainings for labour inspectors, d) limited co-operation between employers and workers, e) limited labour market and job opportunities and f) insufficient income and poverty.</p> <p>2012 AR: According to the Government: The ILO should provide more technical support to help promote and realize the PR in Myanmar.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2017 AR: According to the Government, ILO supported Myanmar in the undertaking of the Myanmar Labour Force, Child Labour and School to Work Transition Survey in 2015. ILO is providing further technical assistance for undertaking an annual labour force supply survey in 2017. The Government is also seeking ILO technical and financial assistance to conduct a labour market demand survey on top of the supply side survey.</p> <p>2015 AR: According to the Government, UMFC CI, FTUM and MTUF: There is a need for technical cooperation to consolidate awareness creation at different levels, to build technical capacity of the government staff and the social partners, and to implement C. 182. Specifically, the Government indicated that there is a need for undertaking research, data collection and designing of work plans.</p> <p>2014 AR: The Government, the UMFC CI and the FTUM requested ILO technical assistance to help implement C.182.</p>	

	<p>2013 AR: According to the UMFCCI: There is a need for ILO technical cooperation to facilitate the realization of this PR in Myanmar, in particular in the following areas: (i) sharing of experiences across countries/regions; (ii) capacity building of responsible government institutions; (iii) training of other officials (police, judiciary, social workers, teachers); and (iv) awareness-raising campaign and dissemination in local languages.</p> <p>2012 AR: According to the Government: Training courses should be provided by the ILO for capacity building of responsible governmental institutions (i.e., labour inspection and administration).</p> <p>The UMFCCI requested ILO’s support for capacity building of employers, in particular in training of trainers (TOT) on the fundamental principles and rights at work.</p> <p>2011 AR: According to the Government: Training courses should be provided by the ILO for the capacity building of the responsible governmental institutions (i.e., labour inspection and administration).</p> <p>2004 AR: 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.</p>	
	<p>Offer</p>	<p>ILO, UNICEF, Save the Child, Myanmar Maternal and Child Welfare Association.</p>
<p>EXPERT-ADVISERS’ RECOMMENDATIONS</p>	<p>2008 AR: 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>2007 AR: 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>2005 AR: 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>	
<p>GOVERNING BODY RECOMMENDATIONS</p>	<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office’s resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	

<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p> <p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>
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